

**CALIFORNIA COASTAL COMMISSION**

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# Th22a

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## STAFF REPORT: PERMIT AMENDMENT

**Application No.:** A-62-81-A1  
**Applicant:** Snapshot Partners, LLC  
**Agent:** Brian Silveira & Associates  
**Location:** 909-913 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County

**Description of Original Project Approved Pursuant to Permit No. A-62-81:**  
Construction of three-story commercial building with underground parking.

**Description of Pending Permit Amendment No. A-62-81-A1:** Construction of a 5,355 square foot rooftop deck with a 42 inch high guardrail and associated roof access structures (no increase in existing height), improvements to interior elevator and staircases, and modifications to underground parking including addition of three parking spaces and changes to public parking rates and availability, in part to resolve Coastal Act violations.

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## SUMMARY OF STAFF RECOMMENDATION

The project site consists of four lots on Ocean Front Walk in Venice that are developed with a 3 story, approximately 16,360 square foot mixed-use building (commercial office and take-out food service) over two levels of parking, which was approved by the Commission in 1981 (Coastal Development Permit No. 62-81). The current CDP amendment request is for the addition of a 5,355 square foot rooftop deck with 42 inch guardrails and associated roof access structures, improvements to interior elevator and staircases, and changes to the underground parking arrangement. The proposed rooftop additions will not result in an increase in height and do not raise any Coastal Act issues. The proposed parking modifications include the addition of 3 parking spaces and a new parking rate program that includes free public parking for the first two hours.

The underlying CDP required the development to include 96 parking spaces: 41 of which were required to be leased to residents of the North Venice area and 55 of which were required to serve the building patrons and the general public with 14 to 17 rentable public parking spaces and 10 additional parking spaces provided by attendant parking on all weekends and holidays between June 1 and October 1 of each year. Violations of the Coastal Act exist on the subject property including, but not necessarily limited to, unpermitted placement of "No Public Parking" signage, failure to place required public parking signage on Breeze and Speedway, and failure to provide leased parking spaces to the general public, all of which occurred in violation of the underlying CDP. The project site is located in the Beach Impact Zone, which is an area determined to have the highest parking demand in Venice (per the certified Venice Land Use Plan) and is connected to popular visitor-serving destinations via Ocean Front Walk. The applicant is proposing modifications to the parking program to resolve the violation and enhance public accessibility to the project site.

Commission Staff recommends approval of the amendment request with revisions to Standard Conditions 1 (Notice of Receipt and Acknowledgement), 2 (Expiration), and 3 (Compliance); and Special Condition 3 (Parking). The conditions of the underlying permit, as revised, continue to apply.

**PROCEDURAL NOTES:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change, or
- 2) Objection is made to the Executive Director's determination of immateriality, and at least three Commissioners object to the executive directors' designation of immateriality at the next Commission meeting, or the Executive Director determines that the objection raises an issue of conformity with the Coastal Act or certified Local Coastal Program.

The Executive Director has determined that the proposed amendment is a material change that affects conditions required for the purpose of protecting coastal access.

In addition, under the Permit Streamlining Act, the deadline for Commission action on this application was June 9, 2020. However, on April 16, 2020, the Governor of the State of California issued Executive Order N-52-20 tolling the time-frames for action in the Permit Streamlining Act for 60 days. Accordingly, the deadline for Commission action on this permit amendment is August 8, 2020.

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## **APPENDICES**

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## **EXHIBITS**

Exhibit 1 – Project Location

Exhibit 2 – Project Plans

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission **approve** Coastal Development Permit Amendment No. A-62-81-A1, pursuant to the staff recommendation.

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

### Resolution:

The Commission hereby approves Coastal Development Permit Amendment No. A-62-81-A1 on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## II. CHANGES TO CONDITIONS

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit A-62-81, as amended up through amendment number A-62-81-A1, remain in effect. Language to be deleted is shown in strike-out and new language is shown in **bold, underlined**.

