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**CALIFORNIA COASTAL COMMISSION**

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



Click here to go to  
original staff report

**F18a**

**ADDENDUM**

DATE: May 9, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **Addendum to Item F18a:** Coastal Development Permit Amendment Request No. A-5-VEN-10-138-A2 (ADC Development Inc.), scheduled for the Commission meeting of May 11-13, 2016

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**I. PUBLIC CORRESPONDANCE**

The Commission received three letters and three emails in opposition to the amendment request from four Venice residents. That correspondence is included herein.

**RECEIVED**  
South Coast Region

MAY 04 2016

Item No: F18a  
Permit No: A-5-VEN-10-138-A2

CALIFORNIA  
COASTAL COMMISSION

Manuel Katz

Oppose

April 30, 2016

Mr. Camaj is gaming the Coastal Commission, just as he has gamed LA City at his other two establishments, Gjolina and Gjusta. His strategy has been to receive a permit and then ignore it and build what he wants. Then he either asks for variances after the fact or just defies the permit. He has done that at Gjolina where he has been in violation of his CUP for seating capacity from day one and the city has yet to do anything about it. At Gjusta he received a permit to build a bakery with take out only, then proceeded to build a complete restaurant with seating and ask for a variance after the fact. And so far he has gotten away with it.

In his current appeal with respect to 1305 Abbot Kinney, he says he is willing to reduce the restaurant service floor area from 550 sq ft to 400 sq ft. That is potentially a 30% reduction in revenue. Do you think that he would give that up because of three parking spaces? My wife and I attended the original city hearing for this restaurant, and outside the hearing room we heard him in conversation say that he couldn't make a profit with fewer than 100 seats. Current restaurant guidelines state that 10-20 sq ft are needed for each customer. At the lower limit of 10 sq ft per customer, even 550 sq ft would allow for only 55 customers. Where can he find the additional seating? I've looked at the parking deck. It looks pretty nice, and even has landscaping. Rooftop parking produces no revenue; rooftop dining does.

My point is that Mr. Camaj cannot be trusted to comply with any permit. I wrote a letter in opposition to his parking elevator when it was first proposed. Now I think it was just a ploy on his part to get a permit to build the restaurant, and that he never had any intention of building the elevator, and that the structural deficiency of the deck was deliberate. I think he should be required to retrofit the building to support the elevator. My hope is that he will give up on the project and that the building will be torn down. By acclamation it is considered the ugliest building in Venice.

Sincerely,

Manuel Katz  
1221 Cabrillo Ave  
Venice CA 90291

uskatz@aol.com

**RECEIVED**  
South Coast Region

MAY 05 2016

CALIFORNIA  
COASTAL COMMISSION

ITEM NO: F18a  
Permit No: A-5-VEN-10-1 38-A2

Stephen Pouliot

Oppose

May 2, 2016

California Coastal Commission  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

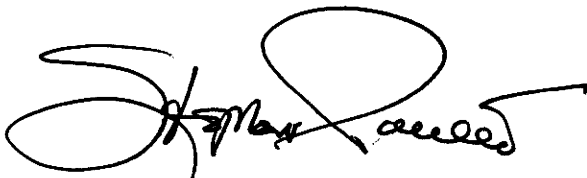
Dear California Coastal Commission,

ADC Development, Inc. (Fran Camaj) should not be granted variances for his proposed restaurant.

Lack of adequate parking for merchants, respective staffs and customers continues to be a growing, aggravating problem for neighbors east and west of the planned restaurant. Any reduction in parking should be prohibited.

As far as Mr. Camaj's adherence to building permits, in all candor, his legal representation is impressive as the City of Los Angeles continues to ignore major seating violations at two of his other Venice restaurants, Gjolina and Gjusta.

Respectfully,

A handwritten signature in black ink, appearing to read 'Stephen Pouliot', with a large, stylized initial 'S'.

Stephen Pouliot  
1223 Cabrillo Ave.  
Venice, CA 90291

Application No. A-5-VEN-10-138-A2  
1305 Abbot Kinney Blvd.  
Venice CA 90291

5 May 2016

The Commissioners  
California Coastal Commission  
South Coast Area Office  
Suite 1000  
200 Ocean Gate  
Long Beach, CA 90802-4302

Dear Commissioners,

This case was heard before you on July 9, 2015. The commissioners voted to require the applicant to fulfill all the terms of his building permit which was based on your original directive.

The applicant has now revised the service area size of this restaurant and reduced it sufficiently to permit the elimination of the three lift parking spaces required in the building permit and in the Coast Commission's final decision. He wants you to approve the parking requirement reduction and he will appear before you on May 13 to do that.

I have no objection to an approval for reduced parking as it would be the amount of spaces required for the smaller restaurant. That is, if the size of the restaurant will truly be as stated in the amendment and no outside restaurant service of any kind will be on the parking deck.

You have seen photographs of the subject property's parking area where it is beautifully landscaped and exquisitely paved. You also know that your original decision required cars to all be valet parked with no self-parking whatsoever due to the daunting nature of the parking deck. It is reasonable to assume, and this was suggested at the July 9 hearing, that the applicant intends to, by stealth, expand the floor service area of the restaurant and use this very gorgeous parking area for outside restaurant service after the final building permit is issued. The applicant has applied for an electrical load calculation in the Building Department for 11 outside electric heaters--more evidence of the applicant's true intent. Certainly, these upgrades are not for the benefit of the valets.

The history of this project and the fact that this applicant is infamous in Venice for not abiding by building permits requires your scrutiny. At this very moment, he has

expanded his 'hit' restaurant, Gjelina/GTA service area on to the adjacent property's required parking driveway. Numerous Code Enforcement citations have been issued and this issue has been going on for over a year. It is very difficult to enforce anything around here--especially when the applicant 'lawyers-up' and the government has to go up against a bunch of legal eagles to just get the laws on the books enforced...the name of this game is delay, delay delay. This applicant has been very effective at this strategy.

I hope I have set the stage for you to understand just how important it is that the Deed Restriction requirement as delineated in the Staff Report, be an absolute condition for approval of the applicant's amendment. The Coast Staff Report has included this condition on Page 6. Not only it is important now as a condition of approval of the Amendment before you, but it will follow with the land and apply to whatever restaurant operation follows after this applicant's operation closes. It would not burden the owner of the property in any way. He allowed a restaurant to be put on his land and it is the owner's responsibility to make sure the law is complied with.. It simply assure that the parking deck will never be used for outside restaurant service and would be used for what it was designed to do--park cars.

During the July 9 meeting, the lack of enforcement by the Coastal Commission was discussed at length. It was stated that there is no budget to enforce Coastal decisions. Including a Deed Restriction on this property will provide a very efficient clear path for future enforcement and would likely eliminate the endless community complaints and meetings concerning unenforced rules which burden both the City and the Coastal Commission.

Please include the requirement for a deed restriction as proposed in the Staff Report in your final decision. It is essential and urgently needed.

Respectfully submitted,

/s/

Elaine Spierer

1325 Abbot Kinney Bvd

Venice Resident and Commercial Landlord

**Rehm, Zach@Coastal**

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**Subject:**

FW: 1305 Abbot Kinney

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**From:** Elaine Spierer [<mailto:espieler@verizon.net>]

**Sent:** Thursday, April 28, 2016 3:06 PM

**To:** Rehm, Zach@Coastal

**Cc:** Robin Rudisill; Hudson, Steve@Coastal; Posner, Chuck@Coastal; Henry, Teresa@Coastal; Mike Bonin; Tricia Keane; marosi ilana; Brown Roxanne; Lavin Jacky; Amy Alkon; Mendy Tuhtan; Mari Sunaida; David Ewing; Crostic M; Kaplan Sue; [tricia.keane@lacity.org](mailto:tricia.keane@lacity.org) Tricia; Ezra Gale

**Subject:** Re: 1305 Abbot Kinney

Good Afternoon.

I have reviewed the staff report for 1305 Abbot Kinney.

Kindly tell me how the Coast Commission will enforce the terms/restrictions on a permit which reflects the reduction in floor service area and the declaration that nothing but the parking of cars and bike will be permitted on the parking deck. This applicant, as you well know, is notorious and on the public record as one who consistently ignores the rules. At this very moment, his Gjellina/GTA restaurant is operating illegal seating for the takeout out portion of this restaurant and more than 20 citations have been issued to return the driveway to driveway use after it was illegally converted to restaurant seating and for many other issues. This mess has been going on with the city for over a year. Operating another restaurant with restricted seating illegally at 320 Sunset was an issue of great neighborhood strife. This applicant has thumbed his nose at the rules and at the residents of Venice who try to live by them for years and years.

