

**CALIFORNIA COASTAL COMMISSION**

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



# Th17a & Th19a

Click here to go to  
original staff report

## ADDENDUM

DATE: March 6, 2017

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th17a and Th19a, A-5-VEN-14-0045 & 5-82-819-A2 (Venice Ale House) FOR THE COMMISSION MEETING OF Thursday, March 9, 2017.**

---

### A. CHANGES TO THE STAFF REPORT

Commission staff recommends modifications to the CONDITIONS of the staff report. Language to be deleted from the staff report is identified by ~~strike-out~~ and where language is to be added the font is **bold and underlined**.

Standard and Special Conditions of the past permits and amendments are replaced with the conditions in 5-82-819-A2, However the standard conditions were not included in the staff report. Therefore, the Standard Conditions below shall be inserted prior to the Special Conditions on Page 16.

Page 16:

### **VIII. SPECIAL AND STANDARD CONDITIONS**

**Conditions Imposed Under Original Permit and Previous Amendments.** All standard and special conditions imposed under Coastal Development Permit 5-82-819 and 5-82-819-A1, as previously amended, are herein replaced. Special Conditions 1 and 2 of the previously amended permit are shown strike-out. All new conditions are shown in underline.

#### **STANDARD CONDITIONS**

**This permit and amendment is granted subject to the following standard conditions:**

1. **Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.**

2. Expiration. If development has not commenced, the permit will expire two years from the date 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

#### SPECIAL CONDITIONS

**CALIFORNIA COASTAL COMMISSION**

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



# Th17a & Th19a

Filed: 8/25/14 & 10/25/16  
49<sup>th</sup> Day: waived  
180th Day: 04/23/2017  
Staff: A. Dobson-LB  
Staff Report: 2/23/2017  
Hearing Date: 3/9/2017

## **COMBINED STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE, DE NOVO & PERMIT AMENDMENT**

**Application Numbers:** A-5-VEN-14-0045 & 5-82-819-A2

**Applicant:** Venice Ale House

**Appellant:** Coastal Commission Executive Director

**Location:** 2 Rose Avenue, Venice, City of Los Angeles  
(APN 4286-030-006) - 301 Ocean Front Walk, Venice

**Project Description:** Appeal by the Coastal Commission Executive Director of City of Los Angeles Local Coastal Development Permit No. ZA 2011-2694 approved for the remodel of an existing restaurant with 450 square feet of interior service floor area, and the addition of a dining patio on Ocean Front Walk, resulting in a total of 660 square feet (217 interior and 443 exterior) of service floor area.

**Amendment Description:** Remodel of an existing take-out restaurant with 450 square feet of interior service floor area, conversion into a sit-down restaurant, and the addition of a dining patio on Ocean Front Walk, resulting in a restaurant with a total of 592 square feet (217 interior and 375 exterior) of service floor area.

**Original Project Description, Approved in March 1983:**

Interior remodel and change the use of a vacant retail building into a take-out food service.

**Description of Permit Amendment, Approved May 27, 1983:**

Change the use of a vacant 1,200 square foot retail building into a take-out restaurant with 450 square feet of customer service area and no onsite parking.

**Staff Recommendation:** Substantial Issue; Approval with Conditions

---

### IMPORTANT NOTE

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

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the City-approved development conflicts with the terms of Amended Coastal Development Permit (CDP) 5-82-819-A, which was issued by the Coastal Commission on May 27, 1983; the City-approved project does not include adequate conditions or findings to determine the project’s consistency with Coastal Act Section 30252 and as such, as approved by the City of Los Angeles, the Local Coastal Development Permit No. ZA 2011-2694 is not consistent with the Chapter 3 policies of the Coastal Act and the development will negatively impact coastal resources. The City-approved restaurant expansion is not consistent with Special Condition One of amended Coastal Commission Coastal Development Permit 5-82-819-A and related deed restriction which state that: “there shall be no exterior seating or encroachment on either Ocean Front Walk or on the sidewalk on Rose Avenue” (Special Condition One). The City-approved restaurant patio is on the Ocean Front Walk right-of-way. Additionally, the project, as approved by the City of Los Angeles, would prejudice the City’s ability to prepare a certified Local Coastal Program (LCP) because the project is not consistent with the parking requirements of the certified Land Use Plan (LUP) and, as such, it will adversely affect the public’s ability to access the coast because the additional parking demand generated by this project (and others) are not adequately mitigated, thereby resulting in increased competition for the limited supply of public parking. Approval of development that exacerbates the parking shortage in Venice and that will prejudice the City’s ability to prepare a certified LCP is not consistent with the Coastal Act.

Pursuant to Section 30625 of the Coastal Act, the grounds for appeal are limited to whether or not a substantial issue exists as to conformity with Chapter 3 of the Coastal Act when there is an appeal pursuant to 30602. If substantial issue is found, then Staff recommends that the Commission, after a public hearing, approve the De Novo permit and the Coastal Development Permit Amendment, with conditions. Staff recommends **approval**, with conditions. As conditioned to secure a lease for an additional two parking spaces to meet the increased demand, and provide TDM measures for employees and customers to reduce the overall parking demand, the after-the-fact conversion from take-out to sit-down and the increased customer service area parking demand will be mitigated. Also as conditioned, a new deed restriction will be recorded to replace the original deed restriction that restricted the use of the restaurant. The new conditions of this permit amendment and De Novo approval will address the inconsistency between the City’s local approval of the project and the required conditions of the original permit.

The applicant is requesting after-the-fact approval to convert a take-out restaurant to an eat-in restaurant and to expand the customer service area by adding patio seating on the Venice boardwalk (Ocean Front Walk) without providing additional parking, while the special conditions of a previous permit do not allow for the change in use/intensity of the site. The applicant proposes to maintain four (4) leased parking spaces, as required by Amended Coastal Development Permit (CDP) 5-82-

819-A, but has not proposed to provide additional parking to mitigate the impacts of the proposed restaurant expansion. The building has no on-site parking. Therefore, the only parking currently provided for the restaurant are the nearby four leased spaces.

The project site is an existing single-story, 1,296 square foot commercial building on the corner of Ocean Front Walk (Venice Boardwalk) and Rose Avenue in North Venice, Los Angeles. Directly across the boardwalk from the site is a 300 space county-operated public beach parking lot. The proposed patio dining area would extend ten feet onto the Venice Boardwalk, a 50-foot wide pedestrian walkway (City right-of-way). The restaurant already utilizes the dining patio space, and so the Commission must treat this permit amendment as an after-the-fact permit amendment.

The proposed patio seating, in combination with a reduction in interior customer service space, would increase the restaurant customer service area from 450 square feet to 592 square feet. There would be a total increase of 142 square feet of customer service area (service floor area), for which there is no proposed parking. The existing restaurant has 4 leased parking spaces nearby, consistent with the conditions of the underlying amended coastal development permit, CDP 5-82-819-A. The additional outdoor dining area provided on the patio increases the customer service area by 142 square feet, for which the parking demand (2 additional spaces) is not met.

The 142 square foot increase would increase the parking demand by 2.8 parking spaces, according to the parking standards for outdoor dining set forth in the certified Venice Land Use Plan (LUP). The required parking for indoor and outdoor customer service area is one parking space per fifty square feet. In an effort to meet the additional parking demand brought on by the proposed expansion, the applicant has proposed to meet the demand with 8 existing bicycle parking spaces near the restaurant and provide Transportation Demand Management measures for customers and employees in lieu of the required 2.8 parking spaces. The City of Los Angeles Local Coastal Development Permit required the applicant to conform to a Transportation Demand Management (TDM) Plan in lieu of providing the required parking.

However, because the development has a Coastal Development Permit on file, the conditions of the underlying permit, which included 2 special conditions: 1) Restrictions on Permitted Use and 2) Parking Program, must still apply to the development. As such, staff is recommending approval with new conditions that replace and update the conditions of the original permit; replace Special Conditions 1 and 2 (Restrictions on Permitted Use and Parking Program) to reflect the approval of the After-the-Fact dining patio and customer service area expansion, require the applicant to operate the existing 4 leased spaces as originally approved, and additional conditions to require the applicant secure a lease for 2 new parking spaces to accommodate the expanded service area, and conform to the TDM plan imposed by the City of Los Angeles approval, and to conform to the TDM measures and parking plan of this approval, and to maintain a minimum of 8 onsite bicycle parking spaces. Lastly, a new special condition requires the applicant to record a new deed restriction superseding and replacing the original deed restriction, ensuring that the off-site parking requirements are tied to the development and that all future owners or tenants are aware of the restrictions.

The Motion to find Substantial Issue is on Page 5. The motions to approve the de novo coastal development permit and the permit amendment are on Page 15.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE.....</b>	<b>5</b>
<b>II. APPELLANTS’ CONTENTIONS.....</b>	<b>5</b>
<b>III. LOCAL GOVERNMENT ACTIONS .....</b>	<b>6</b>
<b>IV. APPEAL PROCEDURES.....</b>	<b>6</b>
<b>V. DUAL PERMIT JURISDICTION.....</b>	<b>7</b>
<b>VI. FINDINGS AND DECLARATIONS.....</b>	<b>8</b>
A. PROJECT LOCATION AND DESCRIPTION .....	8
B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS .....	9
C. SUBSTANTIAL ISSUE ANALYSIS .....	10
<b>VII. MOTIONS AND RESOLUTIONS - DE NOVO AND AMENDMENT .....</b>	<b>15</b>
<b>VIII. SPECIAL CONDITIONS .....</b>	<b>16</b>
<b>IX. FINDINGS AND DECLARATIONS.....</b>	<b>20</b>
A. PROJECT LOCATION AND DESCRIPTION .....	20
B. DEVELOPMENT .....	21
C. PUBLIC ACCESS AND PARKING .....	22
D. PUBLIC ACCESS AND BOARDWALK .....	26
E. LOCAL COASTAL PROGRAM .....	26
F. UNPERMITTED DEVELOPMENT .....	26
G. CEQA .....	27

## APPENDICES

Appendix A – Substantive File Documents

## EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Project Plans

Exhibit 3 – Local Coastal Development Permit

Exhibit 4 - Appeal A-5-VEN-14-0045

Exhibit 5 –Parking Survey

## **I. MOTION AND RESOLUTION- SUBSTANTIAL ISSUE**

### **Motion I:**

*I move that the Commission determine that Appeal No. A-5-VEN-14-0045 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act.*

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

### **Resolution I:**

*The Commission hereby finds that Appeal No. A-5-VEN-14-0045 presents A **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

## **II. APPELLANTS' CONTENTIONS**

The appeal was filed by the Executive Director of the California Coastal Commission (**Exhibit 4**) because the City of Los Angeles Local Coastal Development Permit is inconsistent with the previous Commission approval, the original amended coastal development permit for the site issued by the Coastal Commission, CDP 5-82-819-A. Specifically:

- 1) The City-approved restaurant expansion approving 25 interior seats and 48 patio seats is not consistent with terms and conditions of existing Coastal Commission Coastal Development Permit 5-82-819-A and related deed restriction which state that: "there shall be no exterior seating or encroachment on either Ocean Front Walk or on the sidewalk on Rose Avenue" (Special Condition One). The City-approved restaurant patio is on the Ocean Front Walk right-of-way.
- 2) The City approval does not require the provision of any vehicular parking to meet the demands created by the restaurant expansion and does not recognize the underlying permit (Coastal Development Permit 5-82-819A) requirement to provide and maintain at least four parking spaces within six blocks of the project site (Special Condition Two).
- 3) The City-approved development may adversely affect public access and could prejudice the City's ability to prepare an Local Coastal Program (LCP).

Additionally, the City of Los Angeles local coastal development approval did not require any additional parking for the increase in customer service area, nor did it recognize the original permit's requirement in the second special condition to provide and maintain a minimum of four parking spaces within six blocks of the project site, both of which may adversely affect public access and could prejudice the City's ability to prepare an LCP. The local CDP authorizes an increase in intensity of land use (expansion of square footage and converting from take-out restaurant to sit-down restaurant) which will increase the demand for parking on the project site by

approximately two spaces more than currently provided for the development and the local CDP does not require adequate mitigation for the increased parking demand.

The City's approval of increased commercial intensity in the coastal zone without mitigating the parking demand (by providing more parking or other means to access the area) could result in cumulative adverse effects to public access by compounding the already limited parking supply and could prejudice the ability of the City to prepare an LCP.

### **III. LOCAL GOVERNMENT ACTION**

On January 24, 2013 the Zoning Administration held a public hearing for a Local CDP, No. ZA 2011-2694 (CDP)(CUP) (**Exhibit 3**). On July 7, 2014, the Zoning Administration issued its determination latter approving the coastal development permit to authorize the existing restaurant (with 450 square feet of interior floor area and a 240 square foot patio) to remodel and decrease the size of the interior floor area to 217 square feet and to increase the patio floor area to 443 square feet. At that same time, the Zoning Administration approved a condition use to allow the sale of alcoholic beverages and on-site consumption. The conditions of the permit stated that no more than 25 customer seats shall be located inside and no more than 48 seats shall be located on the patio.