### A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit ~~amendment A-62-81-A1~~ is not valid and development **authorized by permit amendment A-62-81-A1** shall not commence until a copy of the permit **amendment**, signed by the applicant 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 ~~amendment A-62-81-A1~~ will expire two years from the date on which the Commission voted on the **permit amendment** 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. Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for the permit, **as modified by the application for**

**the permit amendment**, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

## B. Special Conditions

3. **Parking.** Prior to issuance of the permit **amendment**, the applicant shall submit to the Executive Director for approval a **revised** detailed parking **plan, approved by the City of Los Angeles, that conforms to the plans submitted to the Commission on January 14, 2020 and attached as Exhibit 2, except that the revised parking plan shall provide** providing the following:

a. ~~969~~ parking spaces as follows:

- i. ~~551~~ spaces (upper level) shall be provided on the subject parcel for use by building patrons and the general public. From June 1<sup>st</sup> to October 1<sup>st</sup> (weekends and holidays only) an additional 10 parking spaces will be provided by attendant parking. From June 1<sup>st</sup> to October 1<sup>st</sup> (weekends and holidays only) not less than 14 or more than 17 **of the 51** spaces will be available for rent to the general public. **These parking spaces shall be free to the general public for the first two hours; an hourly rate less than or equal to the rates charged by the Los Angeles County Department of Beaches of Harbors at the public beach parking lots in Venice may be charged for each hour after the first two.**
- ii. ~~418~~ spaces (lower level) shall be provided; **a maximum of 41 of these spaces shall be provided** on a lease-basis to residents of the North Venice area. No more than 2 spaces may be leased to any one person. **These parking spaces shall be offered to lease at a monthly rate less than or equal to fair market value at comparable parking locations in Venice.**
- iii. **The balance of the 99 parking spaces, including the balance of the 41 parking spaces not being leased by residents, shall be made available on a daily basis for tenants of the building and the general public.**
- iv. The requirements in i and ii above shall be recorded by deed restriction. This deed restriction shall be recorded free of all prior liens and encumbrances except for taxes, and shall be binding on the applicant and all heirs, assigns, and successors in interest to the subject property. The form and content of the deed restriction shall be approved by the Executive Director.
- v. The applicants shall agree to post signs, **consistent with the approved Signage Plan**, that inform the public of the availability of such parking **and of the parking rates** in conspicuous locations,

**including both on the sides of the structures fronting on Speedway and Breeze Avenues.**

- b. Hourly parking rates less than or equal to fair market value at comparable parking locations in Venice with the first two hours being free.**
- c. A Marketing and Publicity Plan for both the general parking and the long term lease parking that shall:**
  - i. Include copies of all marketing and publicity materials already disseminated or proposed to be disseminated.**
  - ii. Specify any proposed locations of posted or disseminated marketing materials.**
  - iii. Include a timeline for dissemination of marketing and publicity materials.**
- d. A Signage Plan, consistent with the Special Conditions of the permit amendment A-62-81-A1, that shall:**
  - i. Inform the public of the availability of general public parking and of the parking rates.**
  - ii. Inform the public of the availability of leased residential parking spaces and provide information relating to the process of acquiring such a lease.**
  - iii. Detail the dimensions, material(s), text, and font of each sign and/or stencil.**
  - iv. Include a site plan that shows the locations of the signs, which shall be in conspicuous locations, including, but not limited to, the sides of the structures fronting on Speedway and Breeze Avenues and the parking lot entrances.**
- e. A Parking Monitoring Program that identifies methods for monitoring the use of the parking spaces by leaseholders, tenants, and the general public. The parking monitoring program shall be submitted to the Executive Director for review and approval.**

**One year following the Commission's approval of this CDP, and every year thereafter, the applicant shall submit annual monitoring reports that assess whether the parking is in conformance with the Special Conditions of permit amendment A-62-81-A1. If the parking monitoring report indicates the parking is not in conformance with the requirements approved pursuant to this permit amendment, the applicant, or successors in interest, shall submit a revised or supplemental parking plan for the review and approval**

**of the Executive Director that shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. After five years, the one-year monitoring period may be extended to five years upon written approval of the Executive Director. The Executive Director may grant such approval if each of the previous audits revealed compliance with the conditions in the auditor's opinion, if confirmed by the Executive Director.**

- f. The required Parking Plan shall be approved by the City of Los Angeles and implemented at all times consistent with the above-stated requirements and limitations. Any proposed change to the required Parking Plan 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.**
  
- g. Prior to issuance of the permit amendment, the applicant shall amend the deed restriction recorded on June 3, 1983 under instrument number 83619994 to incorporate the updated requirements of Special Condition 3 as follows:**
  - 1. to revise and add the elements of the CCC approved parking plan, to be attached thereto as an exhibit,**
  - 2. to add the elements of the CCC approved signage plan, to be attached thereto as an exhibit, and;**
  - 3. to add the elements of the CCC approved monitoring plan, to be attached thereto as an exhibit.**