**So here we go again. Who is going to enforce the rules when this applicant uses the parking deck for restaurant service? How will they be enforced?**

You are aware that the deck has been landscaped and paved in such a way that is obvious it is not a parking area. No one spends that kind of money paving the entire deck with expensive stones for the valets. You are aware that this applicant obtained load calculations from the city for outside heaters. Doubtless, you are also aware that the proposed bike rack locations in front of what will be a totally packed-in tandem parking area are likely impossible to use. Who is going to carry bikes above and past parked cars to place in bike racks and later do it again to return them to the owners? Certainly not the bike users as no one is permitted to park anything on the deck except a professional parking valet.

Please advise how the Coastal Commission intends to give real meaning to your recommendations which will only be achieved with your real intent to build in strong enforcement conditions. Based on historical experience, without real enforcement which real consequences, this permit will be mere window-dressing and absolute disrespect to residents who have tried hard to get this right for years.

Respectfully,  
Elaine Spierer  
Venice Resident

**Rehm, Zach@Coastal**

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**Subject:**

FW: 1305 Abbot Kinney

-----Original Message-----

From: Elaine Spierer [<mailto:espiere@verizon.net>]

Sent: Friday, April 15, 2016 4:39 PM

To: Rehm, Zach@Coastal

Cc: Posner, Chuck@Coastal; Tricia Keane; Mike Bonin

Subject: 1305 Abbot Kinney

Good afternoon.

Shortly the review for this property will occur. Now that the operator says he is reducing the floor service area and thereby will be permitted to eliminate the three required parking lifts, it appears that he will come into compliance with the CCC's original requirements for this restaurant.

You well know that the operator has installed landscaping and exquisite finished pavers on the parking deck and has lushly landscaped the area. You know that the sloped parking deck restricts parking to valet-managed parking and prohibits self-parking. You also know that the operator has submitted plans for many exterior electric heaters for use on the 'parking' deck and that the City has calculated the load requirement. There is no place other than the parking deck to install exterior electric space heaters on this property than on the parking deck.

How will the CCC's permission to eliminate the three required lift spaces enforce the permit's requirement to use the parking deck as mandated and prohibit the operator from turning it into floor service area--obviously the intent from all the finishings. Now that you are fully aware of these features, the residents hope and expect that you will carefully do your very best to assure compliance with the parking requirements. Since the CCC declared at the July 9th meeting that they have no enforcement capabilities, what are you doing or what can you do, to assure that the City can enforce the permit and assure that the operator use the parking deck for parking use only and prohibit any other kind of use--in particular using the parking to stealthily and illegally expand its restaurant service. Using the parking deck will more than double the restaurant's service area. When eyes are no longer focused on the restaurant's compliance with the CCC permit it is essential that a permit have conditions with 'teeth' to seriously enforce the parking requirements.

Please keep us informed as you move forward on this. We are anxious to know how you will condition your permit to protect the neighborhood's parking deficit from getting even worse if the operator does not use the spaces provided on this property for restaurant parking and forces his patrons to use the the streets and metered lot.

Respectfully,  
Elaine Spierer  
Abbot Kinney resident

**Rehm, Zach@Coastal**

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**Subject:**

FW: 1305 Abbot Kinney

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**From:** David Ewing [<mailto:seriousbus@aol.com>]

**Sent:** Monday, April 25, 2016 5:14 PM

**To:** Rehm, Zach@Coastal

**Cc:** Robin Rudisill; Hudson, Steve@Coastal; Posner, Chuck@Coastal; Henry, Teresa@Coastal; ilana marosi; Brown Roxanne; Jacky Lavin; Amy Alkon; Mendy Tuhtan; Mari Sunaida; Crostic M; SUE KAPLAN; Elaine Spierer; Tricia Keane; Ezra Gale

**Subject:** Re: 1305 Abbot Kinney

Hello Zach,

I read the staff recommendation, and it makes good sense — on paper. The problem comes in the translation from how it is “conditioned” into actual, enforceable practice. As the communications from Rudisill and Spierer have clearly warned, this is not an applicant who puts any value on his word, nor on the law. Agreeing to a smaller floor space is not out of character for this applicant. Restricting his use over time to a smaller space would be very out of character indeed.

If the condition were a matter of preventing parking on the roof, it could be enforced by blocking the entrance ramp. *Requiring* parking there, on the other hand, will require constant vigilance. It has been pointed out that the “parking” area as built appears intended for patio dining, not for cars. The fact that the applicant deliberately deleted the required auto lifts from his plans, and then designed and built a structure he claims would not be capable of supporting them, suggests that he had other plans for this area all along. The planned space heaters for this area reinforce that conclusion. You can make him remove them, but they’re easily replaced with free-standing ones. So essentially, the only way to enforce the parking requirement is to catch him violating it, and getting caught red-handed has not stopped any of his other violations, so good luck with that.

If you intend the (indented) language below to act as anything but a fig leaf, I hope you can find a way to make the applicant accountable for failures to obey its terms. Can you create a “poison pill” for substantial misbehavior and ask the Commission to include it in the conditions?

Commission staff recommends approval of the amendment request, as conditioned to ensure that the permittee provides a rigorous set of transportation related mitigation measures in addition to maintaining a minimum of 10 vehicle parking spaces, and as conditioned to limit the allowable use of the restaurant to 400 square feet of service floor area.

Thanks for your consideration.

Yours truly,  
David Ewing  
Venice



**CALIFORNIA COASTAL COMMISSION**

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



# F18a

Filed:	3/3/16
180th Day:	8/30/16
Staff:	Z. Rehm-LB
Staff Report:	4/21/16
Hearing Date	5/13/16

## STAFF REPORT: PERMIT AMENDMENT

<b>Application No.:</b>	<b>A-5-VEN-10-138-A2</b>
<b>Permittee:</b>	<b>ADC Development Inc. (Fran Camaj)</b>
<b>Agents:</b>	Laurette Healy, Stephen Vitalich
<b>Location:</b>	1305 Abbot Kinney Boulevard, Venice, City of Los Angeles, Los Angeles County (APN 423-902-7002).
<b>Description of Amendment:</b>	Reduce restaurant service floor area from 550 square feet to 400 square feet, reduce required vehicle parking spaces from 13 to 10, remove three vehicle lifts from project description, provide electric vehicle charging station, 12 outdoor bicycle parking spaces, two indoor bicycle parking spaces, and employee transit pass program.
<b>Description of Project Originally Approved October 13, 2010:</b>	Demolition of a one-story 1,312 square foot residential building, and construction of a new 25-foot high, 1,248 square foot restaurant with a rooftop parking deck.
<b>Staff Recommendation:</b>	Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

ADC Development Inc. requests an amendment to Coastal Development Permit A-5-VEN-10-138 for a restaurant and associated parking requirements in Venice. After the City of Los Angeles's action to approve a restaurant with six vehicle parking spaces was appealed, the Commission found that a substantial issue existed and approved the underlying coastal development permit for a restaurant with a maximum of 550 square feet of service floor area and a minimum of 13 parking spaces (including three spaces on vehicle lifts) at a de novo hearing on October 13, 2010.

The permittee has constructed the restaurant and the rooftop parking area but asserts that the structure cannot support the weight of the vehicle lifts and there is not enough space on-site to

provide the required 13 vehicle parking spaces. The permittee previously requested an amendment to the permit to remove the vehicle lifts from the project description and reduce the parking requirements from 13 vehicle parking spaces to 10, which the Commission denied at a public hearing on July 9, 2015. In the subject amendment request, the permittee has modified the proposed restaurant floor plan and rooftop plan to reduce the service floor area of the restaurant by 150 square feet, which would reduce the required vehicle parking spaces by three (the Venice Land Use Plan and the Coastal Commission's Regional Interpretive Guidelines for Los Angeles County require one vehicle parking space per 50 square feet of service floor area). The permittee has indicated that the extra interior space will be used for storage, not for dining, and that outdoor dining is not proposed on the rooftop.

Commission staff recommends **approval** of the amendment request, as conditioned to ensure that the permittee provides a rigorous set of transportation related mitigation measures in addition to maintaining a minimum of 10 vehicle parking spaces, and as conditioned to limit the allowable use of the restaurant to 400 square feet of service floor area.

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## APPENDICES

Appendix A – Substantive File Documents

Appendix B – All Standard and Special Conditions that Apply to this CDP

## EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Proposed Plans

Exhibit 3 – Photographs

Exhibit 4 – Letter from Permittee’s Structural Engineer

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit A-5-VEN-10-138-A2 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves the coastal development permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.*

**NOTE:** Appendix B, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number A-5-VEN-10-138-A1. All of the Commission's adopted special conditions and any changes in the project description proposed by the permittee and approved by the Commission in this or previous actions continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on Amendment number A-5-VEN-10-138-A1 are shown in the following section. Within Appendix B, changes to the previously approved special conditions are also shown in bold and underline. This will result in one set of adopted special conditions.