The local appeal period expired July 22, 2014. No local appeals were received. The notice of final action was received in the Coastal Commission's Long Beach office on July 25, 2014 and the required 20 working-day appeal period was established. The local CDP was appealed by the Executive Director of the California Coastal Commission on August 22, 2014. No other appeals were received before the end of the appeal period on August 22, 2014.

### **IV. APPEAL PROCEDURES**

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

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



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

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

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

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

## **V. DUAL PERMIT JURISDICTION AREA**

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local CDP permit also obtain a second (or “dual”) CDP 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 CDP is the only CDP required.

The project site at Venice Beach is located within the *Dual Permit Jurisdiction Area*. The City approved the remodel and service area expansion pursuant to Local Coastal Development Permit No. ZA 2011-2694, which was appealed to the Commission (A-5-VEN-14-0045). This staff report is for the substantial issue hearing on the appeal, the *de novo* hearing on the appeal, and combined with the staff report for the amendment to the underlying dual coastal development permit (5-82-819-A).

## **VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE**

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

The project site is an existing single-story, 1,296 square foot commercial building on the corner of Ocean Front Walk (Venice Boardwalk) and Rose Avenue in Venice, Los Angeles (**Exhibit 1**). Directly across the boardwalk from the site is a 300 space county-operated public beach parking lot. The site is located between the sea and the first public road, within the North Venice community in the City's Dual Permit Jurisdiction. The Land Use Designation for the site, per the Venice certified LUP, is Community Commercial, which emphasizes retail and restaurants. The use is consistent with the land use designation.

The proposed outdoor dining patio would extend ten feet onto the Venice Boardwalk, a 50-foot wide pedestrian walkway, within the City of Los Angeles' Ocean Front Walk right-of-way. The restaurant already utilizes the patio space, and so the Commission must treat this permit amendment as an after-the-fact permit amendment. The patio was constructed in 2007, without the benefit of a coastal development permit, apparently at the same time the restaurant was converted from a take-out to a sit-down. The current owner purchased the property in 2011, with the unpermitted improvements already in place. The previous owner of the building obtained an encroachment permit for the outdoor dining patio from the City of Los Angeles Department of Recreation and Parks for 373 square feet of dining space, consistent with the plans on file with the local CDP.

The plans for the interior of the restaurant indicate that there is 217 square feet of customer service space, not including the path of travel for ADA access from the front door to the restrooms. The exterior patio plans indicate that there is 443 square feet of customer service space, however this space includes a patio planter. Upon staff's calculations, the actual customer service space on the patio is 375 square feet (**Exhibit 2**), which is consistent with the Department of Recreation and Parks approval of the maximum 372 square foot encroachment into the public right-of-way. There is a planter encroaching 2 feet onto the walkway between the building and the patio, which may have been included in the City's calculation of the patio space as 440 square feet. However, the maximum size encroachment allowed by the Department of Recreation and Parks approval is a 10 ft. x 37.5 ft. encroachment.

The City-approved restaurant expansion is not consistent with Special Condition One of amended Coastal Commission Coastal Development Permit 5-82-819-A and related deed restriction which state that: "there shall be no exterior seating or encroachment on either Ocean Front Walk or on the sidewalk on Rose Avenue" (Special Condition One). The City-approved restaurant patio is on the Ocean Front Walk right-of-way. The original staff report indicated that any encroachment onto Ocean Front Walk would result in a narrowing of the Boardwalk and could have impacts to public access and the additional seating area without the provision of additional parking would result in impacts to coastal access as well.

The original amended CDP for the restaurant indicated that there was 450 sq. ft. of interior customer service area, for which four designated leased parking spaces are required to be maintained within six blocks of the restaurant. The applicant states that the four required parking spaces are being maintained consistent with the permit conditions, leased from a private lot at 305-309 Ocean Front Walk in a parking lot next to the restaurant. The total proposed new square footage

of customer service area is 142 square feet. For this 142 additional square feet, there is no new parking proposed, nor was it required by the local CDP.

The local CDP did not require any parking for the proposed development and found that 13 spaces of “parking credit” was allowed pursuant to the LA City Municipal Code Section 12.23-B,8 which regulates existing non-conforming building uses. Because the structure was originally constructed without any parking, the code dictates that the currently available parking shall be considered the appropriate required parking for existing nonconforming uses if the number of parking spaces are less than the number required by current parking regulations (8a). However, the Commission in 1983 previously determined that the restaurant’s number of required parking spaces was reduced to four, instead of 12, because of pre-existing parking credits. In this case, the existing four leased spaces were previously required by the Commission in 1983 as sufficient to meet the existing 450 square feet of customer service area. However, the LUP requires that additions to nonconforming structures (e.g., restaurant expansions) must provide parking for the added customer floor area, but not for the original portions of the building. In this case, the City did not determine that the new patio space was an addition, for which additional parking is required. The Coastal Commission has not certified an LCP for the City of Los Angeles, Venice area, so the LA City Municipal Codes are not relevant to CDP findings. The certified Venice LUP may be used as guidance, however the project does not conform to the parking requirements of the LUP.

In lieu of requiring parking for the additional customer service area, the local CDP required the project to submit a Transportation Demand Management Plan to include: preferential hiring of employees that live within walking and biking distance, incentives to encourage employees to walk, bike, take public transit, or carpool to work, install bike racks for use by patrons and employees, and to ensure that employee training includes notification to not park on the streets.

The Venice LUP requires restaurants to have one parking space per 50 square feet of indoor and outdoor customer service area. If the development were proposed to be built new today (instead of a conversion) the project would be required to have 11 or 12 parking space for the total of 592 square feet of customer service area. However, because the existing restaurant onsite had Commission approval to obtain 4 leased parking spaces in order to accommodate the 450 square feet of customer service area, the existing 450 square feet of customer service area, in theory, already has a parking demand that is met.

The construction of the patio space and resulting 142 square foot increase in customer service area represents a parking demand that is not met, 2.8 spaces. The demand is not met through the City of Los Angeles local CDP and is not met by the proposal. In order to meet the demand for the increase in square footage, the applicant would need to provide a total of 6 parking spaces for the development (4 already leased spaces, plus 2.8 additional spaces).

## **B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal

raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

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

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

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

### **C. SUBSTANTIAL ISSUE ANALYSIS**

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

The grounds for this appeal relate to the proposed project’s adverse impact on public access to the coast due to the lack of parking provided in relation to the increase in parking demand that would result from the sit-down restaurant and patio space. Additionally, such an approval would prejudice the City’s ability to prepare an LCP because it is inconsistent with the certified LUP. While the Coastal Act is the standard of review for this project, the certified LUP may be used for guidance.

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

This appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code SS 30200-30265.5). The Notice of Decision for Local CDP No. ZA 2011-2694 and accompanying final Staff report issued by the City of Los Angeles state that the City applied the policies of Chapter 3 of the Coastal Act and concluded in part that the development as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone.

The Venice LUP is used as guidance. The relevant Coastal Act and Land Use Plan Policies are:

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

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

Section 30252 Maintenance and enhancement of public access

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

LUP Policy II.A.1 General

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

LUP Policy II.A.3. Parking Requirements

*The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy.*

***Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces** or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone. (Emphasis added).*

*Restaurant, Night Club, Bar and Similar establishments and for the sale or consumption of food and beverages on the premises: 1 space for each 50 square feet of service floor area (including outdoor service areas).*

*Drive-in and Window Service Restaurant providing Outdoor Eating Area or Walk-up or Drive-up Window Service: 1 space for each 50 square feet of floor area, but not fewer than 10 spaces. The above may be modified for walk-up facilities with no seating area and beachfront walk-up with seating depending on the particulars of the individual case*

LUP Policy II.A.9. Protection of Public Parking

*The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas: a. **Beach Parking Lots.** The beach parking lots located at Washington Boulevard, Venice Boulevard and **Rose Avenue** shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4. The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beach goers.*

A substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of the Local CDP, because the City-approved project does not include a plan that will mitigate the actual parking impacts of the development. The mitigation suggested in the City's staff report is based on uncertified policies of the LA City municipal code and is inconsistent with the parking requirement for restaurants set forth in the certified LUP. The City approval does not require the applicant to provide a single physical parking space.

The parking demand associated with the project, while it may seem insignificant because it is only 2.8 spaces, will aggravate an already strained parking supply, have a cumulative impact in combination with other similar parking-deficient projects, and given the project site's proximity to the beach, those parking impacts will adversely affect public access to the coast. This contention raises the coastal access issue of whether the parking demand of the proposed addition and change in use will adversely impact the public parking supply necessary to support access to Venice Beach.

Although the LUP does call for a Venice Coastal Parking Impact Trust Fund program into which in-lieu parking fees may be paid, the Commission has not reviewed or certified one. The City has not demonstrated that there are any plans to actually build more parking spaces with any fees collected. Therefore, in-lieu fee payments do not mitigate parking impacts in Venice, and the use of such fees in lieu of actual mitigation constitutes a substantial issue with the public access policies of the Coastal Act, and therefore is not an appropriate solution in this case.

The proposed project provides no on-site parking spaces for the proposed sit-down restaurant space. Using the parking standard for restaurants that is set forth in the certified Venice LUP (one parking space for each 50 square feet of service floor area, including outdoor service areas), the proposed restaurant would need to provide 2.8 parking spaces for the proposed addition of customer service area.

The lack of any physical parking supply and the ineffectual mitigation raises a substantial issue with regard to the public access policies of the Coastal Act because the applicant is proposing to significantly increase the intensity of use of the site in an area near the beach that is known to be strained for public parking. As such, proposed project would only increase the parking demand and intensify the competition for public parking in a coastal area that is already suffering from an insufficient parking supply. Additional parking is necessary to meet the increased parking demand

of the proposed development so that public parking supplies that support coastal access are not adversely affected by the parking demand of the approved development. The City-approved project does not include a plan that will mitigate the parking impacts of the development. Therefore, a substantial issue exists with respect to the grounds on which the appeals have been filed.

The issue of whether the proposed development can provide adequate parking for its patrons, for the life of the proposed use, without negatively impacting the public beach access parking supply, is an important and substantial issue. Section 30252 of the Coastal Act requires that new development provide adequate parking facilities to maintain and enhance public access to the coast. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities shall be protected.

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

Only with careful review of the proposed project can the Commission ensure that public access to the coast is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect the proposed project's conformance with Chapter 3 of the Coastal Act, and with the local approval of CDP No. ZA 2011-2694.

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

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. The City's CDP findings state: "the restaurant will have no adverse effects on public access, recreation, public views or the marine environment.... As conditioned the development will be in conformity with the Coastal Act" without discussing any potential impacts of insufficient parking on the public's ability to access the coast. Nor does the City's staff report attempt to reconcile the project with the parking requirements of the certified LUP. The findings do not provide any evidence that the project will not have an adverse impact on public access. As evidenced by recent Commission action on appeals with similar parking issues (5-VEN-15-0025, 15-0002, 15-0003, and 15-0038) where the Commission has found substantial issue.

The second factor is the extent and scope of the development as approved or denied by the local government. The current structure operates as a sit-down restaurant, with inadequate parking. No coastal development permit was ever obtained to change the use of the structure from the take-out restaurant use in 1983 to any other use (e.g., sit-down restaurant). In fact, the City's approval contradicts the terms and conditions of existing Coastal Commission amended Coastal

Development Permit 5-82-819-A and related deed restriction which state that: “there shall be no exterior seating or encroachment on either Ocean Front Walk or on the sidewalk on Rose Avenue” (Special Condition One). The applicant is proposing zero on-site and zero additional off-site parking spaces, despite the increased demand of a minimum of 2 more parking spaces. The applicant does not provide a parking plan, valet or otherwise, to supply any parking spaces or mitigation that is required for the proposed addition and change in use and fails to meet or adequately mitigate the parking requirement for the proposed project. Therefore, the scope of the development as approved by the City is not consistent with the public access policies of Chapter 3 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. Public parking is explicitly called out in Section 30212.5 of Chapter 3 of the Coastal Act and in the Shoreline Access section of the certified Venice LUP. The supply of public parking in Venice is an extremely valuable resource, and it is the policy of the City “to provide *increased parking opportunities* for both visitors and residents of Venice” (LUP Policy II.A.1). Many people who visit the coast, and especially Venice Beach, travel long distances and it is not practical for them to walk, ride bikes, or take public transit. It is because of this reason that protecting the public parking supply to the coast is of significant importance. The project is located on the Venice Boardwalk, adjacent to a public beach parking lot, and it is a highly visited area with a very limited parking supply. The proposed project, and others like it, has the potential to negatively and cumulatively impact the public beach parking supply by not provided the required parking for the proposed development. Therefore, the proposed development could significantly and adversely affect coastal resources.