**The recorded document shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit amendment. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.**

### **III. FINDINGS AND DECLARATIONS**

#### **A. Project Description and Background**

The project site consists of four lots on Ocean Front Walk in the North Venice subarea of Venice, as designated by the certified Venice Land Use Plan (LUP) (**Exhibit 1**). The certified LUP also designates this project site as being located within the Venice Beach Impact Zone, which is an area where parking demands are greatest. Ocean Front Walk, which is located immediately seaward of the project site, is a highly used beach-fronting pedestrian right-of-way that extends the full length of Venice and links the project site to

popular visitor-serving destinations including Venice Beach, Venice Skate Park, Muscle Beach, and Venice Pier.

On July 23, 1981, the Coastal Commission approved a 3 story, 36 (front) to 38 (rear) foot high, 16,360 square foot mixed-use building with two levels of commercial offices and take-out food service on the ground floor over two levels of parking (Coastal Development Permit No. 62-81). The current CDP amendment request is for the addition of a 5,355 square foot rooftop deck with 42 inch guardrails and associated roof access structures, improvements to interior elevator and staircases, and changes to the underground parking arrangement (**Exhibit 2**).

The plans provided by the applicant with the subject CDP amendment application (A-62-81-A1) indicate that the existing building is approximately 33 to 39 feet in height with rooftop structures (roof access, skylight, and elevator equipment) that extend to a maximum total height of approximately 45 feet above grade. While the current building height appears to be higher than the Commission's 1981 approval, this change in height can be attributed to different methods of height calculations. The applicant, City of Los Angeles staff, and Commission staff were unable to locate the final approved plans to confirm the structure was built consistent with the Commission's approved height. However, as described in more detail in the Public Access and Visual Resources section below, the proposed rooftop deck and associated access structures are not expected to impact coastal resources and, therefore, do not raise any Coastal Act issues. The proposed rooftop additions will not result in an increase in height above what exists currently.

The proposed parking modifications include the addition of 3 parking spaces and a new parking rate program that includes free public parking for the first two hours. The underlying CDP required the development to include 96 parking spaces: 41 of which were required to be leased to residents of the North Venice area and 55 of which were required to serve the building patrons and the general public with 14 to 17 rentable public parking spaces and 10 additional parking spaces provided by attendant parking on all weekends and holidays between June 1 and October 1 of each year. This parking configuration was not maintained consistent with the conditions of the underlying CDP. In fact, there is evidence that instead of having signs that inform the public of available parking, as required, signs that read "no public parking" were posted at the parking garage entrance. At staff's direction, in order to resolve this Coastal Act violation going forward, the applicant is proposing to increase the number of total parking spaces provided to the public; provide free public parking for two hours, as described herein; provide signage, in addition to the signage required by the underlying permit, that informs the public of the availability of public beach parking at the site; and advertise the availability of public parking and residential lease parking.

## **B. Public Access**

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall

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be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (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.

The proposed development is located on Ocean Front Walk, a public walkway adjacent to Venice Beach that is a popular visitor destination. In the Commission's original approval of the construction of the mixed-use building on-site, the Commission found that the parking requirements, as conditioned to include residential leases and general public parking (and signage) were consistent with the public access policies of the Coastal Act. This parking configuration was not maintained consistent with the conditions of the underlying CDP. In fact, there is evidence that instead of having signs that inform the public of available parking, as required, signs that read "no public parking" were posted at the parking garage entrance, thus depriving the public of the parking spaces required by the underlying CDP.

Thus, the applicant is proposing to revise the parking configuration to comply with the conditions of the underlying permit (A-62-81), add three additional spaces, post new signs, and provide general public parking that will be free for the first two hours of use. The additional spaces and use of the balance of available parking (spaces not occupied by building tenants or leased to residents) for general public parking will accommodate people that visit Venice Beach by car and, thus, facilitate public access to the area. The new parking rate structure will similarly incentivize coastal visitors to use the available parking, which would be free for the first two hours. After the first two hours, a market rate fee will be charged hourly to encourage parking turnover and, thus, use of the parking garage by more visitors.

**Special Condition 3** of the underlying permit is revised to reflect the applicant's proposal and require revised plans, including a parking plan, marketing plan, and publicity plan, to ensure that the public parking is made available, advertised, and maintained onsite. As conditioned, the proposed development is consistent with the public access policies of the Coastal Act.