## II. SPECIAL CONDITIONS

Changes to the special conditions of the permit are noted with eliminated words in ~~strike through~~ and new words in existing conditions and new conditions are in **bold and underline**:

1. **Approved Development: Restaurant with On-site Parking.** Coastal Development Permit A-5-VEN-10-138 approves the construction of a restaurant with a maximum of ~~550~~ **400** square feet of Service Floor Area (which includes both the indoor and outdoor patio Service Floor

Area), a rooftop parking deck, and a total of ~~thirteen~~ **ten (10)** on-site parking spaces. Prior to the issuance of the coastal development permit, the permittee shall submit, for the review and approval of the Executive Director, a revised floor plan that is consistent with the terms of this condition. The approved restaurant use is contingent upon the permittee's implementation and continued operation of the parking program described in Special Condition Two of this permit. In the event of non-compliance with the approved parking program, the permittee's right to use the ~~550~~ **400** square feet of Service Floor Area for customer service shall terminate.

**Coastal Development Permit A-5-VEN-10-138, as amended, does not authorize dining, drinking, temporary seating, or outdoor service of any kind on the rooftop parking deck. The rooftop area shall be used for vehicle storage and bicycle storage activities, as called out on the final approved plans.**

All development must occur in strict compliance with the special conditions and the final plans approved by the Executive Director. Any deviation from the approved plans, any proposed change in use, expansion of customer dining areas, change to the approved parking program, change in number of parking stalls, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

2. **Parking and Transportation Management Program.** In order to protect nearby public parking facilities from the parking impacts of the proposed development and to protect public access to the coast, the permittee shall:

- A. Provide at least ~~thirteen (13)~~ **ten (10)** parking stalls on the site for use by restaurant employees and customers. **All 10 parking stalls shall be striped with markings on the hardscape surface, consistent with the final approved plans, to indicate their approved use and location.** There shall be no charge or fee for customers and employees to use the on-site parking while working or patronizing the approved restaurant (a parking validation system is permitted).
- B. Provide a parking attendant service on the premises during all hours that the restaurant is open to maximize the on-site parking capacity. During peak business hours (8:00 pm to closing on all Fridays, Saturdays and Sundays), at least three parking attendants shall be on the premises to move vehicles into and out of the on-site parking area. Storage of vehicles by valets/parking attendants in public parking lots or on public rights-of-way is prohibited. Automobiles may be queued in the alley for up to five minutes, if necessary.
- C. Maintain an area **with a minimum of twelve (12) outdoor and two (2) indoor bicycle parking spaces** on the site for convenient bicycle parking (for **no charge or fee and unrestricted use of** customers and employees).
- D. **Provide a minimum of one ADA Accessible Parking Space.**

- E. Provide a minimum of one functional Level 2 Electric Vehicle Charging Station with a minimum 20-foot long cable capable of delivering 220 Volts of power to plug-in electric vehicles on-site (for no charge or fee and unrestricted use of customers and employees).
- F. Reimburse 100% of the cost of transit for employees who ride transit to work. This condition shall not be limited to a particular program offered by the Los Angeles County Metropolitan Transportation Authority (METRO), but shall apply to any transit system(s) employees utilize to reach the workplace.

The Parking and Transportation Management Program shall be implemented at all times consistent with the above-stated requirements and limitations. Any proposed change to the required Parking and Transportation Management 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.

8. Deed Restriction. PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT A-5-VEN-10-138-A2, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the permittee has executed and recorded against the parcel governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, as amended, 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 amended, 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 amendment. 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, as amended, 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. This deed restriction shall supersede and replace the deed restriction(s) recorded pursuant to Special Condition 7 of Coastal Development Permit No. A-5-VEN-10-138, approved on October 13, 2010, which deed restriction is recorded as Instrument No. 2011-0302992 in the official records of Los Angeles County.

### III. SINGLE 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. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required. The subject project site is located within the *Single Permit Jurisdiction* area. Since the Commission approved the original

permit after hearing an appeal of the project, the Commission retains permitting authority over subsequent amendments to the permit. The Commission's standard of review for the subject development is the Chapter 3 policies of the Coastal Act.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION AND DESCRIPTION**

ADC Development Inc. requests an amendment to Coastal Development Permit A-5-VEN-10-138 for a restaurant and associated parking requirements at 1305 Abbot Kinney Boulevard in Venice, Los Angeles. The 1,248 square foot restaurant structure and rooftop parking area have been constructed consistent with the plans approved by Coastal Development Permit A-5-VEN-10-138, with the exception of the three vehicle lifts atop the roof originally proposed by the permittee and subject to the Commission's approval of the underlying CDP. The project site is a 3,400 square foot commercially zoned (C2-1 ) lot in North Venice, which fronts Abbot Kinney Boulevard approximately ½ mile inland of Venice Beach and boardwalk (**Exhibit 1**).

The approved permit authorizes a one-story restaurant with a maximum of 550 square feet of indoor and outdoor customer service area and a minimum of 13 vehicle parking spaces. The permittee proposes through the subject permit amendment request to reduce the service floor area to 400 square feet and reduce the required number of vehicle parking spaces to 10 (**Exhibit 2**). The approval of the restaurant by the City of Los Angeles limits the patron capacity to a maximum of 47 people. **Exhibit 2** shows the permittee's revised parking plan with nine conforming tandem parking spaces on the rooftop deck and one ADA accessible parking space at grade at the southeast corner of the property adjacent to the alley. The plan also notes the permittee's request to remove three vehicle lifts at the western edge of the roofdeck parking area from the project description and includes a commitment to provide an electric vehicle charging station at the northern edge and bike racks at the western edge. No outdoor dining area is proposed or permitted on the rooftop.

Abbot Kinney Boulevard is a pedestrian-oriented commercial street lined with a variety of eating and drinking establishments, retail stores, boutiques, art galleries, and residences. The community was established early in the nineteenth century and many of the businesses have little or no on-site parking. The competition for the limited amount of on-street parking is intense, especially in the evenings and on weekends when many of the residents of the surrounding neighborhood are home. A paid public parking lot is located behind the project site opposite the rear alley (**Exhibit 3**).

### **B. PROJECT HISTORY**

On April 21, 2010, the City of Los Angeles West Los Angeles Area Planning Commission approved with conditions Local Coastal Development Permit No. APCW-2009-1738 for a new restaurant at 1305 Abbot Kinney Boulevard in the North Venice. The action was not appealed at the local level.

On June 17, 2010, 1311 A.K. Properties, LLC appealed the City's final action to the Coastal Commission. On July 6, 2010, Arminda Diaz joined the appeal. On July 9, 2010, the Commission determined that the appeals raised a substantial issue because the local approval did not include a plan to fully mitigate the parking impacts of the development. On October 13, 2010, the Commission approved Coastal Development Permit A-5-VEN-10-138 with conditions including a

requirement to provide a minimum of 13 on-site vehicle parking spaces, consistent with the applicant's revised proposed plans.

After the Executive Director issued the coastal development permit for the restaurant with 13 vehicle parking spaces, the permittee received approval from the Los Angeles Department of Building and Safety to provide 12 bicycle parking spaces on the roof of the building in lieu of three of the required vehicle parking spaces. That action was permitted under amended Section 12.03 of the Los Angeles Municipal Code which allows up to 30% of required vehicle parking spaces to be replaced by bicycle parking spaces at a rate of 4:1; however, the action was inconsistent with the conditions of the approved CDP which is explicit in its requirement that any changes to the approved plans must be submitted to the Executive Director for review.

The Los Angeles Department of Building and Safety issued a building permit for the restaurant and rooftop parking area in 2014, and, with the exception of the vehicle lifts, the structure has been constructed consistent with both the Commission-approved plans of the underlying CDP and the City-approved construction plans. Following communication with Commission staff, the permittee acknowledged that the City did not have jurisdiction to waive the requirement for three vehicle parking spaces and the permittee submitted Coastal Development Permit Amendment request No. A-5-VEN-10-138-A1 to reduce the number of required parking spaces from 13 to 10 and provide a rigorous set of transportation related mitigation measures encouraging bicycling and transit.

In the previous amendment request, the permittee stated that it was no longer feasible or safe to provide the required 13 vehicle parking spaces on-site because three of the spaces were originally proposed atop vehicle lifts, atop the roof. The permittee indicates that the City-approved construction plans and as-built structure do not account for the weight of the Commission-approved vehicle lifts and the three vehicles the lifts would support. The permittee's structural engineer also states that the rooftop was not constructed to support the weight of the vehicle lifts or the three additional vehicles (**Exhibit 4**).