The fourth factor is the precedential value of the local government’s decision for future interpretations of its LCP. The City does not currently have a certified LCP. The proposed development is not consistent with the parking requirements set forth in the certified LUP. The certified Venice LUP sets forth very specific parking requirements, yet the City’s staff report is silent on the matter. The proposed project is not providing any physical parking spaces, which contradicts the parking requirement for restaurants set forth in the certified LUP. This project, as proposed and conditioned by the City, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

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

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



## **VII. MOTIONS AND RESOLUTIONS- DE NOVO AND AMENDMENT**

### **Motion II:**

*I move that the Commission **approve** Coastal Development Permit A-5-VEN-14-0045 subject to the conditions set forth in the staff recommendation.*

### **Motion III:**

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 5-82-819-A2 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-14-0045) and permit amendment (5-82-819-A2) 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 II:**

*The Commission hereby approves Coastal Development Permit A-5-VEN-14-0045 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 III:**

*The Commission hereby approves an amendment to Coastal Development Permit Amendment 5-82-819-A2 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.*

## VIII. SPECIAL CONDITIONS

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

**Note: Conditions Imposed Under Original Permit and Previous Amendments.** All standard and special conditions imposed under Coastal Development Permit 5-82-819 and 5-82-819-A1, as previously amended, are herein replaced. Special Conditions 1 and 2 of the previously amended permit are shown ~~strike-out~~. All new conditions are shown in underline.

1. ~~**Restrictions in Permitted Use.** Prior to the transmittal of a permit, the applicant shall record, free of all prior liens and encumbrances except for tax liens, a deed restriction or other suitable legal document, the form and content of which shall be subject to the review and approval of the Executive Director of the Commission, binding the applicant, landowners, and successors in interest and assuring the following:~~
  - a. ~~The applicant shall agree that this coastal development is for a take-out food service operation, and that the approved development does not include interior seating.~~
  - b. ~~The applicant shall agree that there shall be no exterior seating or encroachment on either Ocean Front Walk or the sidewalk on Rose Avenue.~~

2. ~~**Parking Program.** Prior to transmittal of a permit, the applicant shall indicate to the Executive Director which method the applicant intends to employ to provide four parking spaces. After the Executive Director has reviewed and approved the chosen alternative, the applicant shall enter into a binding legal agreement, assuring continued compliance with this condition.~~

~~The applicant shall then record free of prior liens and encumbrances except for tax liens, a deed restriction or other suitable legal document, the form and content of which shall be subject to the review and approval of the Executive Director of the Commission, binding the applicant, landowners, and successors in interest and assuring the implementation of a parking plan which provides four support parking spaces for the intensification of use on the project site.~~

~~In this document, the applicant shall agree that retention of the take-out food service use in this establishment is dependent on the provisions of four parking spaces as indicated below, and shall agree to abate said use if such parking is no longer available. If the applicant chooses the leased parking option below, the applicant shall submit proof, acceptable to the District Director, of the continued provision of four off-site parking spaces in accordance with the conditions of approval of this permit applicant. Proof of continued compliance with these conditions shall be submitted annually, on March 1 of each year, following the issuance of Coastal Permit No. 8-82-819-A1.~~

~~The applicant may provide parking spaces by either of the following methods:~~

- a) ~~Direct Provision. Either by permanently acquiring 4 spaces, or by obtaining a lease agreement for use of 4 spaces. The spaces shall be located within walking distance, generally defined as six blocks. The applicant shall post and improve the spaces, and shall post the subject development with adequate signs advertising the existence of the off-site spaces. The spaces to be used cannot be spaces presently used for public parking~~

~~purposes, including private land now leased for parking to the public. If the applicant chooses to lease 4 spaces, applicant shall place in an escrow fund the equivalent of one year's fee for 2 spaces payable to the Coastal Conservancy, public agency or private association designated by the Executive Director for establishment of public parking. If, upon expiration of this permit no such program exists, the money shall be refunded to the applicant.~~

- b) ~~Formation of a Parking District. The applicant shall cause to be made a survey of monthly parking space rental rates in the North Venice subarea (see Exhibit 2 of staff report 5-82-819-A1). Said study shall be subject to the approval of the District Director. The average rate for monthly rental of a private parking space in the North Venice area shall be determined as a result of the study and shall be the basis for the following in-lieu fee program.~~

~~Commencing upon occupancy of the take-out establishment, the applicant shall deposit with the Coastal Conservancy, public agency or private association designated by the Executive Director or the Conservancy, the equivalent of 12 times the average monthly rental of a private parking space, as determined by the approved study per month, for each of the 4 spaces.~~

~~This in-lieu fee shall be regarded as providing parking for one year. Upon the anniversary of said payment, the applicant shall again either lease the four parking spaces or pay the equivalent of one year's rent of such spaces to the designated agency for parking. Upon renewal of such fee, the applicant shall present a receipt to the Executive Director to demonstrate continued participation in the program.~~

~~The aforementioned fund shall be established and managed to purchase and/or provide parking within the North Venice subarea. The California Coastal Conservancy, public agency or private association designated by the Executive Director, shall administer the in-lieu fee program pending certification of a Local Coastal Program containing a parking program for the North Venice segment.~~

~~Upon certification of the LCP, the applicant may request to the Executive Director to approve participation in an alternative in-lieu fund, such as may be certified in the LCP. At such time, this condition shall become void upon the assurance of continued participation in alternative program approved by the Executive Director. This in-lieu fee alternative shall be used only after the Executive Director's approval of a program to administer the in-lieu fee such that actual parking spaces are provided in the North Venice community (see Exhibit 3 of staff report 5-82-819-A1).~~

- 1. Permitted Use.** By acceptance of this permit the applicant agrees that: Coastal Development Permit A-5-VEN-14-0045 and Coastal Development Permit Amendment 5-82-819-A2 authorize the establishment and operation of a sit-down restaurant in the 1,296 square foot structure located at 2 Rose Ave., and the construction of a 10 ft. x 37.5 ft. exterior patio on Ocean Front Walk, and the interior remodel of the restaurant wherein the interior floor service area shall not exceed 217 square feet with one Americans with Disabilities Act (ADA) compliant main path of travel (36" wide) that leads directly from the entrance of the restaurant to the restrooms and does not deviate from the main path around tables or chairs, which may be excluded from the service floor area calculation, as shown on **Exhibit 2** of the this staff report. The permittee shall maintain a

minimum of 6 leased parking spaces, located in a private parking lot within 6 blocks of the development, and a minimum of 8 bicycle parking spaces for the life of the approved development. The applicant shall agree that the use in this establishment is dependent on the provisions of six parking spaces as indicated above, and the applicant shall abate said use if such parking is no longer available.

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by 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.

**2. Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AND PERMIT AMENDMENT, the applicant shall submit, for the review and approval of the Executive Director, final revised project plans to reflect the following:

- A. Interior service floor area not to exceed 217 square feet excluding ADA path of travel;
- B. The encroachment onto the fronting right-of-way Ocean Front Walk shall not exceed 10 ft. x 37.5 ft. equal to 375 square feet of service floor area;
- C. The location of the proposed bicycle parking (minimum of 8 stalls);
- D. The plans shall include all property lines.

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this Coastal Development Permit A-5-VEN-14-0045 and Coastal Development Permit Amendment 5-82-819-A2 is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

**3. Parking Plan and Transportation Demand Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AND PERMIT AMENDMENT, the applicant shall submit, for the review and approval of the Executive Director, a Parking Plan and a Transportation Demand Management (TDM) plan which shall, for the life of the approved development, carry-out the following:

- a) Provide at all times a minimum of 6 off-site vehicle parking spaces available at no cost to the customers and employees of the approved development through a lease agreement in a privately owned parking lot within 6 blocks of the approved development. The lease agreement shall be submitted annually to the Executive Director of the Coastal Commission as continued condition compliance;
- b) The 6 leased parking spaces shall have signs that indicate the spaces are available for Venice Ale House employees and customers and the location of the parking spaces shall be displayed to the public both in the restaurant and on the restaurant's website;
- c) Provide a minimum of 8 bicycle parking spaces available to customers and employees of the approved development;

d) Assist visitors to utilize local alternative transportation, including the Venice Free Shuttle, Breeze Bike Share station, nearby bike rentals, and public bus service whenever possible;

e) Provide free, secure bicycle storage for customers and employees who bring their own bicycles to the approved development;

f) Provide mandatory annual educational employees orientations and provide pamphlets to all employees about alternative modes of transportation and the incentive program;

g) Implement an incentive program that include, at a minimum, facilitation of employee carpooling to work, provide a “guaranteed ride home” program for employees in case of emergencies for those who carpool or use public transportation to ride to work, and provide free public transportation passes to all employees and/or reimbursements for public transportation fees for transportation to and from work. The free transportation passes shall be offered to each employee once upon initial hiring, and again annually through the annual orientations.

The approved plans shall be implemented at all times consistent with the above-stated requirements and limitations. Any proposed change to the plans 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.

**4. 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. ZA 2011-2694 (conditional use permit) nor on the conditions of Case No. DIR 2012-0543-SPP (specific plan approval) and/or subsequent amendments. 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 A-5-VEN-14-0045 and Coastal Development Permit Amendment 5-82-819-A2 shall prevail.

**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, that replaces and supersedes the deed restriction previously recorded pursuant to coastal development permit 5-82-819-A: (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.

## **IX. FINDINGS AND DECLARATIONS- DE NOVO AND AMENDMENT**

### **A. PROJECT DESCRIPTION & LOCATION**

The applicant is requesting after-the-fact approval to convert a take-out restaurant to an eat-in restaurant and to expand the customer service area by adding patio seating on the Venice boardwalk without providing additional parking. The project site is an existing single-story, 1,296 square foot commercial building on the corner of Ocean Front Walk (Venice Boardwalk) and Rose Avenue in Venice, Los Angeles. Directly across from the site is a 300 space county-operated public beach parking lot. The proposed patio would extend 10-feet onto the Venice Boardwalk, a 50-foot wide pedestrian walkway. The building already includes the patio space, and so the Commission must treat this permit amendment as an after-the-fact permit amendment.

The proposed patio seating would have a 10' x 37' service floor area, in combination with a reduction in interior customer service space, would increase the restaurant customer service area from 450 square feet to 592 square feet. There would be a total increase of 142 square feet of new customer service area, for which there is no proposed parking. The existing restaurant has four leased parking spaces nearby, consistent with the conditions of the underlying coastal development permit, and the new expanded space would increase the parking demand by 2.8 parking spaces, according to the parking standards for patio dining set forth in the certified Venice Land Use Plan (LUP).

#### *Project History*

The building was constructed in 1948 with no parking and was historically used for retail. In March 1983, the Coastal Commission approved CDP 5-82-819 for the conversion of the structure from a retail space into a take-out restaurant. Less than a year later, on May 27, 1983, the applicant obtained a permit amendment to have 450 square feet of customer service area within the 1,200 square foot structure for take-out service only and the Commission conditioned the approval to provide 4 parking spaces for the use (5-82-819-A1). Special conditions associated with that approval included: restriction on the use of the site as a take-out food service only, and a parking program to either secure four spaces or submit a fee to a City run in-lieu parking program. A deed restriction was required to ensure that future owners were aware of the restrictions, which stated: "there shall be no exterior seating or encroachment on either Ocean Front Walk or on the sidewalk on Rose Avenue" (Special Condition One). These conditions replaced more stringent parking requirements of the first Commission approval that the applicant was unable to satisfy.

In 2007, the restaurant was converted from a take-out to a sit-down restaurant and the structure underwent a remodel whereby the interior customer service area was reduced to 217 square feet and an exterior patio was constructed on the Venice Boardwalk. This was done without the benefit of a Coastal Development Permit. The property was then sold to the current owner in 2011.

On July 7, 2014, the City of Los Angeles approved Local Coastal Development Permit No. ZA 2011-2694 to authorize the existing restaurant (with 450 square feet of interior floor area and a 240

square foot patio) to remodel and decrease the size of the interior floor area to 217 square feet and to increase the patio floor area to 443 square feet.

The applicant originally applied for a local Coastal Development Permit to remodel the restaurant and to increase the size of the existing 240 square foot patio to 818 square feet, which would have extended the patio on Venice Boardwalk past the adjacent property line, and occupying space in front of the neighboring retail space. The Zoning Administration was unwilling to approve the larger patio space, occupying space in front of the neighboring retail space. On April 16, 2013, the applicant submitted revised plans decreasing the proposed patio space, keeping within the adjacent property lines.

The City permitted the patio space of 440 square feet of outdoor dining area, and permitted the interior remodel of the structure, which included the 217 square feet of interior customer service area. The City did not consider the change from take-out to sit-down a change in use. In 2011, the Los Angeles Department of Recreation and Parks permitted a revocable permit for the patio encroachment onto the Venice Boardwalk, not to exceed 373 square feet and extending no more than 10 feet onto the public right-of-way. This revocable permit was contingent upon the applicant securing a coastal development permit.

