

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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F19b & F20a

Click here to go to
original staff report

ADDENDUM

February 5, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEMS F19b & F20a, CDP NOS. A-5-VEN-15-0025 & 5-03-071-A3 (MARINA PACIFIC HOTEL and SUITES, LLC) FOR THE COMMISSION MEETING OF FRIDAY, FEBRUARY 12, 2016.**

PUBLIC CORRESPONDENCE

Commission staff received one (1) letter in support of the proposed project (attached) from Kevin M. Anderson.

CHANGES TO STAFF REPORT

Commission staff recommends modifications to the staff report dated January 22, 2016. Language to be added to the findings and conditions is shown in **underlined italicized bold text**, and language to be deleted is identified by ~~strike-out~~.

A. Page 2, Paragraph 2 – Revise Summary of Staff Recommendation, as follows:

The proposed rooftop expansion would require the applicant to provide an additional 23 on-site vehicle parking spaces, under the parking standards for patio dining set forth in the certified Venice Land Use Plan (LUP). Vehicle parking on the site (the garage) is already maximized and there are no off-site parking options for the applicant to acquire additional parking in the surrounding area. In an effort to meet the additional parking demand brought on by the proposed expansion, the applicant is proposing to install 92 bicycle parking stalls in lieu of the required additional vehicle parking spaces. Staff recommends that the Commission approve the applicant's proposed rooftop service area expansion with revisions to the existing Special Conditions of the underlying coastal development permit. The Special Conditions would reflect the approval of the proposed rooftop service area expansion, ~~but also~~ **and** require the permittee to continue to operate the on-site parking as originally approved, ~~including~~ **with the exception of providing free on-site parking for guests of the hotel and will now require the applicant to provide additional transportation demand management opportunities for employees and**

guests of the hotel and its cafés. ~~a parking validation system for patrons of the hotel's rooftop service area and existing on-site ground floor café.~~ In addition, the conditions require the permittee to implement best management practices (BMPs) during construction of the roof top expansion.

B. Pages 5 – 6 Revise Special Condition 2 as follows:

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 comply with the following conditions in perpetuity:
 - a) Provide all hotel guests, café patrons, 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 **and ground floor** cafés **with a parking validation system that shall allow at least ninety (90) minutes of free on-site parking.** ~~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 café 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.~~ **Adequate** on-site parking supply shall be reserved for the customers and employees of the hotel **and ground floor** and rooftop cafés **before it may be offered as general beach parking.**
 - i) **Provide and maintain 92 on-site free public bicycle parking stalls.**
 - j) **Provide a minimum of 10 free bicycles for use by hotel guests.**
 - k) **Facilitate and encourage carpools for employees.**
 - l) **Provide a "guaranteed ride home" program for employees in case of emergencies for those who carpool or use public transportation to ride to work.**
 - m) **Provide a hotel-owned and operated on-demand shuttle vehicle to drive overnight guests to nearby attractions and restaurants in Venice, Santa Monica, and Marina del Rey.**

- n) Provide alternative transportation information at the hotel front desk and on the hotel website to facilitate access to local on-demand transportation and shuttle services for hotel guests to nearby destinations, including LAX, as well as tourist theme parks and destinations.
- o) Provide at least two electric vehicle charging stations in the hotel parking garage for hotel guests or patrons.
- p) Assist visitors to utilize local alternative transportation, including the Venice Free Ride Shuttle service, Breeze Bike Share station, nearby bike rentals, and public bus service and provide two on-site parking spaces for nighttime and off-duty storage of two Venice Free Ride electric shuttles with electric vehicle charging capabilities (in addition to the two charging stations required by Part o of this condition).
- q) PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall provide a Parking Management Plan, for review and approval by the Executive Director, which shall provide detailed performance criteria and outline measures that the hotel will undertake to ensure that adequate on-site parking is always available as described in this special condition. The Parking Management Plan shall address how parking capacity will be monitored to ensure that on-site parking is always available to guests, patrons, and employees and that public beach parking will only be made available during times of low occupancy or low parking usage.

The Parking Management Plan shall also include a Parking Monitoring Plan requiring the applicant to submit annual parking surveys providing regular parking counts for a minimum of five years from date of issuance of the coastal development permit amendment. At a minimum, two parking surveys per year shall be conducted during peak usage days/hours and include at least one holiday weekend. At the end of the five-year reporting period, the applicant shall submit a final monitoring report, for the review and approval of the Executive Director, indicating whether the performance criteria outlined in the Parking Management Plan has been met. If the performance criteria has not been met, the applicant shall prepare a supplemental Parking Management and Monitoring Plan designed to meet the performance criteria. The Executive Director shall determine whether the supplemental plan shall require an amendment to this coastal development permit.

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.

C. Pages 6 – 7 – Revise Special Condition 4 as follows:

4. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The applicant shall comply with the following construction-related requirements:
- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - C. Any and all debris resulting from demolition or construction activities shall be removed from the subject site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
 - ~~L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and~~

~~M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.~~

D. Pages 13, Paragraph 1 – Revise as follows:

However, parking in general is a well-known issue in Venice, especially near the boardwalk. The applicant seeks to amend one of the special conditions of its previous permits, which requires them to provide free on-site parking to hotel guests. Typically the Executive Director would have rejected such an amendment, as it lessens or avoids the intended effect of the permit condition requiring that the applicant not charge for parking (See 14 CCR § 13166(a)). This proposed amendment was part of a larger amendment, however, that included proposed changes that did not lessen the intended effect of the permit, so the full amendment was not rejected. Nevertheless, the Commission is has not been supportive of amendments that weaken conditions that were required as part of an underlying permit.

E. Pages 13 – 14 – Revise the last and first paragraph as follows:

The applicant is requesting to amend the Special Condition Two of their underlying permit, which requires them to provide free on-site parking to hotel guests, ~~in order to increase their income. The manner in which they are proposing to do this would have negative effects on public parking in an impacted area.~~ In the past, the City has requested to establish preferential parking districts to limit visitor parking on residential streets. The Commission has consistently denied the City's requests to establish such preferential parking districts on the grounds that they would adversely impact coastal access and it would be inconsistent with the public access policies of the Coastal Act (CDP 5-10-190 and A-5-VEN-08-344). The hotel is located steps away from the Venice boardwalk and its world famous attractions. Many visitors to the coast opt for free on-street parking when it's available before they will pay for parking (**Exhibit 6**). Likewise, as Joan Klotz pointed out in her appeal, when this hotel previously (and in violation of its permit) charged guests for parking, many guests would circle the neighborhood looking for free parking. This exacerbates the public parking supply. Given the hotel's proximity to the boardwalk and surrounding residential neighborhood (**Exhibit 1**), it is important that the new proposed expansion of the rooftop bar/deck and the proposed changes to Special Condition Two allowing new parking fees for hotel guests not result in adverse impacts to public access or the supply of public parking spaces along nearby public streets which could be used by beachgoers. ~~there is a high probability that~~ Such impacts would occur if those who travel to the hotel by car ~~may~~ decide to forgo paying for parking and opt instead to park in the nearby residential neighborhoods, which often support coastal access parking. This would essentially remove the parking burden from the hotel and place it on other members of the public who visit Venice, including those who are simply there to access the coast. That action is inconsistent with the public access policies of the Coastal Act. Until the City of Los Angeles develops a comprehensive parking program that addresses parking concerns in Venice, the applicant, and not the public or public streets, must shoulder the parking burden associated with this development.

In this case, staff has continued to work with the applicant to address this issue by developing several new alternative transportation measures which the applicant is now

proposing as part of this amendment and which will be incorporated as part of Special Condition Two. Specifically, in order to ensure that potential adverse impacts to public access are avoided, Special Condition Two requires that the applicant provide a hotel-owned and operated on-demand shuttle vehicle to drive overnight guests to nearby attractions and restaurants in Venice, Santa Monica, and Marina del Rey. In addition, the applicant would also provide a minimum of 10 free bicycles for use by hotel guests and a minimum of 92 on-site free public bicycle parking stalls for use by the general public. The applicant would also be required to participate in the Venice Free Ride Electric Shuttle Program by providing two on-site parking spaces for nighttime and off-duty storage of two Venice Free Ride electric shuttles with electric vehicle charging capabilities (in addition to the two charging stations for hotel patrons). In addition, Special Condition Two would also provide that excess parking spaces on site that are not needed for hotel guests would be offered to public beachgoers for use.