At a July 9, 2015 public hearing, the Commission denied Coastal Development Permit Amendment request No. A-5-VEN-10-138-A1, finding that reducing the required parking at the restaurant would adversely impact public access to the coast and to the Venice community, popular with coastal visitors. The previous permit amendment request proposed to maintain 550 square feet of service floor area, while reducing on-site vehicle parking from 13 spaces to 10. The Commission found that the permittee's proposed parking and transportation management program would not adequately mitigate impacts to coastal access caused by the operation of the restaurant.

The permittee submitted a request for reconsideration on August 7, 2015 but withdrew that request on September 15, 2015.

On November 3, 2015, the permittee requested that the Executive Director approve a plan substantially similar to that proposed by the subject permit amendment request, but the Executive Director notified the permittee that a Commission-approved permit amendment was required on November 16, 2015.

The permittee submitted the subject permit amendment request on February 2, 2016, more than six months after the Commission's action to deny the previous permit amendment request, consistent with the requirements of 14 Cal. Admin. Code 13056.1. The subject permit amendment request



differs from the previous permit amendment request in that it proposes to reduce the service floor area of the restaurant from 550 square feet to 400 square feet. The proposals to reduce required vehicle parking spaces from 13 to 10, remove three vehicle lifts from project description, provide an electric vehicle charging station, 12 outdoor bicycle parking spaces, two indoor bicycle parking spaces, and employee transit pass program are consistent with the previous permit amendment request.

### **C. PUBLIC ACCESS**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project must conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas. The Commission has consistently found that a direct relationship exists between public access and the provision of adequate parking and transportation related mitigation at new developments near the coast. The subject development is approximately ½ mile inland of Venice Beach and boardwalk where public beach use is most popular; however, the demand for parking on Abbot Kinney Boulevard and on the surrounding residential streets surpasses the supply during peak use periods, as does the demand for beach parking near the beach and boardwalk. Abbot Kinney Boulevard and the surrounding Venice community are also popular destinations for coastal visitors.

Section 30210 of the Coastal Act states, in part:

*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 people...*

Section 30252 of the Coastal Act states, in part:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service...(3) providing non-automobile circulation within the development, (4)providing adequate parking facilities or providing substitute means of serving the development with public transportation...*

Section 30253 of the Coastal Act states, in part:

*New development shall do all of the following:  
(d) Minimize energy consumption and vehicle miles traveled.*

The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP), which contains specific policies to carry out the requirements of the Coastal Act. The certified Venice LUP requires that new development shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table. LUP Policy II.A.3, sets forth the parking requirements for restaurants as follows:

*Restaurant: 1 space for each 50 square feet of service floor area (including outdoor service areas).*

The LUP definition for “Service Floor Area” is: All areas where the customer can be served, except the bathroom, including the indoor and outdoor dining area, bar, waiting room and tavern. The approved restaurant has 550 square feet of service floor area. The parking requirements set forth in the certified Venice LUP require 11 parking spaces for 550 square feet of service floor area (at the rate of one parking space for each fifty square feet of service floor area).

Policy II.A.4 of the certified LUP requires the provision of additional parking spaces (or the payment of in lieu fees) for new development in the Beach Impact Zone (BIZ):

*Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund.*

*Beach Impact Zone (BIZ) Parking Impact Trust Fund criteria:*

- a. Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces...*

The BIZ parking requirement for the proposed project is one parking space for each 640 square feet of floor area on the ground floor. The proposed project includes 1,248 square feet of floor area on the ground floor so the permittee would be required to provide two BIZ parking spaces under the LUP (at the rate of one parking space for each 640 square feet of floor area). The permittee originally proposed to pay into the City’s in-lieu program for one of the spaces, but the Commission required 13 actual vehicle parking spaces on-site (11 per LUP Policy II.A.3 plus two per LUP Policy II.A.4) through **Special Condition 2** and **Special Condition 3** of the underlying Coastal Development Permit A-5-VEN-10-138.

The permittee states that it is not feasible to provide 13 vehicle parking spaces on the site because the roof of the structure cannot support the weight of the Commission-approved vehicle parking lifts and the three vehicles the lifts would support. The permittee therefore proposes to reduce the service floor area of the approved restaurant from 550 square feet to 400 square feet, and reduce the required number of vehicle parking spaces from 13 to 10. The proposed reduction in service floor area correlates with the parking standards of the Venice Land Use Plan, which requires restaurants to provide one vehicle parking space for each 50 square feet of service floor area (including outdoor service areas). The Coastal Commission’s Regional Interpretive Guidelines for Los Angeles County provide the same standard.

The reduction of 150 square feet of service floor area would support the proposal to reduce the required number of vehicle parking spaces by three (one space per 50 square feet of service floor area), but the Commission can only find that the proposed permit amendment will not adversely affect public access to the coast if the amended development results in a less intense use of the restaurant and/or the permittee provides other measures to reduce parking demand. In this case, the proposed floor plan (**Exhibit 2**) includes a smaller service floor area than the previously approved plan and specifically calls out areas previously included as service floor area, for storage uses. The new storage areas include walls to separate those areas from the service floor area – and shelves which would make serving guests in those areas impractical.

On the roof of the approved restaurant, the permittee has called out the required 10 vehicle parking spaces (three rows of three tandem spaces on the rooftop plus one ADA accessible parking space at grade at the southeast corner of the property adjacent to the alley). The vehicle parking spaces will occupy the majority of the rooftop and **Special Condition 2** requires the permittee to guarantee that all 10 parking stalls shall be striped with markings on the hardscape surface, consistent with the final approved plans, to indicate their approved use and location. The permittee's plans show the nine vehicle parking spaces as well as 12 bicycle parking spaces atop the roof (**Exhibit 2**). The permittee has stated that the rooftop will be used for vehicle and bicycle storage and that outdoor dining is not proposed atop the roof.

Additionally, the permittee has worked with Commission staff to propose a rigorous set of transportation related mitigation measures to further reduce parking demand generated by restaurant employees and guests. The permittee proposes 12 bicycle parking spaces secured to six bicycle racks on the western edge of the rooftop. These are proposed to be available for employee or customer use. Additionally, the permittee proposes two secure bicycle parking spaces inside the restaurant, primarily for employee use but secure bicycle parking will also be available to customers on request. The permittee also provides funding and maintenance for City programs which provide bicycle parking corrals for up to 18 bicycles each on Abbot Kinney Boulevard (two of which were approved by the Executive Director under Coastal Development Waiver Nos. 5-12-248 and 5-12-250). The permittee states that encouraging cycling is an important value of the company, which operates several other restaurants in the area.

The permittee has proposed to provide a Level 2 Electric Vehicle Charging Station within the rooftop parking area, which will provide free charging to employees and customers of the restaurant. The Commission has recently found that electric vehicle charging stations improve public access to areas at or near the coast because they encourage those who have electric cars to visit these areas without worrying about running out of power (CDP 5-14-1819; City of Long Beach Junipero Parking Lot). If more people with electric cars visit these areas, it will, inherently, have the effect of improving air quality and reducing energy consumption since electric cars do not produce emissions and are much more energy efficient than cars with internal combustion engines, consistent with Coastal Act Sections 30252 and 30253.

The subject site is well served by public transit. Multiple Los Angeles County Metropolitan Authority (METRO) routes provide access along Venice Boulevard, Abbot Kinney Boulevard, and Main Street. The Santa Monica Big Blue Bus serves Pacific Avenue. METRO's Expo light rail line will open May 20, 2016 and will have stations in Santa Monica, approximately 1 ½ miles north, which will be served by buses and bike share. The permittee currently offers employees up to 100% reimbursement for transit passes purchased through METRO's TAP program and states that 65 employees participated in 2014.

The permittee proposes to utilize the rooftop parking area as efficiently as possible to enable the maximum amount of vehicles to park and to minimize transition and idling time of employees and customers waiting to park. The permittee states that parking attendants are on-site any time the restaurant is open and additional attendants are on-site during peak periods. The City recognizes nine conforming parking spaces in tandem on the rooftop parking deck and one conforming ADA accessible parking space at grade adjacent to the alley. The permittee states that during extremely busy periods, the ramp between the alley and the rooftop parking area could accommodate an

additional two valet-parked vehicles (see parking plan in **Exhibit 2** and images in **Exhibit 3**). Those potential parking spaces are not recognized by the City of Los Angeles because the ramp is too steep to meet City code (although the City issued variances for other non-conforming aspects of the permittee's parking plan).

Finally, the permittee's parking analysis prepared during the application process of the underlying coastal development permit (for a restaurant with 550 square feet of service floor area) concluded that during most hours of most weekdays and weekends, parking demand will be fewer than the 10 proposed parking spaces.<sup>1</sup> The analysis was based on national standards developed by the Urban Land Institute for similar land uses. Projected total demand (employees plus customers) is 11 vehicles from approximately 7:00 pm to 10:00 pm on weekdays and approximately 6:00 pm to 11:00 pm on weekends. The analysis predicts demand for 12 vehicles for one hour on weekends between approximately 7:30 pm and 8:30 pm. During those hours, the permittee would be required to have a minimum of three parking attendants on duty who could utilize the ramp parking area to meet the excess demand.