At the time of the local Coastal Development Permit approval, the City also grandfathered the parking arrangement as existing non-conforming, because the structure was originally built in 1948 without parking. The City gave “credits” for 13 parking spaces according to the LA City Municipal Code and allowed the owner to provide 8 bicycle parking spaces onsite and adhered to a TDM Plan and incentives for employees and customers to walk, bike, take public transit, or carpool to the restaurant in-lieu of providing the required parking for the increased intensity of the site. The Coastal Commission Executive Director appealed the local approval because it was inconsistent with the terms and conditions of an existing permit (De Novo findings are now required on the appeal). Lastly, because the site is in the City of Los Angeles Dual Permit Jurisdiction, the owner then applied to the California Coastal Commission for a CDP permit amendment (findings for the permit amendment are also required).

The Venice Neighborhood Council submitted a letter of support on behalf of the project in 2012 that suggested that the parking demand could be met by the existing grandfathered parking rights because of the sites proximity to the existing County owned public parking lot, or by parking acquired by a lease agreement.

## **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 customer service area on the patio would result in a net gain of seats available to the public for food and drink service on the Venice Boardwalk, a popular visitor destination, 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 maintaining the 8 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.*

*Restaurant, Night Club, Bar and Similar establishments and for the sale or consumption of food and beverages on the premises: 1 space for each 50 square feet of service floor area (including outdoor service areas).*

*Drive-in and Window Service Restaurant providing Outdoor Eating Area or Walk-up or Drive-up Window Service: 1 space for each 50 square feet of floor area, but not fewer than*

*10 spaces. The above may be modified for walk-up facilities with no seating area and beachfront walk-up with seating depending on the particulars of the individual case*

LUP Policy II.A.9. Protection of Public Parking

*The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas: a. **Beach Parking Lots.** The beach parking lots located at Washington Boulevard, Venice Boulevard and **Rose Avenue** shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4. The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beach goers.*

Pursuant to the parking table in the certified Venice LUP, the proposed 142 square foot increase in customer service area would require an additional 2.8 vehicle parking spaces. Vehicle parking options on the site are not possible, but nearby private spaces can be leased. Special conditions of the underlying permit and permit amendment 5-82-819-A required the restaurant to provide four off-site leased parking spaces for use by customs and employees. Additionally, the applicant proposed to maintain eight onsite newly constructed bicycle parking spaces for use by customers and employees. As conditioned to secure a lease for an additional two parking spaces to meet the increased demand, and provide TDM measures for employees and customers to reduce the overall parking demand, the after-the-fact conversion from take-out to sit-down and the increased customer service area parking demand will be mitigated. While the additional 2.8 parking spaces needed could be round up to 3 full parking spaces, the 8 required bicycle spaces and conformance to the conditioned TDM measures for employees and customers are sufficient to mitigate for the 0.8 additional parking demand, without providing a third physical parking space.

The applicant submitted an informal parking study conducted in October 2012 and January 2015 that concluded that most customers do not arrive to the restaurant by car (**Exhibit 5**). Of more than 500 customers, 85% did not arrive at the Ale House as a primary visit, rather the chose to dine at the Ale House while they were already present in the North Venice beach area in between other attractions and/or shops along the boardwalk. Less than 25% of the Ale House customers drove and parked in Venice. The report further summarizes that 90% of employees either take public transit or walk to work, while the remaining 10% carpool. The applicants have argued that most customers do not come to the area specifically to eat or drink at the Venice Ale House, but instead come to the Venice Boardwalk, which is a popular visitor destination, and while they are there stop by the restaurant, so the restaurant is incidental to the main use of the area which is the Boardwalk and therefore, the limited public parking in the area is shared among several uses, including recreation and visitor destinations, such as restaurants and retail. Most customers of the restaurant came by bike or on foot and made multiple stops around the Venice beach area. These visitors walked or biked between their stops around the Venice beach area. The applicant has made the argument that acquiring additional leased spaces in private lots in Venice may be difficult, or even impossible, due to the already impacted parking in Venice.

Parking in general is a compounding problem in Venice, especially near the boardwalk. The applicant seeks to amend special condition one of its previous permit, which restricts the use of the development to take-out only. Typically the Executive Director would have rejected such an amendment, as it lessens or avoids the intended effect of the permit condition, removing the restrictions on use (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 has not been supportive of amendments that weaken conditions that were required as part of an underlying permit.

The findings of the original permit explain that the restrictions on use as a take-out only and the restrictions on no patio seating on Ocean Front Walk were not permitted because the any encroachment onto Ocean Front Walk would result in a narrowing of the Boardwalk and could have impacts to public access and the additional seating area without the provision of additional parking would result in impacts to coastal access as well. Although the amendment proposal attempts to lessen the intent of the original permit conditions, in this case the amendment was accepted because patio encroachments onto Ocean Front Walk has been permitted by the Commission in the past (5-93-389-A1) in this area and have been found not to have public access impacts when the encroachment onto the right-of-way is limited to 10 feet or less. Therefore, approval of this patio encroachment will not set a precedent. Additionally, the increased intensity of use on the site necessitates additional parking, which as conditioned here for 2 additional leased parking spaces, addresses the original permit finding's concern of inadequate parking for increase service floor area. As conditioned to limit the encroachment onto the right-of-way and to provide additional parking, the amendment will not lessen the intent of the original conditions, but will address the public access impacts through new conditions.

The applicant is requesting to keep the parking allotment as conditioned by Special Condition Two of the underlying permit, which requires them to secure a lease for four off-site nearby parking spaces. However, in 1983 the Commission found that the four leased spaces, in addition to grandfathered parking credits, would meet the demand of only 450 square feet of customer service area, and the take-out service included customer service area without customer seating. Due to the conversion of the restaurant from take-out to sit-down, the 450 square feet of customer service area now includes customer seating, where previously there was not seating. The four required parking spaces for the 450 square feet of customer service area still meets the demand for that area along with TDM measures for customers and employees and the added 8 onsite bicycle parking spaces, however the additional seating provided on the patio increases the customer service area by 142 square feet, for which the parking demand (2.8 additional spaces) is not met. As such, Special Condition Two of the underlying permit has been deleted and replaced with a new Parking Plan and TDM condition to ensure that the applicant secures a lease for a total of 6 spaces to meet the increased parking demand of the additional space, plus TDM measures and bicycle parking for customers and employees.

The terms of Special Condition 3 of this amendment require the applicant to comply with a strict parking management plan to ensure that the six leased spaces are annually available for customers and employees, and that TDM measures of the parking program are effective and implemented. Therefore, staff recommends that the parking program imposed by Special Condition Two of the

underlying coastal development permit be replaced with the above described new condition, including, but not limited to, the provision and maintenance of 8 bicycle parking stalls. Only as conditioned, is the project amendment consistent with Chapter 3 of the Coastal Act.

#### **D. PUBLIC ACCESS/BOARDWALK**

In 2011, the Los Angeles Department of Recreation and Parks permitted a revocable permit for the patio encroachment onto the Venice Boardwalk, not to exceed 373 square feet and extending no more than 10 feet onto the public right-of-way. This revocable permit was contingent upon the applicant securing a coastal development permit. Therefore, the proposed plans showing 440 square feet of outdoor dining area need to be revised to reflect the 373 square feet of approved patio space prior to issuance of the permit amendment.

There are a few developments along the Venice Boardwalk that have exterior patio spaces that have been permitted by the Commission. These patio spaces do not encroach more than 10 feet into the public right-of-way and therefore, do not impact public access along the Boardwalk. The patios are generally consistent with the above public access Coastal Act policies. The permitted patio structures are consistent with the LUP policy:

***Policy I. C. 9. Public Rights-of-Way.** Public Rights-of-Way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit.*

The policy states that uses which do not interfere with coastal access or transportation may be permitted. As long as the patio encroachment is limited to 10 feet into the right-of-way and the development has no impact on existing coastal access (such as parking impacts) than the patio can be permitted as consistent with the LUP. As conditioned to limit the encroachment of the patio onto the right-of-way to 10 feet, per Special Conditions 1 and 2 of this amendment, the project is consistent with the public access policies of Chapter 3 of the Coastal Act, and is consistent with the LUP.

#### **E. 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.

#### **F. UNPERMITTED DEVELOPMENT**

Development has occurred on the subject site without the benefit of the required coastal

development permit, including but not necessarily limited to a remodel of the restaurant, a change in use and increase in intensity of use on the site, and construction of a patio encroachment onto a public right-of-way. A coastal development permit has not been obtained which authorizes the restaurant use as a sit-down or added dining areas. Any 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. The applicant is requesting after-the-fact authorization of the improvements and change in use noted above. Issuance of the permit and amendment compliance with all of the terms and conditions of this permit amendment will result in resolution of the violation of the Coastal Act.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implication of implied statement of the Commission's position regarding the legality of any development undertaken on the site without a coastal development permit, or that all aspects of the violation have been fully resolved. In fact, approval of this permit is possible only because of the conditions included herein, and failure to comply with these conditions would also constitute a violation of this permit and of the Coastal Act upon issuance. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.

### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

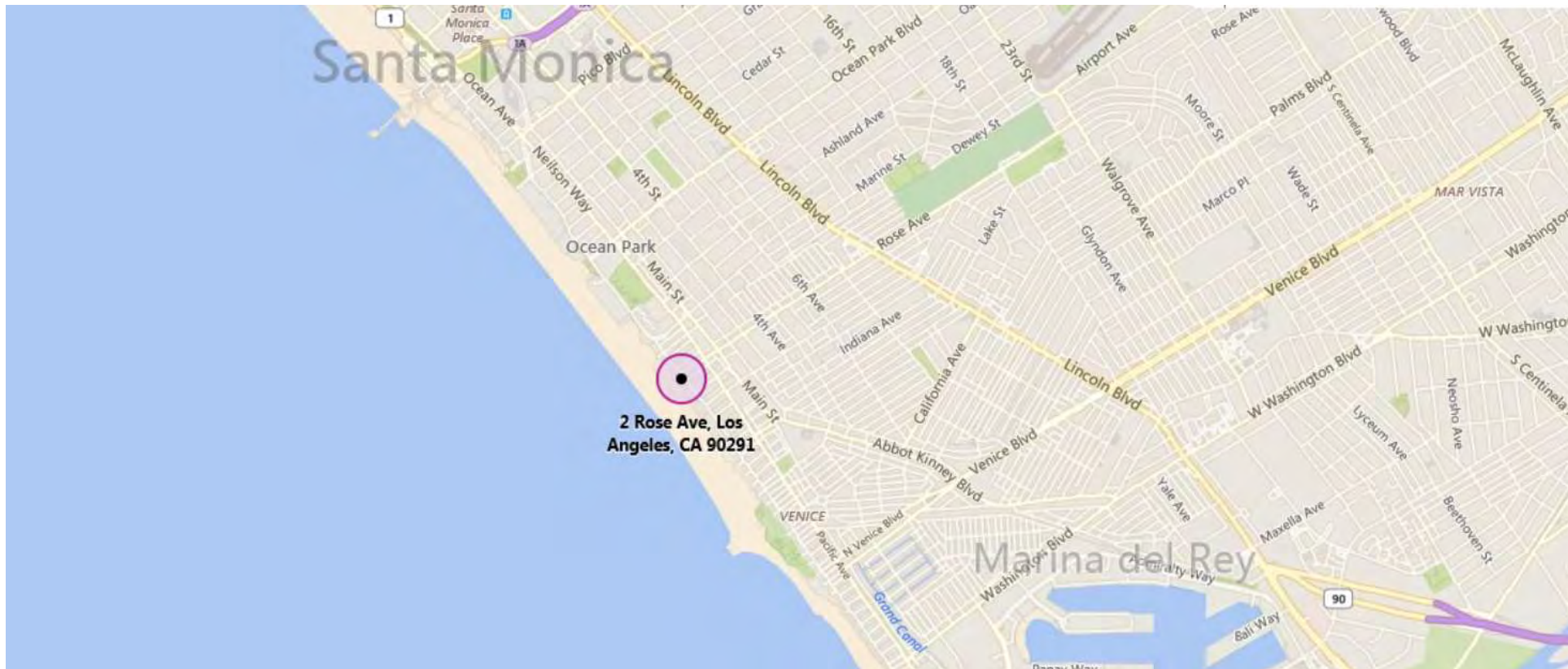
Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing that application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 April 4, 2014, the West Los Angeles Area Planning Commission issued a CEQA Categorical Exemption for the project (ENV 2012-0081-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 impact to public access to the beach caused by lack of project-related parking,. However, as conditioned, these impacts to public access will be mitigated. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified parking impacts, does not have significant environmental effects, 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. City of Los Angeles Local CDP No. ZA 2011-2694 (CDP)(CUB)
2. City of Los Angeles Case No. DIR 2012-0543-SPP and ENV 2012-0081-CE
3. Coastal Development Permit 5-82-819
4. Amended Coastal Development Permit 5-82-819-A
5. Coastal Development Permit 5-93-389-A1