In addition, the applicant has provided additional parking survey information of the hotel parking facility which indicates that use of on-site parking facilities did not substantially change from the period of time when a parking fee was previously required for on-site hotel parking and the period of time that parking was provided to hotel guests free of charge. However, in order to ensure that adequate parking is provided to hotel guests and patrons and that public on street parking in the area is not displaced by use by hotel guests Special Condition Two also requires the applicant to prepare and submit for review and approval of the Executive Director a Parking Management Plan, which shall provide detailed performance criteria and outline measures that the hotel will undertake to ensure that adequate on-site parking is always available as described in this special condition. The Parking Management Plan shall address how parking capacity will be monitored to ensure that on-site parking is always available to guests, patrons, and employees and that public beach parking will only be made available during times of low occupancy or low parking usage. Parking Monitoring Plan. In addition, the applicant shall submit annual parking surveys providing regular parking counts for a minimum of five years from date of issuance of the coastal development permit amendment. At a minimum, two parking surveys per year shall be conducted during peak usage days/hours and include at least one holiday weekend. At the end of the five-year reporting period, the applicant shall submit a final monitoring report, for the review and approval of the Executive Director, indicating whether the performance criteria outlined in the Parking Management Plan has been met. If the performance criteria has not been met, the applicant shall prepare a supplemental Parking Management Plan designed to meet the performance criteria. The Executive Director shall determine whether the supplemental plan shall require an amendment to this coastal development permit.. Therefore, staff recommends that the existing parking management plan imposed by Special Condition Two of the underlying coastal development permit be implemented without all the above described changes, except for including, but not limited to, the provision of the proposed 92 on-site bicycle parking stalls and the clarification to the previously permitted validation system (90 minutes free parking). ~~Special Condition Two requires the provision of free parking for hotel guests, employees and customers of the rooftop patio.~~

California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, CA 90802

Attn: Shannon Vaughn, Coastal Program Analyst
Shannon.vaughn@coastal.ca.gov

Re: Feb. 12 Hearing, F19b and F20a
Marina Pacific Hotel & Suites, LLC / A-5-VEN-15-0025 & 5-03-071-A3

Dear Commissioners:

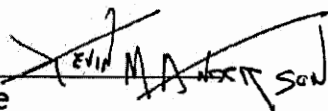
I strongly support the Hotel Erwin's proposal to expand the rooftop service area, install 92 free public bicycle parking stalls, and charge for overnight guest parking.

I have lived / worked in Venice for many years, and during that time have come to appreciate the Hotel Erwin as an importance resource to the Venice community providing great service and accommodations.

The expansion of the rooftop area will allow many more Venice residents and visitors to enjoy an unparalleled view of Venice Beach in a unique setting. In addition, the bicycle stalls will encourage more people to bike rather than drive. Furthermore, the Hotel Erwin operates a full service valet parking system in its secure garage at a great expense. Charging overnight guests to pay for parking (while providing free validated café parking) will help the Hotel Erwin remain competitive and will also promote the goal of encouraging guests to come to Venice without a car.

The Coastal Commission should support the applicant's endeavor to provide enhanced amenities for the patrons of the Hotel Erwin, and allow the applicant the means to maintain its high standard of operations by charging for parking.

Sincerely,


Name

436 ALTAIR PLACE, VENICE, CA 90291
Address

CALIFORNIA COASTAL COMMISSION

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F19b & F20a

Filed:	10/17/2015
180th Day:	04/14/2016
Staff:	S. Vaughn-LB
Staff Report:	1/22/2016
Hearing Date:	2/12/2016

COMBINED STAFF REPORT: DE NOVO & PERMIT AMENDMENT

Application Numbers: A-5-VEN-15-0025 & 5-03-071-A3

Applicant: Marina Pacific Hotel and Suites, LLC

Agent: Clare Bronowski

Appellants: Joan Klotz and the Coastal Commission Executive Director

Project Location: 1697 Pacific Avenue, Venice, City of Los Angeles

Project Description: Expansion of a rooftop food and drink service area from 2,700 sq. ft. to 5,000 sq. ft., installation of 92 bicycle parking stalls, and proposed change to a special condition of the underlying permit to allow the hotel to charge a market rate fee for parking to hotel guests and to offer any excess parking that may exist within their parking garage to the general public for a market rate parking fee.

Original Project Description, Approved on August 7, 2003:

Addition of a fifth floor and thirty new guest rooms to an existing 92-room hotel for a total of 122 guest rooms.

Description of Permit Amendment 5-03-071-A1, May 17, 2005:

Structural improvements for seismic safety

Description of Permit Amendment 5-03-071-A2, April 8, 2009:

Establish food and drink service (2,700 square feet) on the roof deck of an existing five-story, 122-room hotel.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to expand an existing rooftop food and drink service area from 2,700 sq. ft. to 5,000 sq. ft., install 92 on-site bicycle parking stalls, and amend a special condition of a previous permit to allow the hotel to charge hotel guests a market rate parking fee for parking in the

on-site parking garage and to make any excess parking that may be available within their parking garage available to the general public for a market rate parking fee. The project site is an existing five-story, 122-room hotel that is one block from the Venice Beach Boardwalk in the Dual Permit Jurisdiction area. The hotel currently has a two-level on-site parking garage with a maximum capacity of 134 vehicles including: 89 parking stalls, 40 spaces within the aisle ways, and five spaces within the carport at the hotel's entrance (**Exhibit 2**). Valet service is required and must be employed to obtain maximum vehicle parking capacity.

The proposed rooftop expansion would require the applicant to provide an additional 23 on-site vehicle parking spaces, under the parking standards for patio dining set forth in the certified Venice Land Use Plan (LUP). Vehicle parking on the site (the garage) is already maximized and there are no off-site parking options for the applicant to acquire additional parking in the surrounding area. In an effort to meet the additional parking demand brought on by the proposed expansion, the applicant is proposing to install 92 bicycle parking stalls in lieu of the required additional vehicle parking spaces. Staff recommends that the Commission approve the applicant's proposed rooftop service area expansion with revisions to the existing Special Conditions of the underlying coastal development permit. The Special Conditions would reflect the approval of the proposed rooftop service area expansion, but also require the permittee to continue to operate the on-site parking as originally approved, including providing free on-site parking for guests of the hotel and a parking validation system for patrons of the hotel's rooftop service area and existing on-site ground-floor café. In addition, the conditions require the permittee to implement best management practices (BMPs) during construction of the roof top expansion.

IMPORTANT NOTE: 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 near Venice Beach is located within the *Dual Permit Jurisdiction Area*. The City approved the proposed rooftop service area expansion pursuant to Local Coastal Development Permit Amendment No. APCW-2008-0317-CDP-PA1, which was appealed to the Commission (A-5-VEN-15-0025). On May 15, 2015, the Commission found Substantial Issue on Appeal No. A-5-VEN-15-0025. This staff report is for the de novo hearing on the appeal, combined with the staff report for the amendment to the underlying dual coastal development permit (5-03-071).