The standard of review for the proposed amendment is the Chapter 3 policies of the Coastal Act. The Venice Land Use Plan may be used as guidance. The proposal to provide 10 conforming vehicle parking spaces instead of the 13 required by the underlying CDP is consistent with the Venice Land Use Plan, which would require eight vehicle parking spaces on-site plus two additional Beach Impact Zone parking space on-site or payment in-lieu. The permittee's proposal is also consistent with the Coastal Act and with recent Commission actions which encourage alternate modes of transportation and less intense energy uses.

The proposed amendment is consistent with Section 30252 of the Coastal Act because the permittee's proposed transit program *facilitate(s) the provision or extension of transit service, provide(s) non-automobile circulation within the development, and provide(s) adequate parking facilities or provide(s) substitute means of serving the development with public transportation.*

The proposed amendment is consistent with 30253 because the provision of bicycle parking and an electric vehicle charging station *minimizes energy consumption and vehicle miles traveled.*

In order to ensure that the permittee's proposed transportation related mitigation measures are enhanced and maintained over the life of the development use (which will reduce demand for vehicle parking and improve coastal access), the Commission revises **Special Condition 2** to require the permittee to maintain an area with a minimum of 12 outdoor and two indoor bicycle parking spaces on the site for convenient bicycle parking (for no charge or fee and unrestricted use of customers and employees), provide a minimum of one ADA accessible parking space, provide a minimum of one functional Level 2 Electric Vehicle Charging Station with a minimum 20-foot long cable capable of delivering 220 Volts of power to plug-in electric vehicles on-site (for no charge or fee and unrestricted use of customers and employees), and reimburse 100% of the cost of transit for employees who ride transit to work. In order to maximize the incentive offered for employees who ride transit to work and further reduce the demand for vehicle parking, the Commission requires that the transit reimbursement program shall not be limited to a particular program offered by METRO, but shall apply to any transit system(s) employees utilize to reach the workplace. In order

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<sup>1</sup> "Updated Parking Assessment for a Proposed 1,248 SF Restaurant Located at 1305 Abbot Kinney Boulevard in the Venice Community". Overland Traffic Consultants, Inc. September 13, 2010.

to permit the restaurant to operate safely and with maximum structural integrity, while providing its employees and customers with free on-site parking, the Commission revises **Special Condition 1** and **Special Condition 2** to reduce the number of required on-site parking spaces from 13 to 10.

The Commission finds that, only as conditioned to minimize impacts to the parking supply in Venice and the surrounding residential neighborhoods, where parking demand may overlap with beach parking demand, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210, 30211, 30252, and 30253 of the Coastal Act.

#### **D. VISUAL RESOURCES**

As required by the Coastal Act and the certified Venice LUP, the visual qualities of this coastal area shall be protected from negative impacts such as excessive building heights and bulks, and unnecessary visual clutter.

Section 30251 of the Coastal Act states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...*

Policies I.D.4 and V.A.5 of the certified Venice LUP state:

*Policy I. D. 4. Signs. Roof top signs and billboards are prohibited in all land use categories. Business identification signs shall comply with the height limits and development standards specified in the LUP to ensure they do not adversely affect view sheds and view corridors.*

*Policy V. A. 5. Streetscapes. Streetscape improvements throughout the Venice Coastal Zone shall be maintained and enhanced to enhance pedestrian activity and contribute to a high quality of life and visual image for residents and visitors.*

When the permittee originally proposed to provide the vehicle lifts atop the parking garage, some appellants and nearby residents alleged that the vehicle lifts would contribute to negative visual impacts of the surrounding area. The Commission did not make specific findings related to the visual impact of the lifts in its approval of the underlying coastal development permit; however the proposal to remove the vehicle lifts from the project description will be consistent with the visual resource policies of the Coastal Act and the Venice Land Use Plan because the lifts would have contributed to the visual clutter of the area. The proposal to provide bicycle parking, electric vehicle charging station, and reimbursement for transit instead of three large metal structures atop a 25 foot high building is consistent with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on visual resources and public access. Therefore, the Commission finds that the development, as conditioned, conforms with Section 30251 of the Coastal Act.

#### **E. UNPERMITTED DEVELOPMENT**

Unpermitted development has occurred at the project site subject to this coastal development permit application. The unpermitted development includes the construction of a structure that does not consistent with the final approved plans. Specifically, the roof has been constructed without adequate support for the vehicle parking lifts which are called out on the final approved plans, and the vehicle parking lifts have not been constructed. The unpermitted development also results in a conflict with the conditions of the Commission-approved permit because it prevents three required vehicle parking spaces from being provided. Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Although the development has taken place prior to submittal of this application, consideration of this permit amendment request by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit amendment request will resolve the violations identified in this section once the permit amendment has been fully executed and the terms and conditions of the permit complied with by the permittee.

#### **F. DEED RESTRECTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this coastal development permit amendment, the Commission imposes one additional condition requiring that the property owners to record a deed restriction against the property that will supersede and replace the previously recorded deed restriction that the permittee recorded pursuant to Special Condition 7 of the original permit. The deed restriction will reference all of the special conditions of this permit, as amended, and impose them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

#### **G. LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance. As conditioned, the proposed amendment and development are consistent with Chapter 3 of the Coastal Act and the certified LCP for the area. As a result of the proposed project's consistency with the Coastal Act and the certified LUP for Venice, approval of this project will not prejudice the City of Los Angeles' ability to prepare an LCP that is consistent with Chapter 3 of the Coastal Act.

#### **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation

measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. The City of Los Angeles issued Negative Declaration No. ENV-2009-1739-MND for the project on August 24, 2009. The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. The proposed project, as revised by this permit amendment, has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, and the permit amendment, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

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### **Appendix A – Substantive File Documents**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 175,693.
3. Updated Parking Assessment for a Proposed 1,248 SF Restaurant Located at 1305 Abbot Kinney Boulevard in the Venice Community, Prepared by Overland Traffic Consultants, Inc. September 13, 2010.
4. City of Los Angeles Local Coastal Development Permit No. APCW-2009-1738.
5. City of Los Angeles Zone Variance to permit compact parking stalls within an on-site parking area that contains less than ten overall spaces (Case No. APCW-2009-1738).
6. City of Los Angeles Zone Variance to permit tandem parking (No. APCW-2009-1738).
7. City of Los Angeles Zone Variance to not provide a loading space that is otherwise required for commercial buildings which abut an alley (Case No. APCW-2009-1738).
8. City of Los Angeles Specific Plan Project Permit pursuant to the Venice Coastal Zone Specific Plan (Case No. APCW-2009-1738).
9. City of Los Angeles Negative Declaration No. ENV-2009-1739-MND, 8/24/2009.

## **Appendix B – All Standard and Special Conditions that Apply to this CDP**

Appendix B includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number A-5-VEN-10-138-A1.

### **STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

### **SPECIAL CONDITIONS**

1. **Approved Development: Restaurant with On-site Parking.** Coastal Development Permit A-5-VEN-10-138 approves the construction of a restaurant with a maximum of ~~550~~ **400** square feet of Service Floor Area (which includes both the indoor and outdoor patio Service Floor Area), a rooftop parking deck, and a total of ~~thirteen~~ **ten (10)** on-site parking spaces. Prior to the issuance of the coastal development permit, the permittee shall submit, for the review and approval of the Executive Director, a revised floor plan that is consistent with the terms of this condition. The approved restaurant use is contingent upon the permittee's implementation and continued operation of the parking program described in Special Condition Two of this permit. In the event of non-compliance with the approved parking program, the permittee's right to use the ~~550~~ **400** square feet of Service Floor Area for customer service shall terminate.