## Project Location

Exhibit 1

Patio seating- 375 SF

Indoor seating- 217

142 total new square footage

592 total customer service area

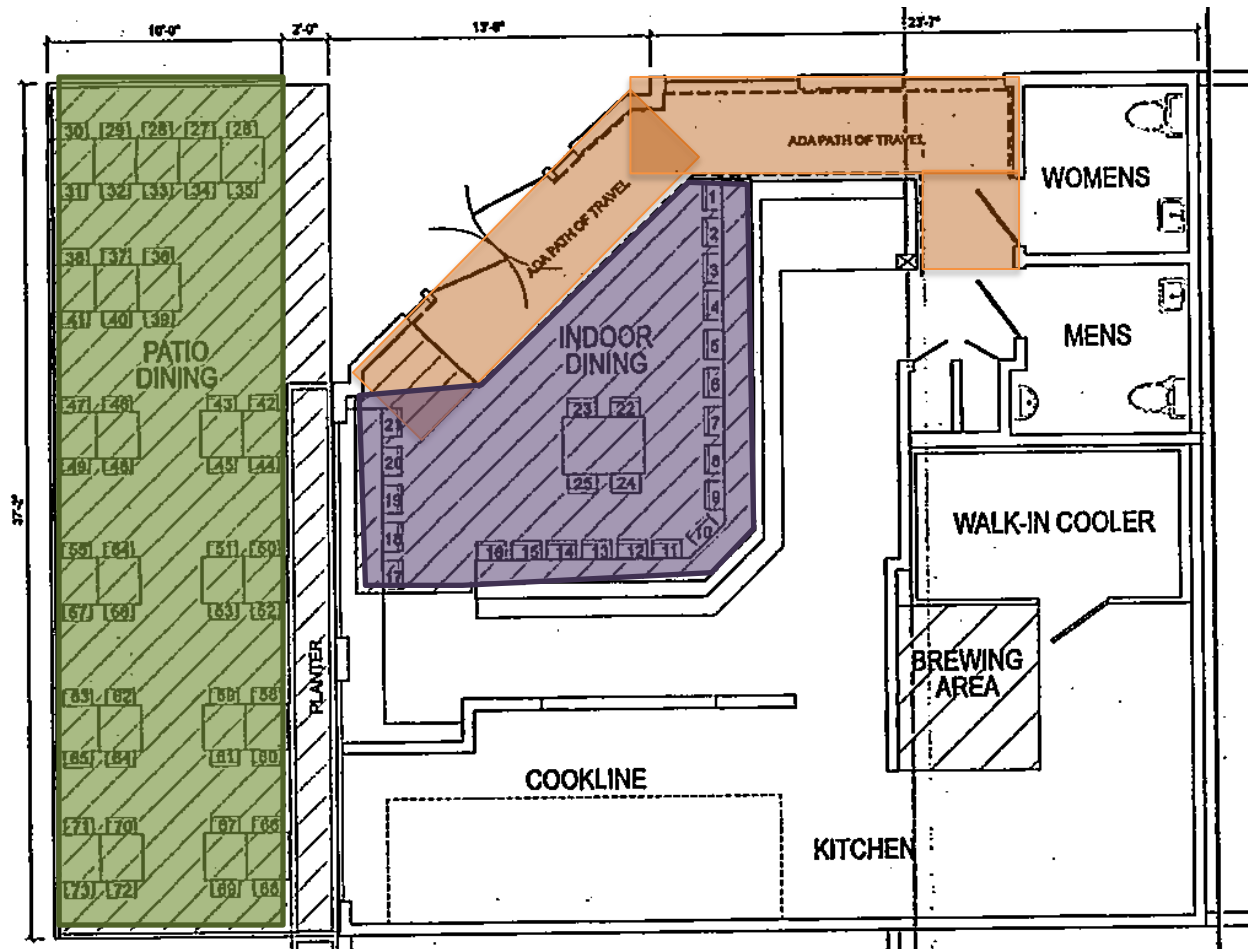
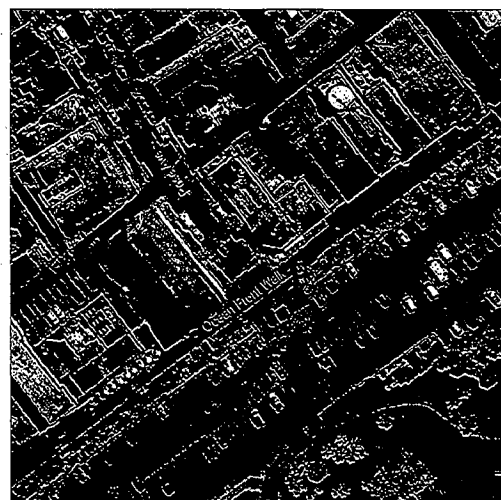


Exhibit 2

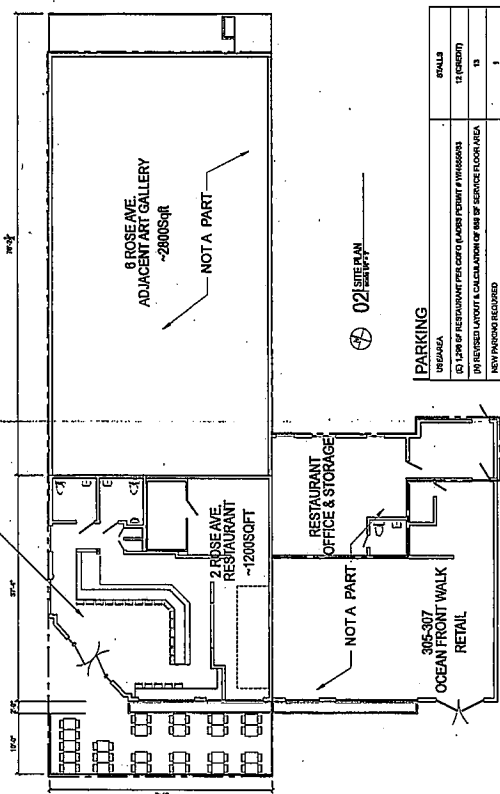




**RECEIVED**  
 South Coast Region  
 MAY 06 2015

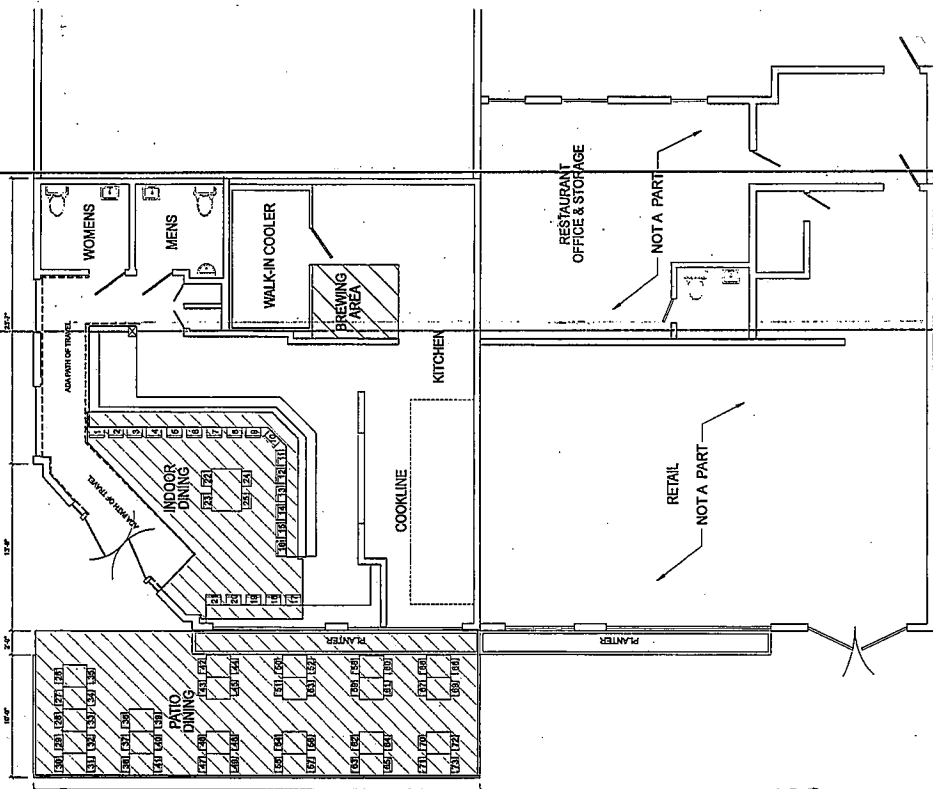
CALIFORNIA  
 COASTAL COMMISSION

2. VENICE ALE HOUSE PROPERTY  
 FOCUS (3) THE RECONFIGURATION  
 & EXPANSION OF THE SERVING &  
 BAR AREA. THE VENICE ALE HOUSE IS  
 APPROXIMATELY 1200 SQFT.



03 AREA PLAN

TOTAL RESTAURANT SERVICE AREA SQFT  
 PATIO SERVICE AREA - 443 SQFT  
 INDOOR SERVICE AREA - 217 SQFT  
 TOTAL RESTAURANT SEATING  
 BAR AREA - 25 SEATS  
 PATIO AREA - 48 SEATS  
 TOTAL SEATING - 73 SEATS



01 FLOOR & PATIO PLAN

EXHIBIT 'A'  
 Venice Ale House &  
 Adjacent Property

1.0

VENICE ALE  
 HOUSE &  
 ADJACENT  
 PROPERTY



Venice Ale House  
 2 ROSE AVE  
 VENICE, CA 90291

Project	
Site No.	
Date	1/14
Scale	1/4" = 1'-0"





1. Subject property.





S. Ven. 14-1021

2

CITY OF LOS ANGELES  
CALIFORNIA



RECEIVED  
South Coast Region

JUL 25 2014

ERIC GARCETTI  
MAYOR CALIFORNIA  
COASTAL COMMISSION

DEPARTMENT OF  
CITY PLANNING

MICHAEL J. LOGRANDE  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION  
200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012  
(213) 978-1318  
FAX: (213) 978-1334  
www.planning.lacity.org

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
CHARLES J. RAUSCH, JR.  
JIM TOKUNAGA  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

July 7, 2014

Thomas Elliott (A)  
Venice Ale House  
2 Rose Avenue  
Venice, CA 90291

Antoinette E. Bill (O)  
545 Via De La Paz  
Pacific Palisades, CA 90272

Adrienne O'Donnell (O)  
21 Lighthouse Street  
Marina Del Rey, CA 90292

Jonathan Lonner (R)  
Burns & Bouchard, Inc.  
11990 San Vicente Boulevard, Suite 200  
Los Angeles, CA 90049

CASE NO. ZA 2011-2694(CDP)(CUB)  
COASTAL DEVELOPMENT PERMIT/  
CONDITIONAL USE  
2 Rose Avenue  
Venice Planning Area  
Zone : C1-1  
D. M. : 109.5A141  
C. D. : 11  
CEQA : ENV 2011-2695-MND  
Legal Description: Lot 215, Golden  
Bay Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby DISMISS:

a conditional use permit to allow the catering of a full line of alcoholic beverages in an adjacent tenant space, inasmuch as the request was withdrawn by the applicant.

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a coastal development permit to authorize an existing restaurant with 450 square feet of interior service floor area ("SFA") and a 240 square-foot patio, to remodel and decrease in the interior SFA to 217 square feet and to increase the patio SFA to 443 square feet, located within the dual permit jurisdiction area,

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a restaurant which currently sells beer and wine in the C1-1 Zone,

upon the following additional terms and conditions:



LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
CHARLES J. RAUSCH, JR.  
JIM TOKUNAGA  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCEA  
MAYOR

RECEIVED  
South Coast Region

JUL 25 2014

California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302

CALIFORNIA  
COASTAL COMMISSION

DEPARTMENT OF  
CITY PLANNING

MICHAEL J. LOGRANDE  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318  
FAX: (213) 978-1334

[www.planning.lacity.org](http://www.planning.lacity.org)

NOTICE OF PERMIT ISSUANCE

DATE: July 24, 2014  
CDP NUMBER - ZA 2011-2694(CDP)(CUB)  
ADDRESS - 2 Rose Avenue

Please take notice that the above referenced Coastal Development Permit was issued on July 7, 2014, pursuant to a public hearing on January 24, 2013 and an appeal was not filed with the City of Los Angeles, Office of Zoning Administration as advised in the permit, during the mandatory appeal period.

An appeal period of 20 working days must expire from the date this notice and attached Coastal Development Permit is received and accepted by the California Coastal Commission, Division V in Long Beach before this Coastal Development Permit will become effective.

- ( X ) The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20 working day appeal period.
- ( ) The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20 working day period the applicant may apply to the City of Los Angeles Department of Building and Safety for a building permit.