## C. Visual Resources

Section 30251 of the Coastal Act states, in part:

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

Venice LUP Policy I.A.7 states, in part:

North Venice: Not to exceed 30 feet for buildings with flat roofs; or 35 feet for buildings utilizing a stepped back or varied roofline. The portion that exceeds 30 feet in height shall be set back from the required front yard one foot for every foot in height above 30 feet. Structures located along walk streets are limited to a maximum height of 28 feet.

Venice LUP Policy I.E.5 states, in part:

Where extensive renovation of and/or major addition to a structure is proposed and the affected structure is non-conforming..., the project must result in bringing the nonconforming structure into compliance with the current standards of the certified LCP...

Section 30251 of the Coastal Act requires development to be sited and designed to protect views to and along the ocean and in scenic coastal areas. As previously stated, the project site is located in a popular visitor destination. The current CDP amendment request is for the addition of a 5,355 square foot rooftop deck with 42 inch guardrails and associated roof access structures. The plans provided by the applicant with the subject CDP amendment application (A-62-81-A1) indicate that the existing building is approximately 33 to 39 feet in height with rooftop structures (roof access, skylight, and elevator equipment) that extend to a maximum total height of approximately 45 feet above grade.

The subject building is taller than the maximum height allowed pursuant to Policy I.A.7 of the Venice LUP, which serves as guidance. LUP Policy I.E.5 requires that extensive renovations and/or major additions to nonconforming structures trigger the requirement for the structure to come into compliance with the current certified LUP. The proposed physical renovations and rooftop additions are relatively minor, will not result in an increase in the nonconforming height above what exists currently, and, thus, do not trigger the need for the development to come into compliance with the Venice LUP.

The current building also appears to be taller than allowed by the CDP approved by the Commission in 1981, which authorized "a height ranging from 36 feet in the front to 38 feet in the rear" (A-62-81). There is some ambiguity on this point as the applicant, City of Los Angeles staff, and Commission staff were unable to locate the final approved plans to confirm the dimensions of the structure that were approved by Commission staff pursuant to the permit. However, Commission staff consulted with City of Los Angeles staff, who indicated that any difference in the approved and current building height could be attributed to different methods of height calculations used in 1981 versus 2019.

In any case, the Commission's findings (**Appendix A**) regarding the original project's impacts on visual resources state:

"While the North Venice area is generally composed of smaller buildings, the subject parcel itself is surrounded by larger buildings...The project is [thus] smaller in scale than the surrounding buildings."

These statements remain true under existing conditions. The neighboring buildings on either side of the subject project site are approximately 40 and 50 feet high with rooftop structures extending approximately 10 feet above the building height. The proposed rooftop additions have a maximum height below that of the adjacent structures. Thus, there are no public views that will be impacted by the proposed development. Therefore, the proposed development is consistent with the visual resource policies of the Coastal Act.

## **D. Coastal Act Violations**

Violations of the Coastal Act have occurred on the property, including, but not necessarily limited to, unpermitted placement of "No Public Parking" signage, failure to place required public parking signage on Breeze and Speedway, and failure to provide parking spaces to the general public, all of which occurred in violation of the underlying CDP.

Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

With regard to unpermitted placement of the "No Public Parking" signs, staff reviewed photographs of the project site ranging from July 2011 to November 2017 that presented evidence that unpermitted signs reading "No Public Parking" were placed at the entrance of the parking garage on Breeze Avenue, which is a violation of Special Condition 3.a.iv, which specifically requires the permittee to post signs that inform the public of the availability of public parking in conspicuous locations.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act and the original permit. Upon issuance of the CDP as recommended by staff, subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of this permit will result in resolution of the violations described herein going forward.

Consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the above described violations. Approval of this permit is possible only because of the conditions included herein, and the applicant's presumed subsequent compliance with said conditions, and failure to comply with these conditions in conjunction with the exercise of this permit would also constitute a violation of this

permit and of the Coastal Act. 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.