**Coastal Development Permit A-5-VEN-10-138, as amended, does not authorize dining, drinking, temporary seating, or outdoor service of any kind on the rooftop parking deck. The rooftop area shall be used for vehicle storage and bicycle storage activities, as called out on the final approved plans.**



All development must occur in strict compliance with the special conditions and the final plans approved by the Executive Director. Any deviation from the approved plans, any proposed change in use, expansion of customer dining areas, change to the approved parking program, change in number of parking stalls, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

2. **Parking and Transportation Management Program.** In order to protect nearby public parking facilities from the parking impacts of the proposed development and to protect public access to the coast, the permittee shall:
  - A. Provide at least ~~thirteen (13)~~ **ten (10)** parking stalls on the site for use by restaurant employees and customers. **All 10 parking stalls shall be striped with markings on the hardscape surface, consistent with the final approved plans, to indicate their approved use and location.** There shall be no charge or fee for customers and employees to use the on-site parking while working or patronizing the approved restaurant (a parking validation system is permitted).
  - B. Provide a parking attendant service on the premises during all hours that the restaurant is open to maximize the on-site parking capacity. During peak business hours (8:00 pm to closing on all Fridays, Saturdays and Sundays), at least three parking attendants shall be on the premises to move vehicles into and out of the on-site parking area. Storage of vehicles by valets/parking attendants in public parking lots or on public rights-of-way is prohibited. Automobiles may be queued in the alley for up to five minutes, if necessary.
  - C. Maintain an area **with a minimum of twelve (12) outdoor and two (2) indoor bicycle parking spaces** on the site for convenient bicycle parking (for **no charge or fee and unrestricted use of** customers and employees).
  - D. **Provide a minimum of one ADA Accessible Parking Space.**
  - E. **Provide a minimum of one functional Level 2 Electric Vehicle Charging Station with a minimum 20-foot long cable capable of delivering 220 Volts of power to plug-in electric vehicles on-site (for no charge or fee and unrestricted use of customers and employees).**
  - F. **Reimburse 100% of the cost of transit for employees who ride transit to work. This condition shall not be limited to a particular program offered by the Los Angeles County Metropolitan Transportation Authority (METRO), but shall apply to any transit system(s) employees utilize to reach the workplace.**

The Parking **and Transportation Management** Program shall be implemented at all times consistent with the above-stated requirements and limitations. Any proposed change to the required Parking and Transportation Management 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. **Beach Impact Zone Parking.** The permittee is not permitted to pay into the Venice Coastal Parking Impact Trust Fund in lieu of providing any required BIZ parking space. All required parking shall be provided on the site consistent with Special Conditions One and Two of this permit.
4. **Protection of Marine Resources.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit plans, subject to the review and approval of the Executive Director, for the implementation of appropriate source control, treatment, and both structural and non-structural Best Management Practices (BMPs) to mitigate the pollutant load of stormwaters and nuisance flows from the development site. The BMPs shall include, but are not limited to the following:
  - A. The permittee shall, on a weekly basis, sweep the on-site parking surface and outdoor dining areas and other impervious surfaces to remove sediment, debris and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
  - B. The permittee shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease and other pollutants in runoff.
  - C. Wash down areas for restaurant equipment and accessories shall be identified and designed as follows: i) The area shall be self-contained, equipped with a grease trap or grease interceptor, or other BMP that prevents grease from reaching the sewer system, and properly connected to a sanitary sewer; ii) if the wash area is to be located outdoors, it shall be covered, paved, have primary containment, and be connected to the sanitary sewer; and, iii) the grease trap/interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

The permittee shall implement, maintain and carry out the plans for BMPs as approved by the Executive Director.

5. **Signs.** Rooftop signs and signs that exceed the height of the structure are prohibited. Freestanding signs are not permitted.
6. **Local Government Approval.** The proposed development is subject to the review and approval of the local government (City of Los Angeles). 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 Department of City Planning Case No. APCW-2009-1738 (Venice Specific Plan Project Permit & Zone Variances). In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A-5-VEN-10-138 shall prevail.

7. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the permittee 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.
8. **Deed Restriction. PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT A-5-VEN-10-138-A2, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the permittee has executed and recorded against the parcel governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, as amended, 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 amended, 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 amendment. 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, as amended, 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. This deed restriction shall supersede and replace the deed restriction(s) recorded pursuant to Special Condition 7 of Coastal Development Permit No. A-5-VEN-10-138, approved on October 13, 2010, which deed restriction is recorded as Instrument No. 2011-0302992 in the official records of Los Angeles County.**



# Vicinity Map: 1305 Abbot Kinney Boulevard, Venice, Los Angeles



Photo credit: Bing Maps

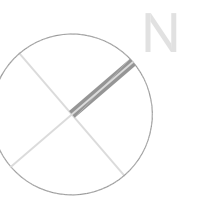
## Exhibit 1

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California Coastal  
Commission





## 1

<b>Exhibit 2</b>	
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	California Coastal Commission

**A-2-01**

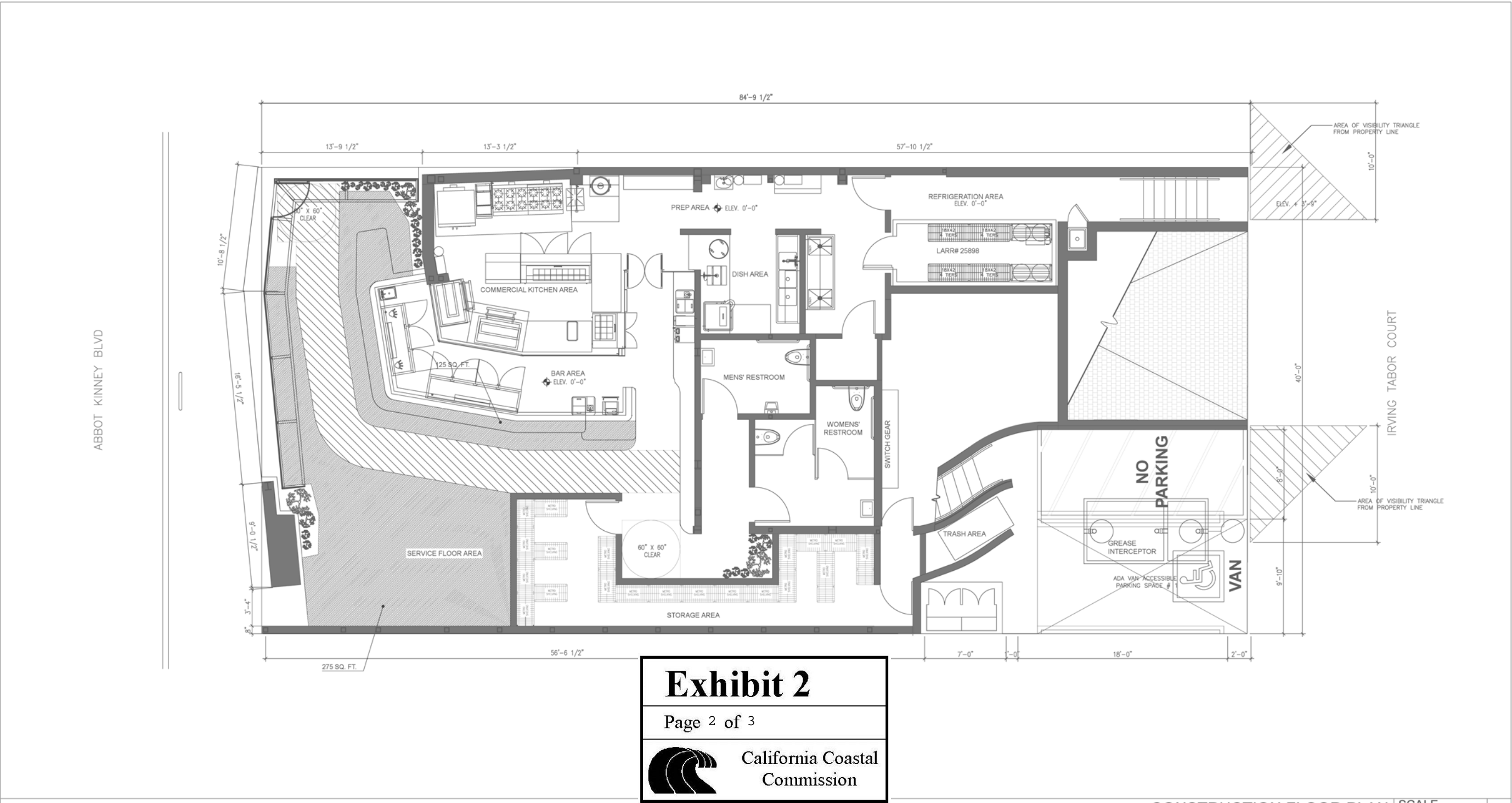
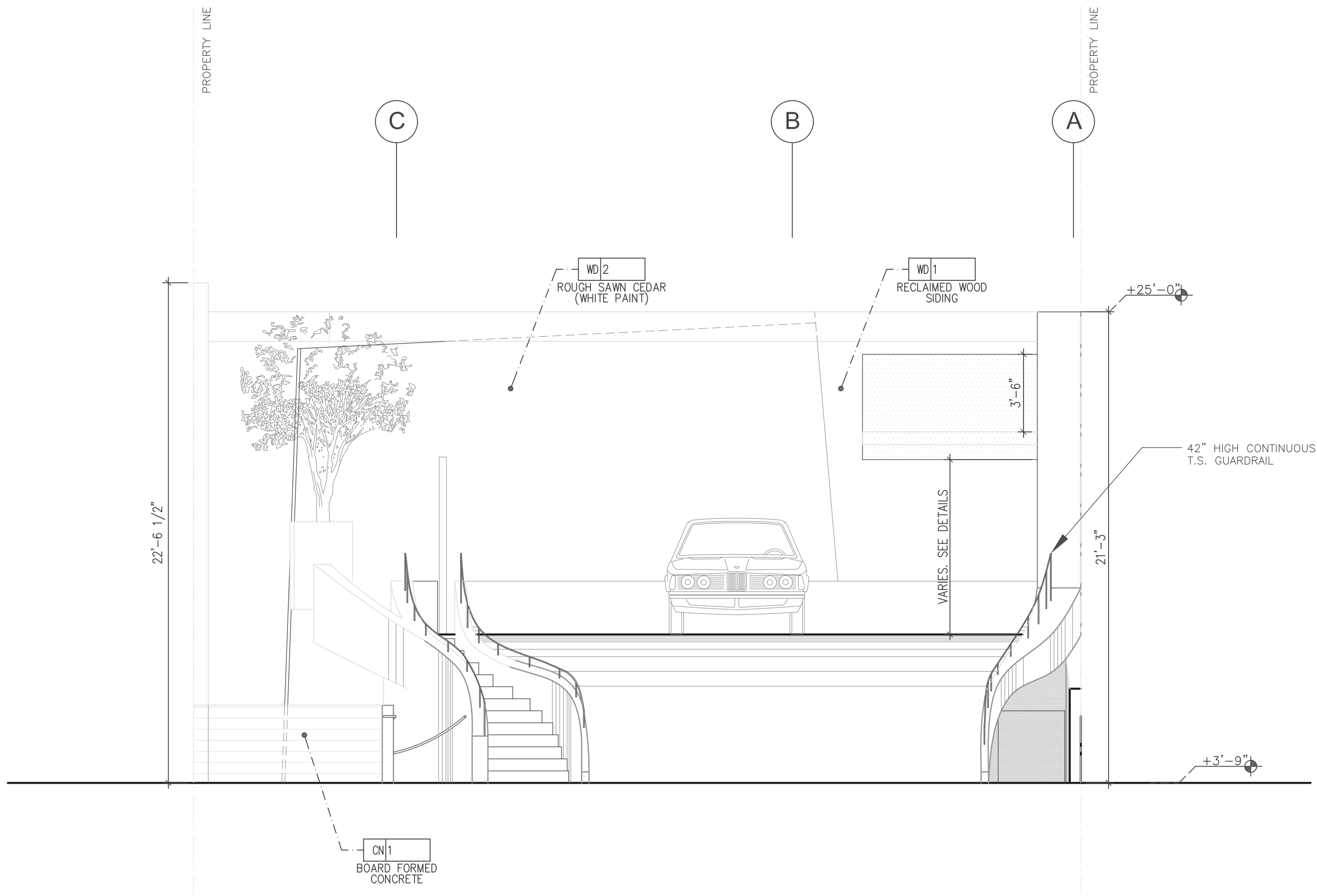