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Project Plans

Exhibit 3 – Appeal A-5-VEN-15-0025

Exhibit 4 – Hotel Parking Survey July 2015

Exhibit 5 – Certificate of Occupancy

Exhibit 6 – Public Comments Hotel Erwin Charging for Parking

Exhibit 7 – Hotel Parking Survey Data Compiled

I. MOTIONS AND RESOLUTIONS

Motion I:

*I move that the Commission **approve** Coastal Development Permit A-5-VEN-15-0025 subject to the conditions set forth in the staff recommendation.*

Motion II:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 5-03-071 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motions. Passage of the motions will result in conditional approval of the de novo permit (A-5-VEN-15-0025) and permit amendment (5-03-071-A3) with identical special conditions and adoption of the following resolutions and findings. Each motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution I:

The Commission hereby approves Coastal Development Permit A-5-VEN-15-0025 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

Resolution II:

The Commission hereby approves an amendment to Coastal Development Permit Amendment 5-03-071-A3 on the ground that the development as amended and subject to conditions will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. SPECIAL CONDITIONS

The permit and permit amendment are granted subject to the following special conditions:

Note: Conditions Imposed Under Original Permit and Previous Amendments. Unless specifically altered by this amendment, all standard and special conditions imposed under Coastal Development Permit 5-03-071, as previously amended, remain in effect. Changes to Special Conditions 1-3 are shown in **bold underline** and strike-out.

1. **Permitted Use: Rooftop Café.** This permit amendment authorizes the establishment of food and drink service (i.e., café) on the roof deck of the existing hotel, with the customer service area on the roof deck not exceeding a total of **5,000** ~~2,700~~ square feet. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether another amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.
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). **The parking validation system shall allow at least ninety (90) minutes of free on-site parking for patrons of the rooftop cafe.**
 - e) Provide free on-site parking for hotel and cafe employees while they are working.
 - f) Provide hotel and café 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.
 - i) **Provide and maintain 92 on-site free public bicycle parking stalls.**

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.

3. **Local Government Approval.** This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Los Angeles Case No. No. APCW-2008-0317 (Conditional Use Permit, Zone Variance, Venice Specific Plan Project Permit & Specific Plan Exception) **and subsequent amendment**. In the event of conflict between the terms and conditions imposed by the local government and those of this amended coastal development permit, the terms and conditions of Coastal Development Permit Amendment 5-03-071-A~~32~~**3** shall prevail.
4. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The applicant shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - C. Any and all debris resulting from demolition or construction activities shall be removed from the subject site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The

area shall be located as far away from the receiving waters and storm drain inlets as possible;

- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

5. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AND PERMIT AMENDMENT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

III. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The applicant has requested a permit amendment to expand an existing 2,700 sq. ft. rooftop food and drink service area to 5,000 sq. ft., install 92 bicycle parking stalls, and amend a previous special condition in order to allow the hotel to charge hotel guests a market rate parking fee for parking within the on-site parking garage and to allow the hotel to offer excess parking to the general public for a market rate parking fee. The proposal includes reduction in the seating in the hotel's ground floor café from 72 seats to 54 seats.

The project site is an existing five-story, 63.5-foot high, 122-room hotel with a two-level parking garage (134-car capacity), a 504 sq. ft. ground floor café, a 1,035 sq. ft. meeting room, a small kitchen, a recreation room, an office, a lobby, and a 2,700 sq. ft. rooftop food and drink service area. The hotel is located in a commercially zoned neighborhood of North Venice within the Dual Permit Jurisdiction, one block inland from the Venice Beach Boardwalk (**Exhibit 1**). The County-maintained public beach and City-run Venice Beach Recreation Area are located west of the hotel on the seaward side of the boardwalk. The surrounding area is developed with a variety of residential uses and visitor-serving commercial uses that cater to local residents and the millions of tourists who visit Venice Beach each year.

Project History

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 30 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.

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. 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. 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 1**). Special conditions of the amendment include: the continuation of providing free on-site parking for hotel guests, ground floor café and rooftop cafe patrons, and to hotel and café employees while they are at work; providing a parking attendant service on the premises at all times; provide hotel and café employees free bus passes or reimbursement for public transportation fees for transportation to and from work; to maintain an area on site for convenient bicycle parking for guests and employees; and not to operate the parking garage as a general beach parking facility – the on-site parking supply shall be reserved for customers and employees of the hotel and cafes only.

In a letter dated October 30, 2014, the Venice Neighborhood Council expressed support for the proposed project, with conditions. 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 Avenue; add a condition to provide security to patrons on 17th Avenue 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. The Notice of Final Local Action for the local CDP amendment 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**). On May 15, 2015, the Commission found a substantial issue with respect to the grounds on which the appeals were filed (mitigation of parking impacts and conformity with the underlying dual coastal development permit).

B. LAND USE/DEVELOPMENT

Coastal Act Section 30222 states:

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

Coastal Act Section 30253 states:

New development shall do all of the following:

- (a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard*
- (b) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods, that, because of their unique characteristics, are popular destination points for recreational users.*

The expansion of the previously constructed rooftop food and drink service area (constructed circa 2009) from 2,700 sq. ft. to 5,000 sq. ft. would increase available seating from approximately 98 seats to 149 seats. In conjunction with the rooftop expansion, the applicant proposes to reduce seating at the ground floor café from 72 seats to 54 seats. This aspect of the project would result in a net gain of 33 seats available to the public for food and drink service, which is consistent with Section 30222 of the Coastal Act, which requires visitor serving uses to be given priority over residential and other non-priority uses.

The proposed project will not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs or cliffs. The project does promote alternative modes of transportation with its proposal of installing 92 new on-site bicycle parking spaces. The Commission finds that, only as conditioned, the development is consistent with Section 30253 of the Coastal Act.

C. PUBLIC ACCESS/PARKING

New development must provide an adequate parking supply in order to protect the existing public facilities that support public access to the many recreational opportunities available in Venice. The proposed project is required to provide adequate on-site parking pursuant to the certified Venice LUP, which may be used for guidance, and Section 30252 of the Coastal Act. Additionally, in all cases of development, the public's ability to access the coast must also be protected. Therefore, the proposed project must also comply with Sections 30211, 30212, 30212.5, and 30213 of the Coastal Act.

Coastal Act Section 30211 states:

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

Coastal Act Section 30212(c) states:

(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](#).

Coastal Act Section 30212.5 states:

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.

Coastal Act Section 30213 states:

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

Coastal Act Section 30252 states:

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.

Policy II.A.1. General of the certified LUP states:

It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.

Policy II.A.3. Parking Requirements of the certified LUP states:

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.

The certified LUP parking table, contained within the LUP Policy II.A.3, sets forth the parking requirements for hotel cafes/restaurants as follows:

*Hotel: 2 spaces; plus
 2 spaces for each dwelling units; plus
 1 space for each guest room or each suite of rooms 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 square feet of floor area used for consumption of food or
beverages, or public recreation area; 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.*

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. Vehicle parking options on the site have reached maximum capacity with 134 spaces consisting of: 89 parking stalls, 40 spaces within the aisle ways, and five spaces within the carport at the hotel's entrance. Special conditions of the underlying permit and permit amendment 5-03-071-A2 require the hotel to provide an on-site parking attendant at all times. In order for parking on the site to reach its maximum potential, the hotel must employ a valet service. Currently, there are no nearby off-site options for the applicant to provide additional vehicle parking spaces. In lieu of additional parking spaces, the applicant proposes to install 92 bicycle-parking stalls around the exterior perimeter of the hotel that would be available to guests and the general public for free (**Exhibit 2**). The City determined (CDP APCW 2008-0371-CDP-PA1) that the bicycle stalls can substitute for all of the additional required on-site parking spaces and required no further vehicle parking mitigation.

A Parking study by Hirsch Green Transportation Consultants, Inc., dated June 9, 2015, was conducted on Wednesday, May 20, 2014 (hotel occupancy at 66%) and the following Saturday, May 23, 2015 (hotel occupancy at 93%) of Memorial Day weekend. This study was compared to a previous study by the same company, dated July 16, 2014, which was conducted off-season on Monday March 24, 2014 (hotel occupancy at 80%), Wednesday March 26, 2014 (hotel occupancy at 76%), Saturday March 26, 2014 (hotel occupancy at 71%), and Sunday March 30, 2014 (hotel occupancy at 65%). During the first study (2014), the hotel was in violation of the conditions of their permit because they were charging as much as \$35.00 per night for hotel guests to park (**Exhibit 6**). After being informed of their violation, the hotel claims to have stopped charging hotel guests for parking and instead requested to amend the conditions of their previous permit. Staff requested that the applicant conduct the second parking study over a holiday weekend after the hotel had stopped charging for parking. The applicant complied and the second parking (2015) study was produced.