Linn K. Wyatt  
Department of City Planning

By Linda M. Clarke

Linda M. Clarke  
Senior Clerk Typist

Print Name and Title of Individual Signing

Attachments:

- (X) Permit  
(X) Application

cc: Applicant  
CP-1622 (08/10/93)

Exhibit 3

9. The applicant must submit a copy of the Ocean Front Walk Outdoor Dining Permit, issued by the Department of Recreation and Parks for the outdoor dining area, to the Development Service Center. The patio may at no time extend past the easterly property line or encroach onto the Rose Avenue sidewalk. Note: no host stand, signs, chairs or umbrellas may be placed on the Rose Avenue sidewalk unless approved via a revocable permit issued by the Bureau of Engineering.
10. This grant shall have a life of **five years** after which the applicant shall file for and win an authorization from the Office of Zoning Administration in order to continue the sale of a full line of alcoholic beverages for on-site consumption.
11. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
12. Any future operator or owner of the restaurant must file a Plan Approval application to allow the City of Los Angeles to review the "mode and character" of the use.
13. No live entertainment, karaoke, disc jockey or dancing are permitted without the approval of a zone variance.
14. Brewing of beer for on- and off-site consumption is not permitted without the approval of a zone variance.
15. Amplified recorded-music shall not be audible beyond the property lines.
16. No pool tables, coin-operated games, or video machines are permitted.
17. Applicant to submit proof of payment of the sewer facility charge to the Department of Public Works.
18. The applicant must comply with all conditions of Case No. DIR-2012-543-SPP.
19. The Project shall comply with applicable requirements of the Coastal Transportation Corridor Specific Plan as determined by the Department of Transportation.
20. The applicant shall submit to the Development Services Center a Transportation Demand Management Plan which shall include measures, such as the following, to reduce the restaurant's parking demand:
  - Preferential hiring of employees who live within walking or biking distance

31. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department or City Planning. All employees working in the restaurant shall be knowledgeable of these conditions and shall sign a document acknowledging receipt of these conditions.
32. This approval is tied to ENV 2011-2695-MND, all mitigation measures shall be printed in the site plan and complied with at all times.
33. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

#### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

#### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

#### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on January 24, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 and a conditional use permit as enumerated in Section 12.24-W of the Municipal Code have been established by the following facts:

### BACKGROUND

The subject property is a 4,281 square-foot rectangular, corner lot with approximately 38 feet of frontage on Ocean Front Walk and Speedway and 113 feet of frontage along Rose Avenue. The property is improved with a one-story commercial building containing a 2,800 square-foot gallery and a 1,200 square-foot restaurant (Venice Ale House) with an outdoor dining area located on Ocean Front Walk. The property is zoned C1-1 and has no on-site parking. It's located in the North Venice Subarea of the Venice Coastal Zone Specific Plan and within the dual permit jurisdiction area of the Coastal Zone.

The north adjoining property, across Rose Avenue, is zoned C1-1 and improved with a six-story 60-unit residential building. The south adjoining and abutting property is zoned C1-1 and improved with a one-story retail store and parking lot. The east adjoining property across the alley is zoned R3-1 and improved with a two-story duplex. The west adjoining property across Ocean Front Walk is zoned OS1XL-O and improved with a parking lot, public restrooms, recreational facilities and Venice Beach.

Rose Avenue is a Secondary Highway improved to a substandard width of 60 feet with curb, gutter, and sidewalks.

Speedway is a Local Street improved to a width of 20 feet.

Ocean Front Walk is a Public Walk improved to a width of 50 feet.

Previous zoning related actions on the site/in the area include:

#### Subject Property

Case No. DIR-2012-543-SPP-1A – On April 4, 2014, the Director of Planning approved with conditions a project permit compliance review to permit indoor seating and outdoor seating at an existing one-story, 1,296 square-foot restaurant. The new Service Floor Area ("SFA") is limited to a maximum of 660 square feet with 217 square feet of SFA inside and 443 square feet outside along Ocean Front

Case No. ZA 2008-1867(CUB) – On December 11, 2008, the Zoning Administrator approved the sale of beer and wine only for on-site consumption in a restaurant, located at 325 Ocean Front Walk.

Case No. ZA 2006-6106(CDP)(MEL) – On June 29, 2007, the Zoning Administrator approved a coastal development permit for the construction of five residential and four commercial condominiums located at 305-309 Ocean Front Walk.

Case No. ZA 2002-5413(CUB) – On July 16, 2003, the Zoning Administrator approved the sale of beer and wine for on-site consumption in a restaurant with 34 indoor seats and 55 outdoor seats located at 325 Ocean Front Walk.

### Public Hearing

The public hearing was conducted on January 24, 2013 in the West Los Angeles Municipal Building.

Jonathan Lonner, Representative:

- The request is for a coastal development permit and conditional use to sell a full line of alcoholic beverages at an existing 1,200 square-foot restaurant/brew pub
- We are extending the patio from 240 feet to 818 feet
- Proposed hours are 8 a.m. to midnight weekdays, 8 a.m. to 2 a.m. on weekends
- We want to cater events at the adjacent gallery, it will not be part of the restaurant
- There has been a lot of community outreach
- We met with two City Planners in August 2011 to determine if a CDP was required
- The counter advised us not to file a plan approval with the new CUB
- We met with the City Attorney regarding the LAPD citation and were told the matter was in abeyance pending resolution of this application
- We held a December 17, 2012 meeting at the Ale House
- Three people attended some were concerned and some supported
- The property is zoned C1-1, dancing and live entertainment are not permitted, but other properties have been allowed to have four or fewer musicians
- The live entertainment would be on the patio which is not in the C1 Zone
- We have 11 letters and 76 signatures in support
- The LAPD letter is misleading regarding the calls for service to the site because 46 of the calls were from the restaurant to report pickpockets and vagrants on OFW
- We are working with LAPD and would like the case taken under advisement to address their concerns
- We are volunteering to file a plan approval in 12 months
- The applicant met with LAPD, CD 11, and VNC last summer, and he joined the VNC
- Recreation and Parks does the permitting for patio seating on OFW
- LADBS staff said brewing is an accessory use if less than 10% of restaurant
- The 1983 CDP permitted a 240 square-foot restaurant patio
- Chuck Posner did not raise issues about the application



- Some operators cater to low class clientele, his prices are prohibitive

Carol Paton, 5 Rose Avenue:

- No other restaurants are open after 10 p.m., it's quiet in the evening
- I called LAPD when they stayed open until 1 a.m.
- The employees play basketball in the parking lot after closing
- The staff is rude when I call
- If they are allowed to close at 2 a.m. staff will be there until 4 or 5 a.m.

Stefan Bachofner, owner Waterfront Café:

- I was not allowed to have live entertainment when I was approved in 1988
- My beer garden took years to get approval because parking was a huge problem
- I'm not opposed but I want equal treatment
- This was an illegal expansion of the conditional use permit

Jim Murez, Venice Neighborhood Council:

- It is hard to understand the noise complaints from people who live on the boardwalk
- This is the second largest tourist attraction in Southern California
- The drum circle is world famous
- A small restaurant doesn't create much noise
- The Boardwalk would be better if there were more business owners like this
- It is located across the street from the Rose Avenue parking lot
- The sign on the doorway should have the owners contact number

Jake Kauffmann, Venice Neighborhood Council:

- This case has received the most community support of any that our Land Use Committee has heard

Tom Elliot, applicant:

- I am hearing things from the neighbors for the first time
- I will give them my cell number
- I had to close today due to the rain, we mainly have outdoor seating
- We have a 2-hour wait for tables in the summer
- We needed to expand the patio due to patron demand
- Live entertainment is not currently permitted in the CUB, it will be on the patio
- I have worked very hard for two years
- Some of these neighbors live over 500 feet away
- The Venice Bistro is more problematic

On June 26, 2013, the applicant submitted a revised floor and patio plan showing an approximately 620 square-foot patio with 72 seats and 24 indoor seats. The site plan includes additional area in the adjacent building used for restaurant office and storage.

On November 14, 2013, the Zoning Administrator sent a communication to the applicant stating in part that the case was one hold due to the following issues:

- The Coastal Commission issued a Coastal Development Permit for the "change of use of a vacant, 1,200 square-foot retail store, to a take-out restaurant with 450 square feet of customer service area and no on-site parking." The deed restriction on the property prohibits customer seating (interior and exterior) and prohibits any encroachments on Ocean Front Walk or Rose Avenue, and required the maintenance of four off-site parking spaces.
- The restaurant is currently operating as a sit-down restaurant with unapproved interior seats and exterior seats in excess of the permitted 18 in violation of the CUB. See Order to Comply and Notice of Fee No. A-2911871. The filing of the subject case did not give the applicant legal authorization to continue with the non-permitted use and seating.
- Site visits from Planning staff and staff from Bureau of Engineering have noted illegal encroachments (patio enclosure, signs, chairs, etc.) on the Rose Avenue and Ocean Front Walk public right-of-way.
- The proposed location for the off-site parking (305 Ocean Front Walk) necessary is for sale and the availability of its use is uncertain.
- The property owner emailed Planning that the proposed sale of a full line of alcoholic beverages and the use of the adjacent gallery space are in violation of the applicant's lease.
- Staff from the Department of Recreation and Parks has indicated that the Department would not permit a patio to extend past the property lines as requested by the applicant.
- The requested revised plans eliminating the proposed use of the adjacent gallery space and the patio area in front of the adjacent property on Ocean Front Walk have not been submitted to the Zoning Administrator.

For the record, the Zoning Administrator is not inclined to approve the following: the use of the adjacent gallery space, the expansion of the patio; live entertainment on the patio, and the proposed off-site sale of beer (if brewing of beer is permitted as an accessory use to a restaurant in the C1-1 Zone) ... If the revised site plan is not submitted by December 2, 2013, the Zoning Administrator will take an action on the case with the information provided to date.

- No. 34 The 24-hour "hot line" telephone number was not posted but the manager did provide a log of general calls.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- The off-site sale of alcoholic beverages is not permitted.
- All service of alcoholic beverages shall be conducted by a waitress/waiter or bartender.
- The ABC license shall not be exchanged for a public premises license.

**COASTAL DEVELOPMENT PERMIT FINDINGS**

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

the outdoor dining area (446 square feet). On April 4, 2014, the Director of Planning approved the application for Project Permit Compliance with the Venice Coastal Zone Specific Plan (DIR-2012-0543-SPP). The restaurant was limited to a maximum of 660 square feet of SFA (217 square feet inside and 443 square feet outside). The Director found that the project was not required to provide additional parking above the 13 space parking credit that was allowed pursuant to LAMC Section 12.23-B,8. The case was appealed to the Area Planning Commission. The Commission sustained the Director's determination at their June 18, 2014 meeting:

The Coastal Act encourages carefully planned developments that are designed in a manner that is consistent with its enumerated policies. Section 30250(a) states that new commercial development "shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources." The restaurant is an existing commercial use located in a developed area, and the construction is limited to interior tenant improvements. The Coastal Act establishes a higher priority for publicly available visitor-serving commercial recreational facilities over private residential, industrial, or general commercial development (Section 30222.) The proposed expansion of the restaurant and outdoor dining area will continue to provide a dining alternative for nearby residents and the public who visit Venice Beach.

The restaurant will have no adverse effects on public access, recreation, public views or the marine environment. There will be no dredging, filling or diking of coastal waters or wetlands associated with the project. As conditioned, the development will be in conformity with the Coastal Act.

2. **The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformance with Chapter 3 of the California Coastal Act.**

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if the a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances have not been adopted. The LUP therefore is advisory in nature. The LUP designates properties along Ocean Front Walk, from 17th Avenue to the Santa Monica City Line, as North Venice Community Commercial. The LUP specifically encourages "visitor-serving and personal services emphasizing retail and restaurants" at the subject location. The continued operation of a ground floor restaurant with outdoor dining area is permitted under the site's zoning and the LUP. The development, as limited herein, will not prejudice the City's ability to prepare a Local Coastal Program that is in conformance with Chapter 3 of the Coastal Act.

been a popular eating spot for nearby residents and the public visiting Venice Beach since it opened in 2011.

The expansion of the outdoor dining area along Ocean Front Walk, as originally proposed, could have impeded shoreline access and/or increased the use of coastal access roads due to the size, location, and the number of seats on the patio. However, the outdoor dining area has been redesigned in a manner that should not adversely impact public access to Venice Beach. The applicant has been required to prepare a Transportation Demand Management Plan with measures (installing bike racks, encouraging local hiring) to ensure the development does not increase vehicular trips and or result in parking impacts on the neighborhood streets.

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

A Mitigated Negative Declaration (ENV 2011-2695-MND) was prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The MND concluded that after the implementation of the mitigation measures, the proposed development would not result in any significant impacts to the environment. The MND and Initial Study Checklist were submitted to the State Clearinghouse and posted for a 30-day public review period and no comments were received from any state agencies. The MND prepared for the proposed development was appropriate pursuant to CEQA.