Exhibit 2

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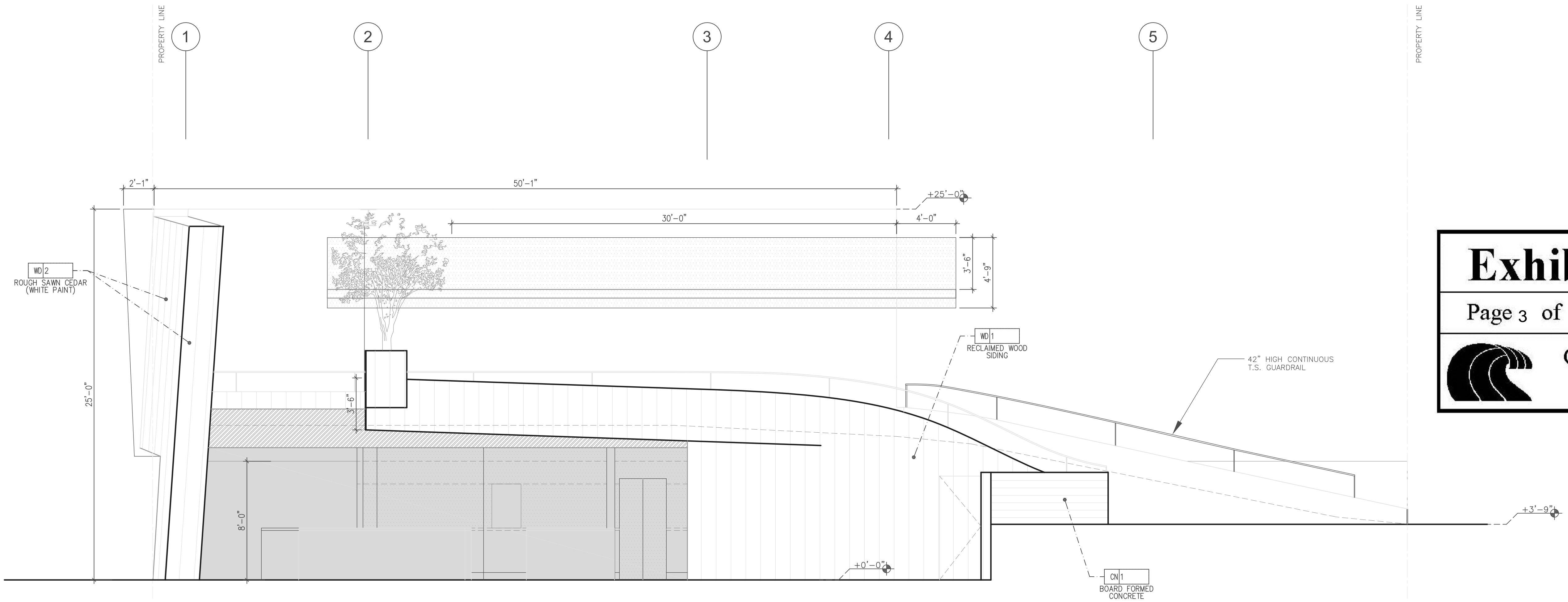
California Coastal Commission