Both parking studies assume the hotel to have a total of 110 on-site parking spaces (89 parking stalls and 16 unstriped valet-operated aisle parking spaces) as opposed to the required 134 spaces to be maintained pursuant to the special conditions of the previous permits. Nonetheless, the methodology and sample size of the combined studies was sufficient in delivering usable data to determine whether adequate parking exists on-site and if this parking area is sufficient to support the proposed expansion of the rooftop lounge. The data show that the parking lot never reached its maximum capacity during either study (**Exhibit 7**). The highest number of vehicles parked on-site during the 2014 study was 84 and during the 2015 study was 71. The 2015 study also considered parking demand should the hotel reach 100% occupancy. Under this assumption, the study adjusted parking demand relevant to observed 2015 figures. That adjustment resulted in a maximum parking demand prediction of 93 vehicles parked on-site on a Wednesday evening at 8:00 pm. Given the parking demand observations and the assumed adjustments, the applicant has demonstrated that their establishment can support the additional parking burden created by the proposed expansion, provided that the parking management plan is followed. Please see **Exhibit 7** for tables and figures.

However, parking in general is a well-known issue in Venice, especially near the boardwalk. The applicant seeks to amend one of the special conditions of its previous permits, which requires them to provide free on-site parking to hotel guests. Typically the Executive Director would have rejected such an amendment, as it lessens or avoids the intended effect of the permit condition requiring that the applicant not charge for parking (See 14 CCR § 13166(a)). This proposed amendment was part of a larger amendment, however, that included proposed changes that did not lessen the intended effect of the permit, so the full amendment was not rejected. Nevertheless, the Commission is not supportive of amendments that weaken conditions that were required as part of an underlying permit.

The applicant provided a list of 18 lodging establishments that charge an overnight parking fee between \$14.00 and \$40.00 per night to their guests (**Exhibit 4**). The high amount charged for parking demonstrates that the demand for parking is high. Thirteen of the hotels cited by the applicant are in the City of Santa Monica, which—unlike the City of Los Angeles (including Venice Beach)—has a comprehensive and successful parking program. All of the Santa Monica hotels cited by the applicant are within or a few blocks from the downtown-parking district, which implies that parking intended to serve coastal access users is unlikely to be significantly or negatively impacted. Of the remaining hotels cited by the applicant, two are in Marina del Rey and three are in Venice. There are no coastal development permits on file for the Marina del Rey hotels or two of the three Venice hotels, and as such, the Commission has not had an opportunity to review parking impacts associated with those developments. The remaining Venice hotel that the applicant cited as charging for parking in Venice is the Venice Breeze Hotel at 2 Breeze Avenue and is the subject of Coastal Development Permit 5-14-1932. The applicant's survey states that the Venice Breeze Hotel charges hotel guests \$30 per night for parking at an off-site parking lot. Pages 2 and 14 of the staff report for Coastal Development Permit 5-14-1932 show that the permittee (Carl Lambert) has stated that the Venice Breeze Hotel provides free off-site parking to hotel guests. If the Venice Breeze Hotel charges its guests for parking, that would be in violation of Coastal Development Permit 5-14-1932.

The applicant is requesting to amend the special condition of their underlying permit, which requires them to provide free on-site parking to hotel guests, in order to increase their income. The manner in which they are proposing to do this would have negative effects on public parking in an impacted area. In the past, the City has requested to establish preferential parking districts to limit visitor parking on residential streets. The Commission has consistently denied the City's requests to establish such preferential parking districts on the grounds that they would adversely impact coastal access and it would be inconsistent with the public access policies of the Coastal Act (CDP 5-10-190 and A-5-VEN-08-344). The hotel is located steps away from the Venice boardwalk and its world famous attractions. Many visitors to the coast opt for free on-street parking when it's available before they will pay for parking (**Exhibit 6**). Likewise, as Joan Klotz pointed out in her appeal, when this hotel previously (and in violation of its permit) charged guests for parking, many guests would circle the neighborhood looking for free parking. This exacerbates the public parking supply. Given the hotel's proximity to the boardwalk and surrounding residential neighborhood (**Exhibit 1**), there is a high probability that those who travel to the hotel by car may decide to forgo paying for parking and opt instead to park in the nearby residential neighborhoods, which often support coastal access parking. This would essentially remove the parking burden from the hotel and place it on other members of the public who visit Venice, including those who are simply there to access the coast. That action is inconsistent with the public access policies of the Coastal Act.

Until the City of Los Angeles offers a comprehensive parking program that addresses parking concerns in Venice, the applicant, and not the public or public streets, must shoulder the parking burden associated with this development. Therefore, staff recommends that the existing parking management plan imposed by Special Condition Two of the underlying coastal development permit be implemented without changes, except for the provision of the proposed 92 on-site bicycle parking stalls and the clarification to the previously permitted validation system (90 minutes free parking). Special Condition Two requires the provision of free parking for hotel guests, employees and customers of the rooftop patio.

D. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a CDP can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

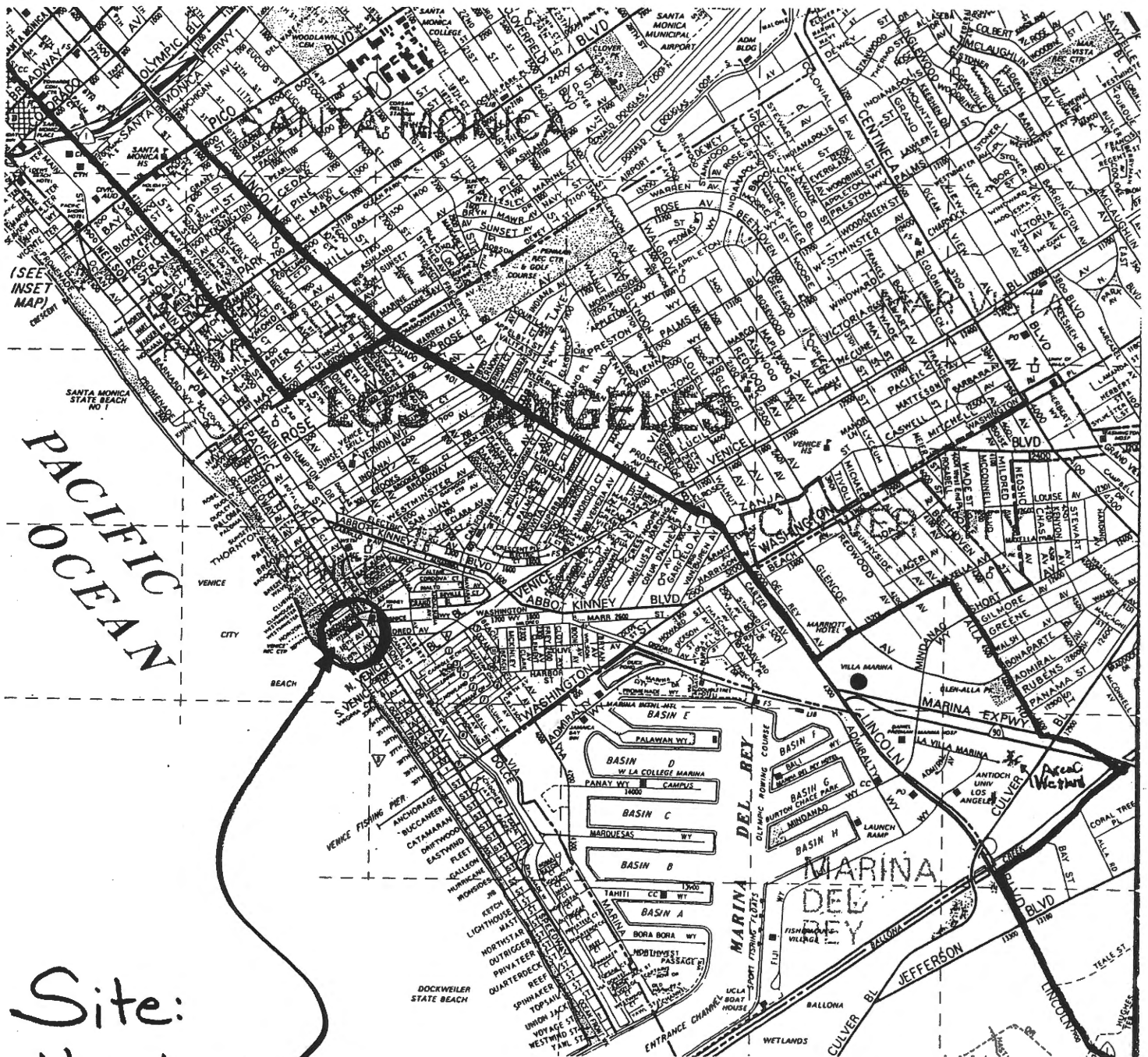
The City of Los Angeles is the lead agency for the purposes of CEQA review. On November 5, 2014, the West Los Angeles Area Planning Commission issued a CEQA Categorical Exemption for the project (ENV-2014-0115-CE), noting that the proposed project has been determined not to have a significant effect on the environment.