**CONDITIONAL USE PERMIT FINDINGS**

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

The applicant requested a conditional use permit to allow the following: 1) the sale and dispensing of a full line of alcoholic beverages for on-site consumption; 2) to permit incidental on-site brewing of beer for on-site and off-site consumption; 3) to allow the catering of a full line of alcoholic beverages for consumption in the adjacent gallery space during an unlimited number of private events; 4) to increase the hours to 8 a.m. to midnight Sunday through Thursday, and 8 a.m. to 2 a.m. Friday and Saturday (later reduced to midnight); and, 5) live entertainment on the patio. Also requested was a coastal development permit authorizing the change of restaurant SFA and the increase in the number of seats as approved under the Project Permit Compliance Review case. The applicant proposed to decrease the interior service floor area from 450 square feet with zero seats to 100 square feet with 35 seats, and proposed to increase the outdoor service floor area from 240 square feet and 18 seats to 818 square feet and 135 patio seats.

The requested increase in the SFA, the number of seats, the hours of operation, the live entertainment, and the on-site brewing were issues of concern for the Zoning Administrator, LAPD, and some stakeholders. The proposed intensification of the

parking lot. The east adjoining property is zoned R3-1 and improved with a two-story duplex. The west adjoining property is zoned OS1XL-O and improved with a public parking lot and the Venice Beach recreational facilities.

Pursuant to LAMC Section 12.13-A,20, ground floor restaurants with outdoor eating areas are permitted uses in the C1 Zone. The C1 (Limited Commercial) Zone restricts the location of outdoor dining areas (may not extend beyond the property line), and prohibits dancing and live entertainment. The applicant's request to have three musicians performing on the outdoor dining area located on Ocean Front Walk can't be approved as part of a conditional use permit application, a variance application must be filed. The applicant also requested approval to brew beer for on- and off-site consumption in the restaurant. Breweries are first permitted in the MR2 Zone. The brewing of beer in the C1 Zone is not customarily incident to a restaurant use in the C Zone. No examples were provided where the City permitted the brewing of beer for on- and off-site consumption in a restaurant located in the C1 Zone. The request to brew beer can't be considered without the filing of a variance application.

The reduction in the restaurant's hours, the elimination of the use of the adjacent gallery space, the prohibition of live entertainment, and the reduction in the number of seats should address concerns raised by residents regarding potential noise and parking impacts. As conditioned, the restaurant's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**9. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are eleven elements of the General Plan. Each of the elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from the elements are in the form of Code requirements of the LAMC. Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the LAMC. The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Venice Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4 and Height District No. 1. The property is within the Los Angeles Coastal Transportation Corridor Specific Plan and the North Venice subarea of the Venice Coastal Zone Specific Plan.

Approval of the conditional use in conjunction with an existing restaurant located on a property zoned for commercial land use adjacent to residential uses is consistent with Objective 7.3 of the Framework Element which states "maintain and enhance the existing businesses in the City" as well as Policy 7.3.2 which states "retain existing neighborhood commercial activities within walking distance of residential areas." Granting of the requested conditional use is also consistent with the following Venice Community Plan commercial objectives and policies:

- (1) Type 21 – Off-Sale – General
- (8) Type 41 – On-Sale – Beer and Wine – Eating Place
- (3) Type 47 – On-Sale – General – Eating Place

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 1412, which has jurisdiction over the subject property, a total of 1,572 Part I crimes and Part II arrests were reported in 2013. In comparison the citywide average was 188 Part I crimes and Part II arrests and the high crime reporting district average was 216 in that year. In 2013 there were 48 Narcotics, 464 Liquor Law, 179 Public Drunkenness, 6 Disturbing the Peace, 236 Disorderly Conduct, and 12 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The property is located in an area of high crime and the number of ABC-licensed premises exceeds their criteria. However, the property is located in a Venice Beach which is one of the biggest tourist attractions in Southern California, and it is to be expected that the many restaurants that cater to the residents and tourists would want to be able to offer alcoholic beverages for on-site consumption as requested herein.

The high number of liquor law, public drunkenness, disorderly conduct, and DWI arrests in the area warrant caution when considering the scope of the changes requested at the establishment. LAPD requested that the restaurant close at 10 p.m. weekdays and at 11 p.m. on the weekends. The applicant requested to close at midnight, daily. The Zoning Administrator has granted the midnight closing time on Friday and Saturday only in consideration for the nearby residential uses. The applicant eliminated the request to cater alcohol and food at an unlimited number of events in the adjacent gallery. Using the gallery in that manner could have negatively impacted the adjacent residential uses due to increased noise and parking impacts. Conditions relating to the sale and service of alcoholic beverages have been recommended for the consideration of ABC to reduce the impacts of adding a license to the census tract.

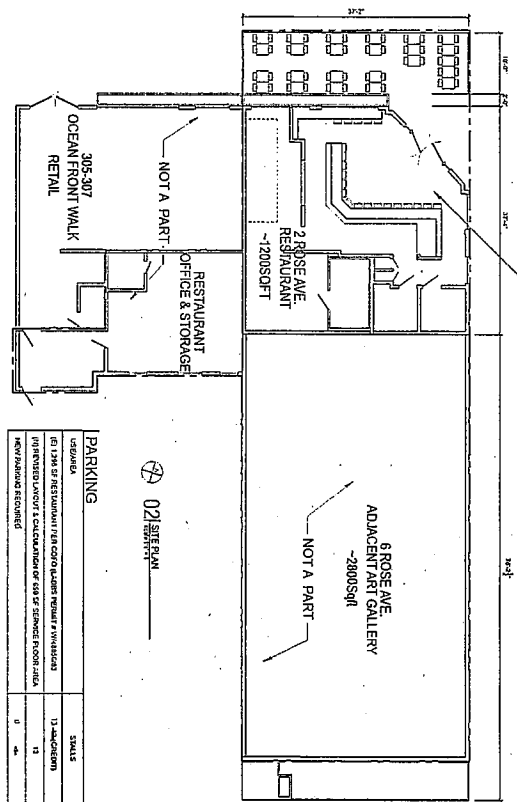
12. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses are within a 1,000-foot radius of the subject property:

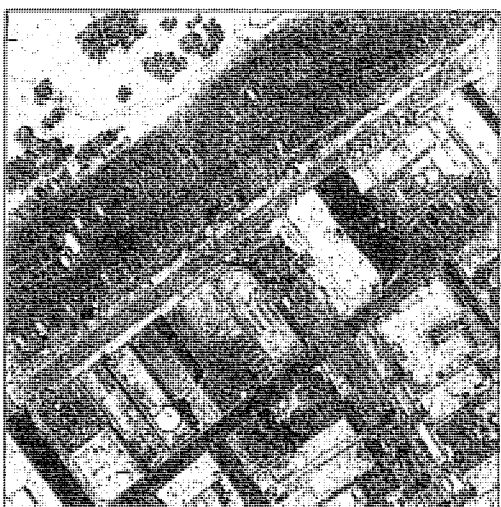
- Pacific Jewish Center
- Venice Beach/Ocean Front Walk
- Single- and multi-family dwellings

The Venice Ale House restaurant is located in close proximity to residentially zoned and developed properties and other sensitive uses. However, the project has been

2A-2011-2881-C019-GDP PRIMARY  
 1.5 SEATING PER 100 SQ FT  
 SERVICE AREA PER 2 ROSE AVE.  
 2700 SQ FT 100 SQ FT  
 2700 SQ FT 100 SQ FT



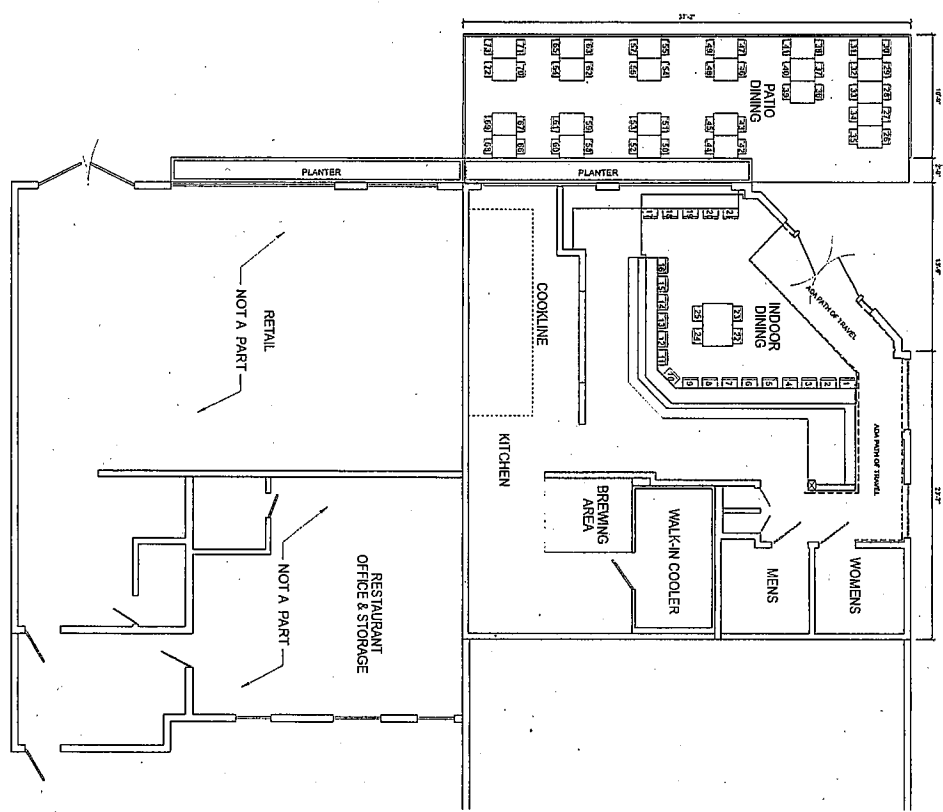
PARKING	
VEHICLES	STALLS
61 196 SQ RESTAURANT 1800 SQ ADJACENT 1700 SQ	13 JACKSON
1000 SQ LANDSCAPE & CALCULATION OF 600 SQ STALLS FLOOR AREA	13
NEW PARKING REQUIRED	0



03 SITE PLAN

# EXHIBIT "A" Page No. 1 of 1 Case No. 2A-2011-2649

TOTAL RESTAURANT SERVICE AREA SQ FT  
 PATIO SERVICE AREA - 413 SQ FT  
 INDOOR SERVICE AREA - 217 SQ FT  
 TOTAL RESTAURANT SEATING  
 BAR AREA - 25 SEATS  
 PATIO AREA - 48 SEATS  
 TOTAL SEATING - 73 SEATS



01 RESTAURANT FLOOR PLAN



**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
200 OceanGate, 10th Floor  
Long Beach, California 90802-4416  
(562) 590-5071 FAX (562) 590-5084  
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: August 25, 2014

TO:

City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

FROM: Charles Posner

RE: **Commission Appeal No. A-5-VEN-14-0045**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section

Local Permit #: ZA 2011-2694  
Applicant(s): Venice Ale House, Attn: Thomas Elliott  
Description: Restaurant remodel including expansion of service area from 450 sq.ft. to 660 sq.ft. (with no parking required)  
Location: 2 Rose Avenue  
Local Decision: Approval With Special Conditions  
Appellant(s): Coastal Commission Executive Director  
Date Appeal Filed: August 22, 2014

The Commission appeal number assigned to this appeal is A-5-VEN-14-0045. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Charles Posner at the South Coast District Office.

cc: Venice Ale House Attn: Thomas Elliott  
Coastal Commission Executive Director Attn: Charles Lester

**CALIFORNIA COASTAL COMMISSION**

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

**APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT**

**RECEIVED**  
South Coast Region

AUG 22 2014

**SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

Coastal Commission Executive Director, Charles Lester  
200 Oceangate, Suite 1000  
Long Beach, CA 90802 (562) 590-5071

CALIFORNIA  
COASTAL COMMISSION

**SECTION II. Decision Being Appealed**

1. Name of local/port government: City of Los Angeles
2. Brief description of development being appealed: Restaurant expansion – increase service area from 450 sq. ft. to 660 sq. ft. (with no parking required).
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
2 Rose Avenue, Venice, City of Los Angeles.
4. Description of decision being appealed:
  - a. Approval; no special conditions: \_\_\_\_\_
  - b. Approval with special conditions: XX
  - c. 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-14-0045

A.S. Ven. 14-0045

DATE FILED: August 22, 2014

DISTRICT: South Coast

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: XX
  - b. City Council/Board of Supervisors: \_\_\_\_\_
  - c. Planning Commission: \_\_\_\_\_
  - d. Other: \_\_\_\_\_
6. Date of local government's decision: July 7, 2014
7. Local government's file number: ZA-2011-2694(CDP)(CUP)

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties.  
(Use additional paper as necessary.)

1. Name and mailing address of permit applicant:
- Thomas Elliott, Venice Ale House  
2 Rose Avenue  
Venice, CA 90291
2. Name and mailing address of permit applicant's agent:
- Jonathan Lonner  
Burns & Bouchard, Inc.  
11990 San Vicente Blvd., Suite 200  
Kos Angeles, CA 90049
2. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.
- a. Antoinette E. Bill  
545 Via de la Paz  
Pacific Palisades, CA 90272
  - b. Adrienne O'Donnell  
21 Lighthouse Street  
Marina del Rey, CA 90292
  - c. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

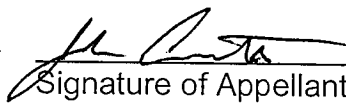
#### SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page. Please 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.