CONSTRUCTION FLOOR PLAN			SCALE	1
1/4" = 1'-0"				
BUILDING DEPT. NOTES CONT.	LEGEND:	SYMBOLS:	CONSTRUCTION NOTES:	KEY NOTES:
<div>1. EXIT SIGNS SHALL BE INTERNALLY OR EXTERNALLY ILLUMINATED.</div> <div>2. EXIT SIGNS ILLUMINATED BY AN EXTERNAL SOURCE SHALL HAVE AN INTENSITY OF NOT LESS THAN 5 FOOT CANDLES (54 LUX)</div> <div>3. INTERNALLY ILLUMINATED SIGNS SHALL BE LISTED AND LABELED AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND SECTION 2702</div> <div>4. EXIT SIGNS SHALL BE ILLUMINATED AT ALL TIMES</div> <div>5. EXIT SIGNS SHALL BE CONNECTED TO AN EMERGENCY POWER SYSTEM THAT WILL PROVIDE AN ILLUMINATION OF NOT LESS THAN 90 MIN. IN CASE OF PRIMARY POWER LOSS.</div> <div>6. EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.</div> <div>7. DOOR HANDLES, LOCK AND OTHER OPERATING DEVICES SHALL BE INSTALLED AT A MIN. 34" AND A MAX. 48" ABOVE THE FINISHED FLOOR.</div> <div>8. THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED</div> <div>9. ALL EGRESS DOOR OPERATION SHALL ALSO COMPLY WITH SECTION 1008.1.A-1008.1.B.7</div> <div>10. THE MEANS OF EGRESS, INCLUDING EXIT DISCHARGE, SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING SPACE SERVED BY THE MEANS OF EGRESS IS OCCUPIED.</div> <div>11. THE MEANS OF EGRESS ILLUMINATION LEVEL SHALL NOT BE LESS THAN 1 FOOT-CANDLE AT THE WALKING SURFACE.</div> <div>12. THE POWER SUPPLY FOR MEANS OF EGRESS ILLUMINATION SHALL NORMALLY BE PROVIDED BY THE PREMISES' ELECTRICAL SUPPLY. IN THE EVENT OF POWER SUPPLY FAILURE, AN EMERGENCY ELECTRICAL SYSTEM SHALL AUTOMATICALLY ILLUMINATE THE FOLLOWING AREAS: A. AISLES AND UNENCLOSED EGRESS STAIRWAYS IN ROOMS AND SPACES THAT REQUIRE TWO OR MORE MEANS OF EGRESS. B. CORRIDORS, EXIT ENCLOSURES AND EXIT PASSAGEWAYS IN BUILDINGS REQUIRED TO HAVE TWO OR MORE EXITS. C. EXTERIOR EGRESS COMPONENTS AT OTHER THAN THE LEVEL OF EXIT DISCHARGE UNTIL EXIT DISCHARGE IS ACCOMPLISHED FOR BUILDINGS REQUIRED TO HAVE TWO OR MORE EXITS. D. INTERIOR EXIT DISCHARGE ELEMENTS, AS PERMITTED IN SECTION 1027.1, IN BUILDINGS REQUIRED TO HAVE TWO OR MORE EXITS. E. EXTERIOR LANDINGS, AS REQUIRED BY SECTION 1008.1.5, FOR EXIT DISCHARGE DOORWAYS IN BUILDINGS REQUIRED TO HAVE TWO OR MORE EXITS.</div> <div>13. THE EMERGENCY POWER SYSTEM SHALL PROVIDE POWER FOR A DURATION NOT LESS THAN 90 MINUTES AND SHALL CONSIST OF STORAGE BATTERIES, UNIT EQUIPMENT AND AN ON-SITE GENERATOR. THE INSTALLATION OF THE EMERGENCY POWER SYSTEM SHALL BE IN ACCORDANCE WITH SECTION 2702.</div> <div>14. EMERGENCY LIGHTING FACILITIES SHALL BE ARRANGED TO PROVIDE INITIAL ILLUMINATION THAT IS AT LEAST AN AVERAGE OF 1.1 FOOT-CANDLE (11 LUX) AND A MINIMUM AT ANY POINT OF 0.1 FOOT-CANDLE (1 LUX) MEASURED ALONG THE PATH OF EGRESS AT FLOOR LEVEL. ILLUMINATION LEVELS SHALL BE PERMITTED TO DECLINE TO 0.8 FOOT-CANDLE (8 LUX) AVERAGE AND A MINIMUM AT ANY POINT OF 0.06 FOOT-CANDLE (0.6 LUX) AT THE END OF THE EMERGENCY LIGHTING TIME-DURATION. A MAXIMUM-TO-MINIMUM ILLUMINATION UNIFORMITY RATIO OF 40 TO 1 SHALL NOT BE EXCEEDED.</div> <div>15. TOILET ROOM FLOORS SHALL HAVE SMOOTH, HARD NON-ABSORBENT SURFACE, SUCH AS PORTLAND CEMENT, CERAMIC TILE OR OTHER APPROVED MATERIAL THAT EXTENDS UPWARD ONTO THE WALLS AT LEAST 4".</div> <div>16. WALLS WITHIN 2 FEET (610 MM) OF THE FRONT AND SIDES OF URINALS AND WATER CLOSETS SHALL HAVE A SMOOTH, HARD, NON-ABSORBENT SURFACE OF PORTLAND CEMENT, CONCRETE, CERAMIC TILE OR OTHER SMOOTH, HARD, NON-ABSORBENT SURFACE TO A HEIGHT OF 4 FEET (1219 MM), AND EXCEPT FOR STRUCTURAL ELEMENTS, THE MATERIALS USED IN SUCH WALLS SHALL BE OF A TYPE THAT IS NOT ADVERSELY AFFECTED BY MOISTURE.</div> <div>17. PROVIDE ANTI-GRAFFITI FINISH AT THE FIRST 9 FEET, MEASURED FROM GRADE, AT EXTERIOR WALLS AND DOORS.</div> <div>18. MAX. 4 EMPLOYEES</div> <div>19. PROVIDE RAY PROTECTION PER 91.6302.7</div>	<div><div><div>SERVICE FLOOR AREA</div><div>PATH OF TRAVEL</div></div><div>AREA CALCULATIONS: 1. OVERALL RESTAURANT AREA = 805 SQ. FT. 2. SERVICE FLOOR AREA = 400 SQ. FT. 3. ADA PATH OF TRAVEL = 195 SQ. FT.</div></div>	<div><div>INTERIOR FURNISHING FURNISHING ITEM NUMBER</div><div>FIXTURE DESIGN ITEM NUMBER</div><div>SHEET NUMBER</div><div>CEILING HEIGHT SHEET NUMBER OR COLOR NUMBER</div><div>CEILING HEIGHT OR ELEVATION CHANGE</div><div>INTERIOR FLOOR FINISH OR MATERIAL ITEM NUMBER (FROM DECORATOR)</div><div>MATERIAL OR COLOR</div><div>WALL FINISH ITEM NUMBER</div><div>REFERENCE NUMBER ARCHITECTURAL DETAIL SHEET NUMBER</div><div>SPOT DETAIL</div><div>MATCH LINE</div><div>REFERENCE NUMBER</div><div>SHEET NUMBER ELEVATION REFERENCE</div><div>SHEET NUMBER</div></div>	<div>1. FIELD VERIFY ALL DIMENSIONS WITH EXISTING STRUCTURE</div> <div>2. ALL DIMENSIONS SHOWN ARE TO FINISH FACE UNLESS OTHERWISE NOTED</div> <div>3. REFER TO DRAWING A-601 FOR DETAILS OF PARTITION TYPES. -- ALL WALL TYPES TO BE "TYPE 1" UNLESS OTHERWISE NOTED. -- FOR ALL PARTITION TYPES, WHERE PARTITION IS PART OF A WASHROOM, PANTRY OR JANITOR ROOM WALL, THE ROOM SIDE TO RECEIVE ONE LAYER 5/8" MOISTURE RESISTANT GYPSUM BOARD, TYPICAL U.N.O.</div> <div>4. PROVIDE EXTRA STUDS AS REQUIRED TO MOUNT ELECTRICAL OR MECHANICAL CONTROLS. INSURE STUDS REMAIN PLUMB.</div> <div>5. PREPARE SLAB AS REQUIRED FOR SPECIFIED FINISH PER FINISH PLAN AND SCHEDULE.</div> <div>6. DOOR JAMB LOCATIONS SHALL BE TYPICAL 2" FROM ADJACENT WALL, U.N.O.</div> <div>7. PROVIDE SOUND INSULATION IN ALL INTERIOR WALLS INCLUDING BATHROOM WALLS AND CEILING OF DINING ROOM</div>	<div>ALLOWABLE: A-2 1 STORY / 6,000 SQ. FT. S-2 2 STORY / 13,500 SQ. FT.</div> <div>PROPOSED: A-2 1 STORY = 1,789 SQ. FT. TOTAL S-2 1 STORY = 1,188 SQ. FT. TOTAL</div> <div>SUM OF RATIO DOES NOT EXCEED 2 FOR MIXED USE OCCUPANCY PER SECTION 508.4</div> <div>ALLOWABLE BUILDING AREA PER STORY SEPARATION BETWEEN 2 OCCUPANCIES: 1 HR. BETWEEN A-2 &amp; S-2</div> <div>RATING IS OBTAINED BY CONCRETE ROOF DECK AND WATER CURTAIN ALONG PERIMETER OPENINGS.</div>



ELEVATION SCALE  
1/4" = 1'-0"

2



# Exhibit 2

Page 3 of 3



California Coastal  
Commission

EXTERIOR  
ELEVATIONS

ELEVATION SCALE  
1/4" = 1'-0"

1

A-4-01



# Rooftop Parking Deck and Ramp



Photo: Commission staff (4/25/15)

## Exhibit 3

Page 1 of 2



California Coastal  
Commission



# Abbot Kinney Boulevard Fronting Site



**Subject site**

## Exhibit 3

Page 2 of 2



California Coastal  
Commission

Photo: Commission staff (4/25/15)

**MJM****Consulting Structural Engineering, Inc.**

1623 S. Hayworth Avenue, Los Angeles, CA 90035

Tel: (323) 931-9471 Fax: (323) 931-7212 E-mail: [\*\*Projects@mjmeng.com\*\*](mailto:Projects@mjmeng.com)

July 28, 2015

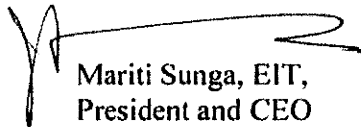
RE: 1305 Abbot Kinney Boulevard,  
Venice, CA

To whom it may concern,

The original design of the parking deck was for 12 cars. 3 on car lifts and 9 on the parking deck. Per the direction of Sam Marshall of Marshall Projects, the designer and our client, and based on the revised parking deck plan which was approved and was issued a supplemental permit by the City of Los Angeles allowing our client to reduce the number of parking spaces, the car lifts were removed. The building as it is built according to the supplemental permit issued sometime in February 2013 cannot support 12 cars and 3 lifts. The building as it has been constructed can support 9 cars on the deck.

Should you have any questions, please feel free to call.

Sincerely,

  
Mariti Sunga, EIT,  
President and CEOKamal Sadeghi, PE  
Officer and Consultant