As proposed, the project would have unmitigated environmental impacts related to the lack of free on-site parking, which could cause project patrons to drive their vehicles around town looking for free or less expensive parking. However, as conditioned, the emissions and other impacts caused by the lack of free, on-site parking will be mitigated. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified parking impacts, is the least environmentally damaging feasible alternative, complies with the applicable requirements of the Coastal Act, and conforms to CEQA.

Appendix A - Substantive File Documents

1. Local CDP APCW 2008-0371-CDP-PA1
2. Hirsch Green Parking Study, *Parking Utilization Survey for Hotel Erwin*, Dated July 16, 2014
3. Hirsch Green Parking Study, *Parking Utilization Survey for Hotel Erwin*, Dated June 9, 2015
4. Letter of Support from the Venice Neighborhood Council, dated October 30, 2014

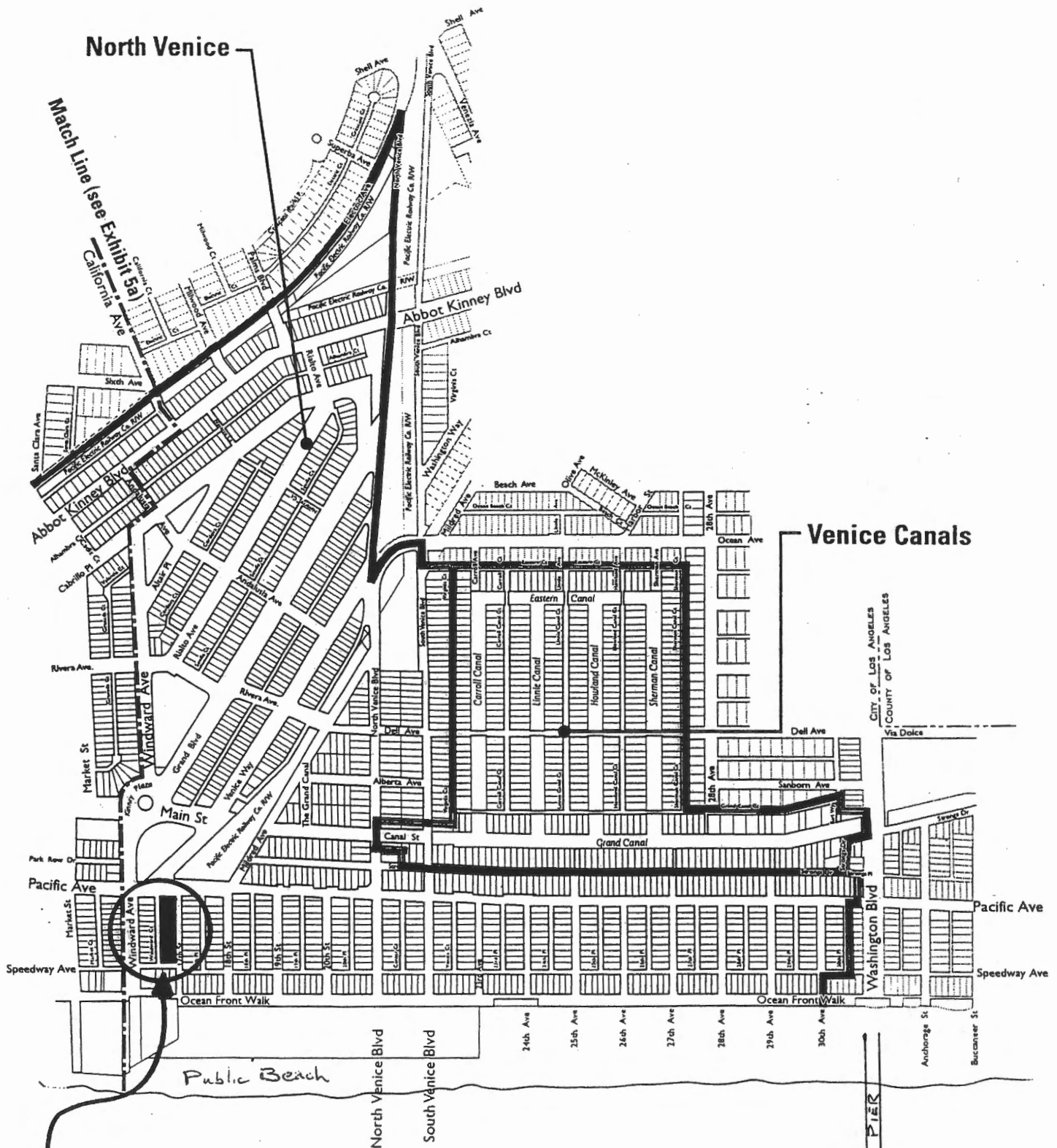
VENICE, CA



Site:
Hotel at
1697 Pacific Avenue



COASTAL COMMISSION
AS-VEN-15-0025
5-03-071-A3
EXHIBIT # 1
PAGE 1 OF 2



Site: Hotel at 1697 Pacific Avenue



LUP

Exhibit 5b

Subarea: North Venice • Venice Canals

COASTAL COMMISSION
AS-VEN-15-0025
S-03-071-A3
EXHIBIT # 1
PAGE 2 OF 2

1697 PACIFIC AVE.
LOS ANGELES, CA

OWNER
MARINA PACIFIC
HOTELS & ENTER.
LLC
ARCHITECT
PACOSURES
1697 PACIFIC AVE.
LOS ANGELES, CA 90014



DATE: 08/08/2015

PROJECT NO: 15-004
DRAWN BY: J. SMITH
CHECKED BY: J. SMITH
NO. DATE DESCRIPTION
1 08/08/2015 ISSUED FOR PLAN CHECK

EXISTG. ROOF PLAN

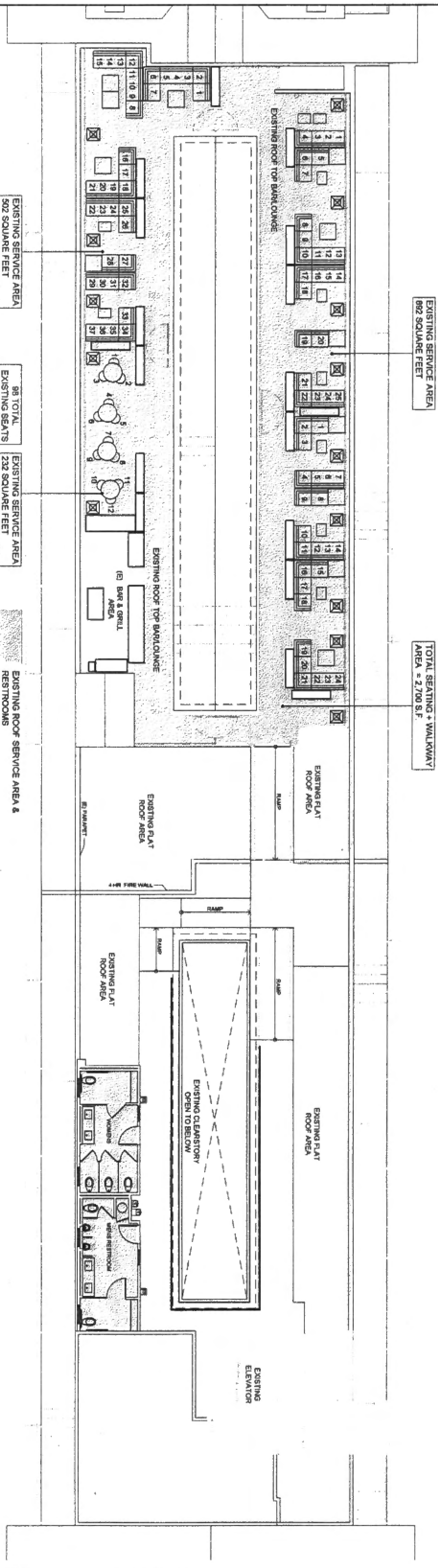
DATE: AS SHOWN

A-1

PROPOSED: 8/20/15

EXISTING & NEW ROOF DECK & ADA RESTROOMS

1/8" = 1'-0"