- 1) The City-approved restaurant expansion approving 25 interior seats and 48 patio seats is not consistent with terms and conditions of existing Coastal Commission Coastal Development Permit 5-82-819A and related deed restriction which state that: "there shall be no exterior seating or encroachment on either Ocean Front Walk or on the sidewalk on Rose Avenue" (Special Condition One). The City-approved restaurant patio is on the Ocean Front Walk right-of-way.
- 2) The City approval does not require the provision of any vehicular parking to meet the demands created by the restaurant expansion and does not recognize the underlying permit (Coastal Development Permit 5-82-819A) requirement to provide and maintain at least four parking spaces within six blocks of the project site (Special Condition Two).
- 3) The City-approved development may adversely affect public access and could prejudice the City's ability to prepare an Local Coastal Program (LCP).

#### SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

August 22, 2014

Date

## FINDINGS FOR REVIEW AND AMMENDMENT TO CDP 5-82-819A

There have been numerous of changes to the building (2 Rose Ave) use since it was built in 1948 although it has been used as an eating establishment for more than 30-years now. The building is 1-story structure and covers nearly the entire parcel of land. The site has been formally determined (documents attached) by LA City to have 13 grandfathered-rights Parking Spaces and supported the use of indoor and outdoor seating. See attachment A or April 4, 2014 LA City DIR-2012-0543-SPP.

The Venice Neighborhood Council formally and unanimously supported the CDP application (to use grandfathered parking to legalize both indoor and outdoor seating, change of hours of operation, permit full line of alcoholic beverage from current beer and wine only). They specifically noted that they accepted and agreed to grandfathered parking rights as determined by the City. *See attachment B (VNC letter of support and or April 4, 2014 LA City DIR-2012-0543-SPP Page 12).*

After conducting more than 500 surveys, greater than 85% of Venice Ale House patrons did not come to Venice Beach primarily for the Venice Ale House, rather they chose to dine while already at the beach or in between visiting other shopping or attractions in the area. Less than 25% of the patrons drove and parked, the great majority walked, rode bikes, or used public means of transportation. 90% of our employees take either public transportation or walk to work, the remaining 10% carpool and/or park at friend's homes and walk. No employees park on the streets or in public lots (cost and duration probative) at the time of our surveys (October 2012 and January 2015). We provide bus passes for all employees who request them at no cost and incentives for employees who carpool. Sampling of 20 surveys in attachment C.

There is a 300+ car public parking lot directly across the street and another 50 car public lot within 2-blocks. There are also a number of private lots within walking distance. While these should not be considered Venice Ale House parking, it's important to note, the paid and public lots are least used during and our patrons may utilize them because they are available – this albeit small revenue does support beaches and harbors cleanup budget. *See attachment D with parking lots.*

Department of Parks and Recreation has issued permits for sidewalk seating for many years now. We have paid for this permit every year, on time, since we opened the patio. *See attachment E.*

There are 6 sit-down establishments using patio seating along OFW, from Marine St to Venice Blvd. *See attachment F.*

Venice Ale House has been an outstanding community member and neighbor; we support beach and area cleanups, have added and are working to add more bicycle racks in the area, support numerous community events, just to name a few items. But

most of all, crime has decreased significantly since we opened our doors. There were many letters of support *as noted in April 4, 2014 LA City DIR-2012-0543-SPP*.

Finally, there is no construction or new building development for this permit. The building remains from 1948.

---

**We request this amendment to the 1983 CDP because**

- a) We would like our CDP to be current to the existing use, and inline with the LA City issued permits,
- b) We predominately service existing beach-goers; we are not a fine-dining or destination restaurant,
- c) We continue to make significant efforts to ensure that our staff does not drive or park; we providing incentives to walk, ride and carpool,
- d) We have proved be an excellent community member, and earned the unanimous support of the Venice Neighborhood Council and LA City Planning (with zero parking spaces) – both directly and via West LA Area Planning Commission on a unanimously lost appeal,
- e) Have built bicycle racks and are working to add more, we clean sidewalks, provide landscaping and services (restrooms and refreshments for beach goers),
- f) This has been the current use for more than 5-years,
- g) The building takes up the entire parcel of land, and would be impossible to build additional parking. Because of this hardship, the City has formally documented and accepted 13-grandfathered parking spaces to the establishment.

We request that the 5-82-819A CDP from 1983 be amended:

From:

Change the use of a vacant, 1,200 sqft retail building to a take-out only restaurant with 450 sqft of customer service floor area and no-onsite parking.

To:

Approve the permit indoor seating and outdoor seating at existing one-story 1,296 sqft restaurant. The new Service Floor Area is limited to a maximum of 660 sqft with 217 sqft of SFA indoor and 443 SFA outside along Ocean From Walk, as long as Department of Parks and Recreation Permit for outdoor seating remains Valid. Should that permit become invalid, the approval is for 217 sqft indoor only.

In doing this, the CDP will not negatively impact access to the beach based on above findings, it will be inline with the official community position (VNC) and will match the existing City permits.

This is to match the City's Current Determinations from July 2014:  
DIR-2012-543-SPP-1A, ZA-2011-2694-CDP-CUB, ENV-2012-0081-CE



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
☒ C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
☒ B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      ☒ B) WALK/BIKE/SKATE ETC

Name: Kelly Campbell  
City/State/Country: Louisville KY USA  
Email: \_\_\_\_\_  
Date/Time: 2/11/15  
h \_\_\_\_\_

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) ☒ FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) ☒ YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC      C) N/A

Name: KEVIN JENNINGS  
City/State/Country: NY NY USA  
Email: kenandnatalie@yahoo.co.uk  
Date/Time: FEB 8 2015 6pm

*Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors*





### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- ☒ A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC      ☒ C) N/A

Name: DAVID SPOON FRISON  
City/State/Country: Venice CA.  
Email: David-C-Frison@yahoo.com  
Date/Time: Feb. 10<sup>th</sup> 2015 6PM

Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
☒ B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC      ☒ C) N/A

Name: NEGRO  
City/State/Country: ARGENTINA  
Email: NEGROPISTON1@HOTMAIL.COM  
Date/Time: 2/10/2015 6 PM

Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
☒ B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      ☒ B) WALK/BIKE/SKATE ETC

Name: MASON LEE  
City/State/Country: VENICE CA  
Email: Mason.lee@gmail.com  
Date/Time: Feb 11, 1 PM  
h

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

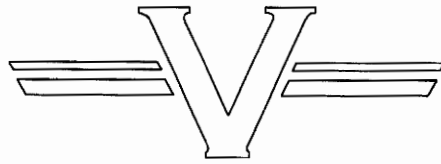
- ☒ A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC      C) N/A

Name: WATT ZERGMANN  
City/State/Country: GRAND JUNCTION CO 81505  
Email: \_\_\_\_\_  
Date/Time: 2/10/15 11:40

*Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors*



VENICE ALE HOUSE

### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- ☒ A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC

Name: Doug Fisher  
City/State/Country: Omaha NE  
Email: \_\_\_\_\_  
Date/Time: 2/3/15 1:30pm

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      ☒ B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR                      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

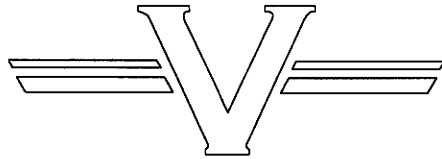
- A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
☒ B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK                      ☒ B) WALK/BIKE/SKATE ETC

Name: Roman  
City/State/Country: Aussie  
Email: \_\_\_\_\_  
Date/Time: 2/3 2:20

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



VENICE ALE HOUSE

### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
☒ B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      ☒ B) WALK/BIKE/SKATE ETC

Name: Dienke

City/State/Country: Germany

Email: \_\_\_\_\_

Date/Time: 02/02/15

*Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors*



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC                      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR                                D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK                      B) WALK/BIKE/SKATE ETC                      C) N/A

Name: Kelly-Ann Babiuk  
City/State/Country: Canada  
Email: mermaidsoffree@gmail.com  
Date/Time: Feb 10

*Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors*





### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC      C) N/A

Name: DAN TUMBERELLI  
City/State/Country: BROOKLYN NY  
Email: \_\_\_\_\_  
Date/Time: 2/18/15

*Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors*



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC      C) N/A

Name: Edmond Hawkins  
City/State/Country: Brooklyn NY USA  
Email: —  
Date/Time: 2/11/15

*Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors*



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

A) DRIVE AND RE-PARK

B) WALK/BIKE/SKATE ETC

Name: STEPHEN

City/State/Country: WESTCHESTER CA, 90045

Email: STEPHEN@ROBERTPROCDP.COM

Date/Time: FEB 4, 2:21 P.M.

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH. ☒

B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH ☒

C) I'm staying at the ROSE HOTEL. ☒

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

A) DRIVE AND RE-PARK

☒ B) WALK/BIKE/SKATE ETC

Name: Rupert Murray

City/State/Country: UK

Email: rupertmurray@mac.com

Date/Time: 4/2/15

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      ☐ B) BUS/SHUTTLE/TAXI/UBER ETC  
☐ C) PERSONAL CAR      ☐ D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- ☐ A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
☒ B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- ☐ A) DRIVE AND RE-PARK      ☐ B) WALK/BIKE/SKATE ETC

Name: Jessica A

City/State/Country: US Angeles CA USA

Email: JDEAPPLEGET@LIVE.COM

Date/Time: 02/03/15 @ 04:20 PM

*Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors*

**RECEIVED**  
South Coast Region

MAY 06 2015

CALIFORNIA  
COASTAL COMMISSION**Parking Survey**

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC      C) N/A

Name: JOHNNY VIGIL  
City/State/Country: HERMOSA BEACH CA  
Email: \_\_\_\_\_  
Date/Time: 2/10/15 11:45 AM

*Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors*



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community. Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
☒ C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

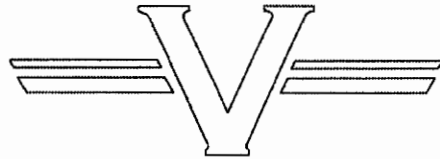
- ☒ A) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH  
B) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      ☒ B) WALK/BIKE/SKATE ETC      C) N/A

Name: ERIC GUTENKAUF  
City/State/Country: THE LBC, CA  
Email: egutenkauf@yahoo.com  
Date/Time: 02/10/15 7:30P

*Thank you for taking the time to complete this questionnaire. Tom and Spoon, Proprietors*



VENICE ALE HOUSE

### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

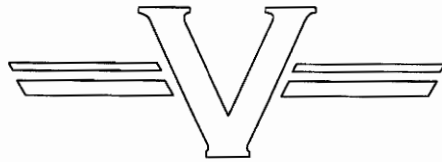
**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      B) WALK/BIKE/SKATE ETC

Name: TOM MALMROS  
City/State/Country: MALMØ, SWEDEN  
Email: TOM@SCANDINAVIANSYNG.COM  
Date/Time: 02/10/15 9PM  
h

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors





VENICE ALE HOUSE

### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      ☐ B) BUS/SHUTTLE/TAXI/UBER ETC  
☐ C) PERSONAL CAR      ☐ D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- ☐ A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
☒ B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- ☐ A) DRIVE AND RE-PARK      ☒ B) WALK/BIKE/SKATE ETC  
From Hotel

Name: JOÃO MATEUS  
City/State/Country: ANGOLA  
Email: negidut21@hotmail.com  
Date/Time: 2/2/

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- ☒ A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

- ☒ A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.  
B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

- A) DRIVE AND RE-PARK      ☒ B) WALK/BIKE/SKATE ETC

Name: Chloe Schipper  
City/State/Country: Venice - CA - 90291  
Email: chloeroxann@yahoo.com  
Date/Time: 4/3/15

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors



### Parking Survey

We would appreciate if you took a few minutes to help us gather information in order to better serve our community:

Please circle the letter next to your answer:

**1) How did you arrive here today?**

- A) FOOT/CYCLE/SKATE ETC      B) BUS/SHUTTLE/TAXI/UBER ETC  
☒ C) PERSONAL CAR      D) CARPOOL

**2) Besides the Venice Ale House, are you making other stops on or near the beach today?**

A) NO, THE VENICE ALE HOUSE IS MY ONLY DESTINATION ON THIS TRIP TO THE BEACH.

☒ B) YES, I'M MAKING MULTIPLE STOPS AROUND THE BEACH

**3) If you drove and are visiting multiple destinations nearby, will you drive between these stops and re-park, or will you walk, bike or skate between them?**

A) DRIVE AND RE-PARK

☒ B) WALK/BIKE/SKATE ETC

Name: Kristine Abrenica  
City/State/Country: North Hollywood CA USA  
Email: kristine.abrenica@gmail.com via AOL  
Date/Time: 2/2/15 6:20p

Thank you for taking the time to complete this questionnaire. - Thomas Elliott and Spoon Singh, Proprietors