1697 PACIFIC AVE.
LOS ANGELES, CA

OWNER
MARINA PACIFIC
HOTELS & SUITES,
A TRAVEL COMPANY
1697 PACIFIC AVE., 9TH FL.
LOS ANGELES, CA 90012
TEL: 213-724-7244

ARCHITECT
MILLOSURES
1697 PACIFIC AVE., 9TH FL.
LOS ANGELES, CA 90012
TEL: 213-724-7244

DATE



SCALE

PROJECT NO. 16-014
DRAWN BY
DATE
NO. DATE
DESCRIPTION
1 06/06/2015
SHEET 01 OF 04 CHECK

DATE

1697 PACIFIC AVE., 9TH FL.

ROOF PLANS

DECKS

AS SHOWN

EXISTING ROOF DECK & ADA RESTROOMS ①

1/8" = 1'-0"

EXISTING ROOF DECK AREAS

NEW DECK AREAS

EXISTING & NEW ROOF DECKS ②

1/8" = 1'-0"

2

COASTAL COMMISSION



TEL: 202 388 7711

1100

ISSUED FROM PAGE 1

1 FLOOR PLAN

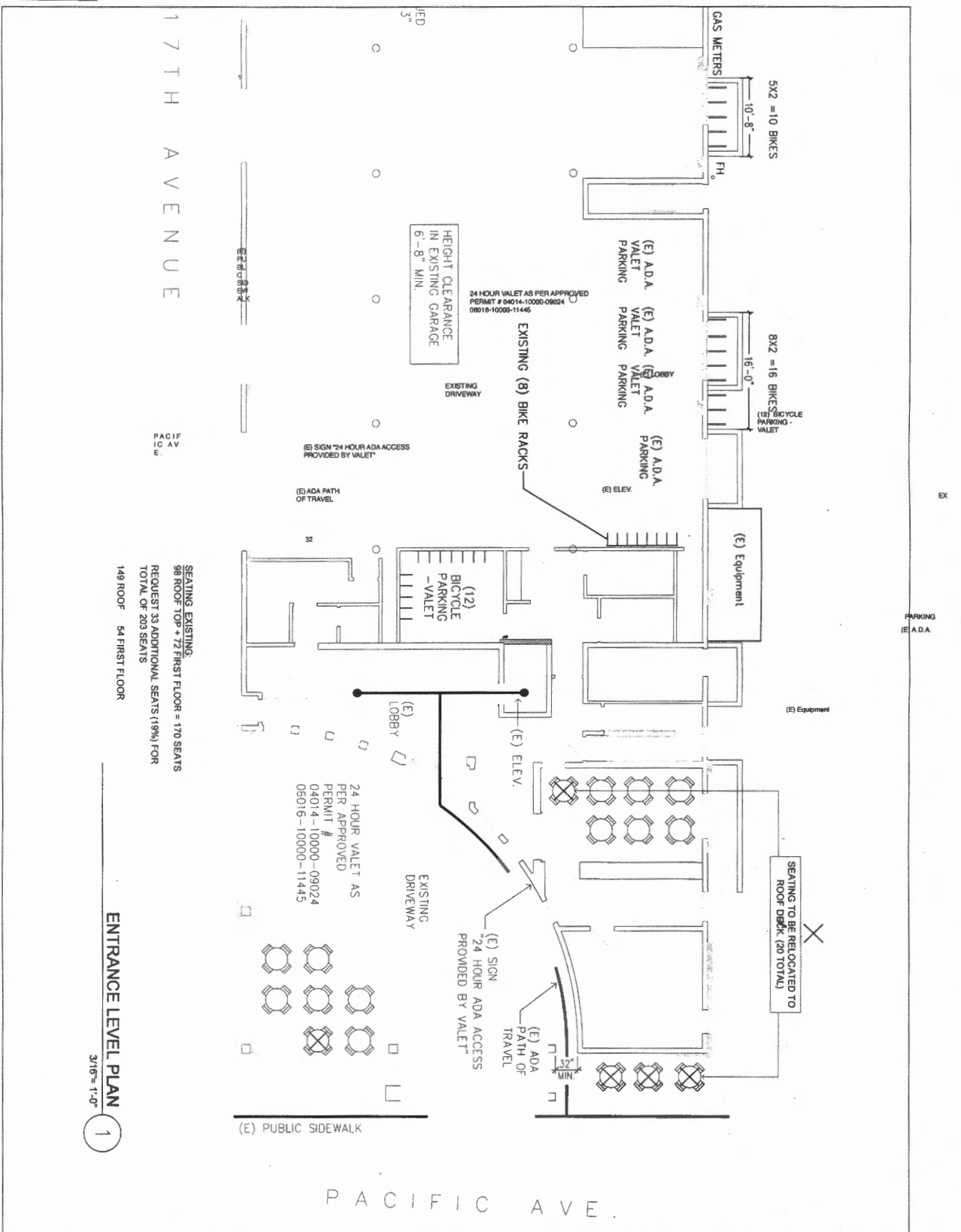
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COASTAL COMMISSION

EXHIBIT # 2
PAGE 4 OF 6



SEVENTEENTH AVENUE

Architectural elevation drawing of a building facade. The drawing includes the following annotations:

- Roof deck Dining Area**: Indicated by a bracket at the top right of the building.
- SCAFFOLDING**: Labeled on the right side of the building facade.
- UPPER ROOF SLT. AND GLASS SHEDDING**: Labeled on the right side, pointing to a roof feature.
- CLAY TILE TRILIS**: Labeled on the right side, pointing to a roof feature.
- CHARTER FURNITURE**: Labeled on the right side, pointing to a roof feature.
- SCAFFOLDING**: Labeled on the right side, pointing to a roof feature.
- CONCRETE COLLECTION**: Labeled on the right side, pointing to a roof feature.
- REAR PLASTICS AND**: Labeled on the right side, pointing to a roof feature.
- TRAIL TRUCK PARTS**: Labeled on the right side, pointing to a roof feature.
- TO BEACH**: Indicated by an arrow pointing left at the top of the drawing.
- Pacific Ave.**: Indicated by an arrow pointing right at the bottom of the drawing.
- LINE OF TOWER OR CHARTER - LEVEL 2**: Labeled on the left side, pointing to a horizontal line.

ANTI-CRASTIN TRAILING TO UNDESIRABLE
 OF PROTECTING CONC. BLIND
 MEXICAN POLYMER ANTI-CRASTIN
 DIS. CLEAR COAT. (4000-250-02)
 OR ANTI-CRASTIN
 - ORDER 1.5 LITER ON FACE OF
 03 CONC. PM

Pacific Ave. →
LINE 10 UNDERLINE

RECEIVED

South Coast Region

EDMUND G. BROWN JR., Governor

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-15-0025
DATE FILED	4/14/15
DISTRICT	South Coast

5-03-071-A3
COASTAL COMMISSIO
A-5-VEN-15-002

EXHIBIT # 3
PAGE 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.

Hotel Parking Charge Survey
July 2015

Hotel Name	Address	Overnight Parking Charge	Hourly Public Parking Charge	Restaurant Validation
Shutters at the Beach	1 Pico Blvd., Santa Monica	\$34/night		w/validation first 3 hours \$7; then \$1 per 30 minutes
Shore Hotel	1515 Ocean Ave., Santa Monica	\$35/night+tax (38.50)	\$10-15 flat rate public parking	
Oceana Santa Monica	849 Ocean Ave., Santa Monica	\$39/night	\$5/hour	Restaurant is guest exclusive
Loews Hotel	1700 Ocean Ave., Santa Monica	\$40/night + tax (\$13 short term)	\$7 or \$8/hour	w/validation \$6 for first 3 hours; \$8 for each additional hour
Casa del Mar	1910 Ocean Way, Santa Monica	\$40/night	Before 6PM \$7; after 6PM \$8	w/validation breakfast & lunch \$7; dinner \$8
Fairmont Miramar	101 Wilshire Blvd., Santa Monica	\$40/night	\$16/first hour; \$6/additional hours; \$40 full day	Restaurant (and Lounge) w/validation first 2 hours \$5 (or \$10); each additional hour: \$6
The Huntley	1111 2 nd St., Santa Monica	\$37.40/night		w/validation: before 5 PM \$6 for 3 hours; after 5 PM \$8 for 3 hours
The Georgian Hotel	1415 Ocean Ave., Santa Monica	\$28 + tax/night		Complimentary parking for dining
Ocean View Hotel	1447 Ocean Ave., Santa Monica	\$30/night + tax		

Hotel Parking Charge Survey
July 2015

Hotel Shangri-LA	1301 Ocean Ave., Santa Monica	\$34/night	\$12/hour first hour; \$6 additional hour	w/ validation \$8 first 2 hours; \$6 each additional hour
JW Marriott Le Merigot	1740 Ocean Ave., Santa Monica	\$35/daily for both on-site and valet parking	\$8/hour	w/ validation first 3 hours free; \$8/hour each additional hour
Viceroy	1819 Ocean Ave., Santa Monica	\$39/night plus 10% tax	\$12/ first hour; \$5 each additional hour	w/validation first 2 hours free; then a \$12 charge
Wyndham Santa Monica at the Pier	120 Colorado Ave., Santa Monica	\$36/night	\$10 for 2 hours	
Marriott Marina del Rey	4100 Admiralty Way, Marina del Rey	\$34/night	\$10/hour; self-parking at off-site lot	\$12 first hour; \$5 each additional hour
Jamaica Bay Inn	4175 Admiralty Way, Marina del Rey	\$24/valet \$16/self		w/validation first 2 hours free; then \$7 flat rate
Inn at Venice Beach	327 W Washington Blvd., Venice	\$14/on-site		No restaurant
Venice Breeze Hotel	2 Breeze Ave., Venice	No on-site parking. \$30 at nearby parking lot		No restaurant
Venice Beach House	15 30 th Ave., Venice	\$15/night if available		No restaurant

COASTAL COMMISSION
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S-03-071-A3
EXHIBIT # 4
PAGE 2 OF 2

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 D
This certifies that, so far as ascertained by or made known to the undersigned, the building at the above address co
requirements of the Municipal Code, as follows: Ch. 1, as to permitted uses, Ch. 9, Arts. 1, 3, 4, and 5; and wi
of State Housing Law—for following occupancies:

Issued **1-8-78** Permit No. and Year **WLAB9209/78**

**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-15-0035

EXHIBIT # **5**

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

5-03-DH-A3

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	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.
Service	4.0	
Comfort	4.0	
Condition	4.0	Read less
Neighborhood	3.0	

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	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 slob 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
Service	5.0	
Comfort	5.0	
Condition	5.0	
Neighborhood	3.0	

[Read less](#)

Genuine Hotels.com guest review

COASTAL COMMISSION

A-5-VEN-15-0025

EXHIBIT # 6

PAGE 1 OF 4

5-03-071-A3



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 ...?



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 privilege. There's another parking lot across the street but no in-and-out privilege, 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

EXHIBIT # 6
PAGE 2 OF 4

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



4



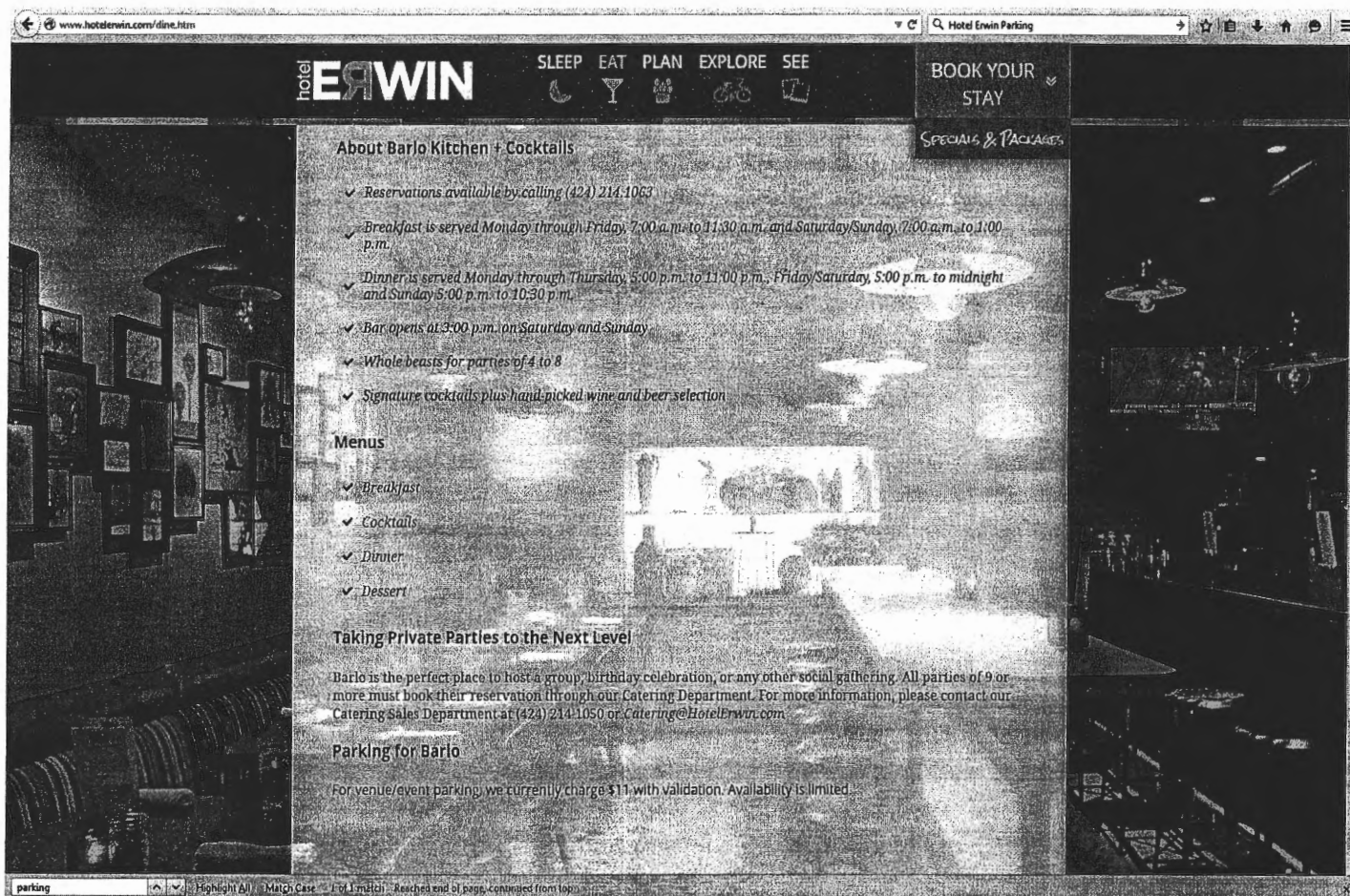
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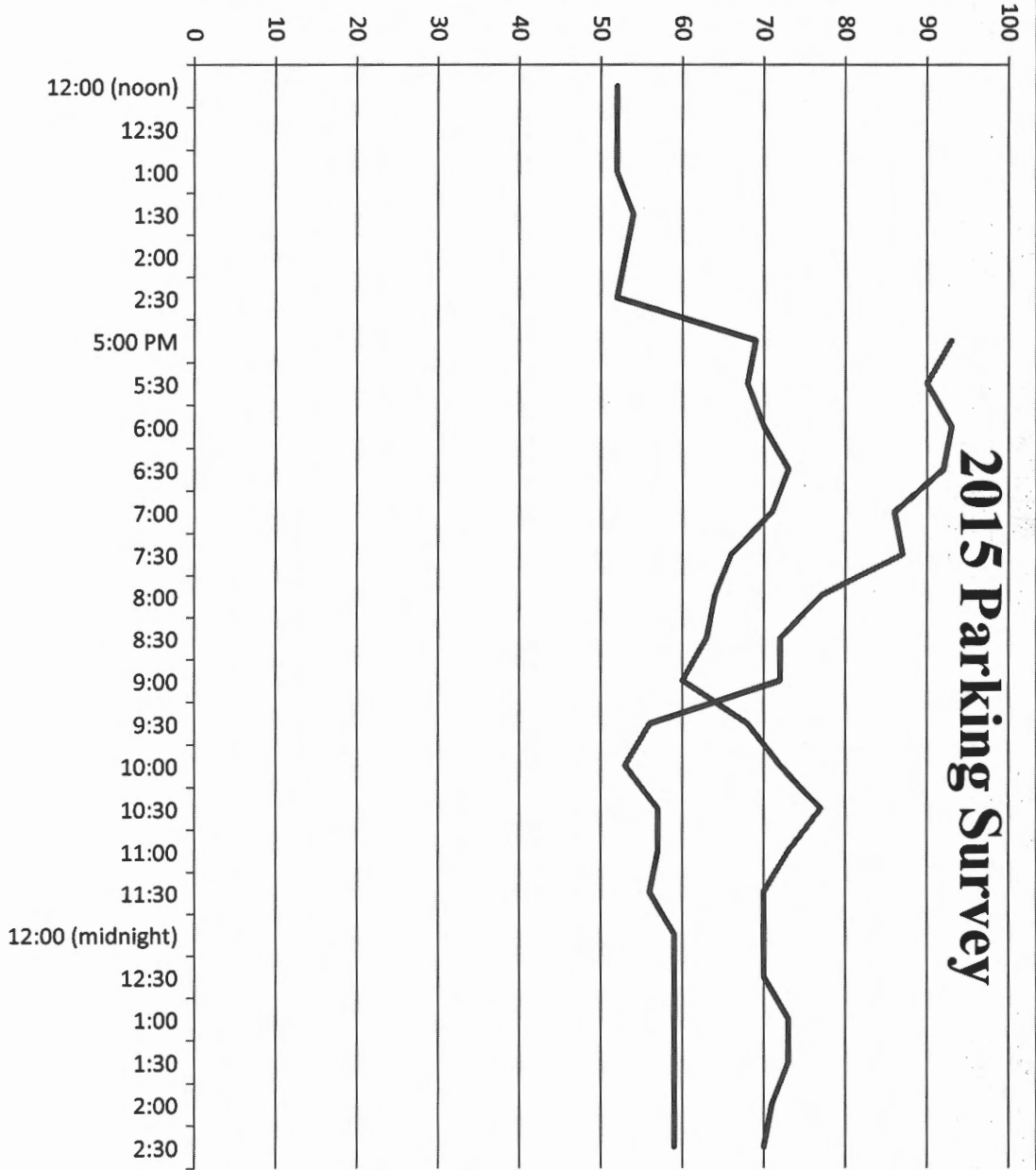
↓ Cons

- 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



Maximum Parking Stalls Available 134

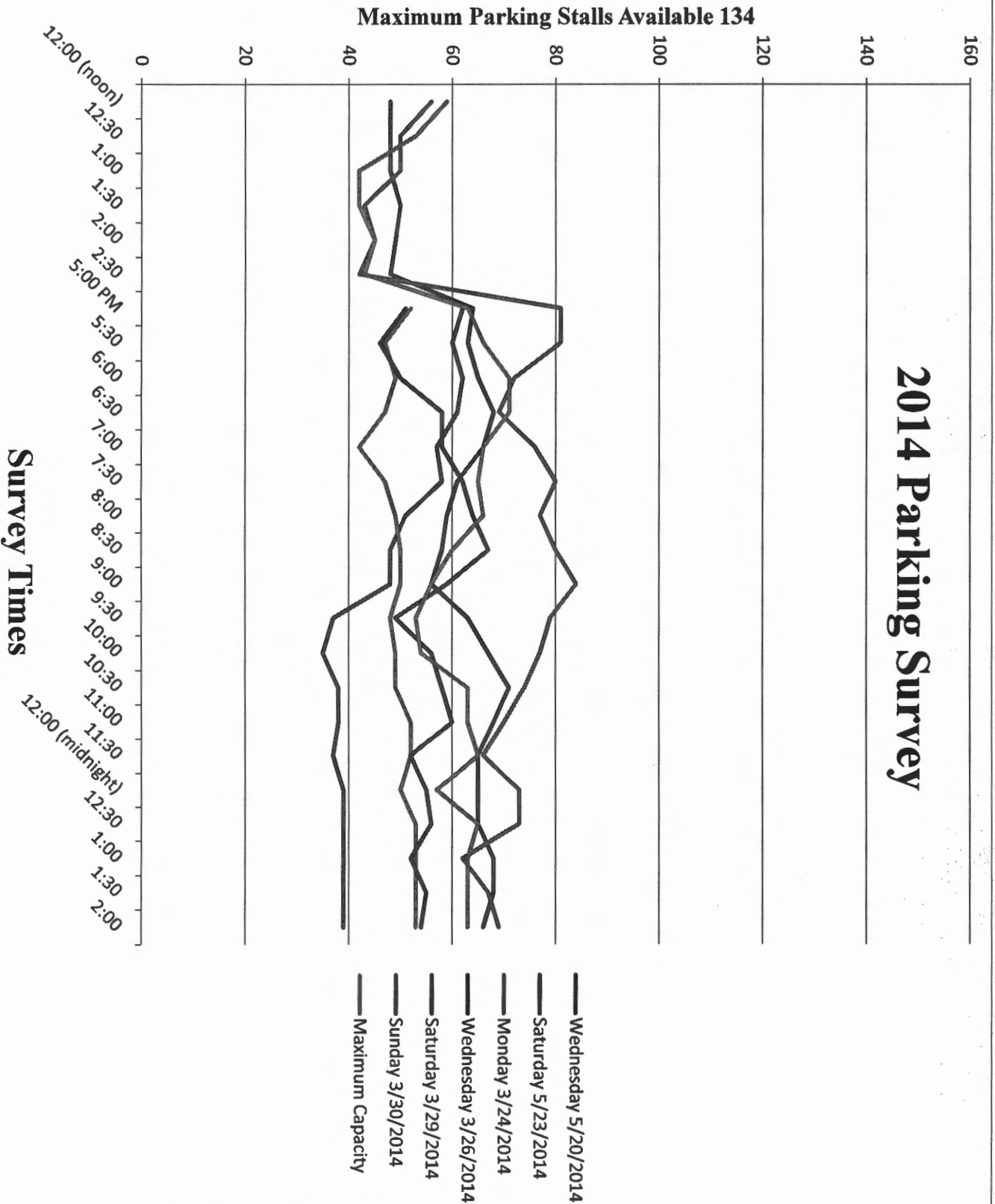
2015 Parking Survey



Survey Times

— Wednesday 5/20/2015
 - - - Saturday 5/23/2015

2014 Parking Survey



COASTAL COMMISSION

EXHIBIT # 7

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