## **E. Local Coastal Program**

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

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

The existing structure, approved prior to the certification of the Venice LUP, does not conform to the maximum building height for development in the North Venice subarea under the certified LUP; however, the proposed rooftop development will not result in an increase in the nonconforming height (above what exists onsite currently), and thus, 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. California Environmental Quality Act**

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

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

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate potential impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**Appendix A: Substantive File Documents**

Revised Findings for CDP Application/Appeal No. A-62-81

## **APPENDIX B – Standard and Special Conditions pursuant to CDP No. A-62-81 through CDP Amendment No. A-62-81-A1**

**NOTE:** Appendix B, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by CDP Amendment No. A-62-81-A1. This will result in one set of adopted special conditions.

### **I. STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

1. Notice of Receipt and Acknowledgment. The permit amendment A-62-81-A1 is not valid and development authorized by permit amendment A-62-81-A1 shall not commence until a copy of the permit amendment, signed by the applicant 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 amendment A-62-81-A1 will expire two years from the date on which the Commission voted on the permit amendment 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for the permit, as modified by the application for the permit amendment, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

### **II. SPECIAL CONDITIONS**

1. Redesign. Prior to issuance of the permit, the applicant shall submit to the Executive Director for approval detailed construction for the project approved in this permit. These plans must strictly conform to the building generally depicted in Exhibit 4 and

specifically referenced as the Alternative Building submitted by the Applicant on May 4, 1981, as filed in the Commission office. These plans shall be approved by the City of Los Angeles.

2. Encroachment onto Ocean Front Walk. Prior to the issuance of the permit, the applicant shall agree in writing, said agreement subject to review and approval by the Executive Director of the Commission, that no tables, signs or other proprietary and private objects or uses will be placed on Ocean Front Walk.
3. Parking. Prior to issuance of the permit amendment, the applicant shall submit to the Executive Director for approval a revised detailed parking plan, approved by the City of Los Angeles, that conforms to the plans submitted to the Commission on January 14, 2020 and attached as Exhibit 2, except that the revised parking plan shall provide the following:
  - a. 99 parking spaces as follows:
    - i. 51 spaces (upper level) shall be provided on the subject parcel for use by building patrons and the general public. From June 1<sup>st</sup> to October 1<sup>st</sup> (weekends and holidays only) an additional 10 parking spaces will be provided by attendant parking. From June 1<sup>st</sup> to October 1<sup>st</sup> (weekends and holidays only) not less than 14 of the 51 spaces will be available for rent to the general public. These parking spaces shall be free to the general public for the first two hours; an hourly rate less than or equal to the rates charged by the Los Angeles County Department of Beaches of Harbors at the public beach parking lots in Venice may be charged for each hour after the first two.
    - ii. 48 spaces (lower level) shall be provided; a maximum of 41 of these spaces shall be provided on a lease-basis to residents of the North Venice area. No more than 2 spaces may be leased to any one person. These parking spaces shall be offered to lease at a monthly rate less than or equal to fair market value at comparable parking locations in Venice.
    - iii. The balance of the 99 parking spaces, including the balance of the 41 parking spaces not being leased by residents, shall be made available on a daily basis for tenants of the building and the general public.
    - iv. The applicants shall agree to post signs, consistent with the approved Signage Plan, that inform the public of the availability of such parking and of the parking rates in conspicuous locations, including both on the sides of the structures fronting on Speedway and Breeze Avenues.
  - b. Hourly parking rates less than or equal to fair market value at comparable parking locations in Venice with the first two hours being free.
  - c. A Marketing and Publicity Plan for both the general parking and the long term lease parking that shall:

- i. Include copies of all marketing and publicity materials already disseminated or proposed to be disseminated.
    - ii. Specify any proposed locations of posted or disseminated marketing materials.
    - iii. Include a timeline for dissemination of marketing and publicity materials.
  - d. A Signage Plan, consistent with the Special Conditions of the permit amendment A-62-81-A1, that shall:
    - i. Inform the public of the availability of general public parking and of the parking rates.
    - ii. Inform the public of the availability of leased residential parking spaces and provide information relating to the process of acquiring such a lease.
    - iii. Detail the dimensions, material(s), text, and font of each sign and/or stencil.
    - iv. Include a site plan that shows the locations of the signs, which shall be in conspicuous locations, including, but not limited to, the sides of the structures fronting on Speedway and Breeze Avenues and the parking lot entrances.
  - e. A Parking Monitoring Program that identifies methods for monitoring the use of the parking spaces by leaseholders, tenants, and the general public. The parking monitoring program shall be submitted to the Executive Director for review and approval.

One year following the Commission's approval of this CDP, and every year thereafter, the applicant shall submit annual monitoring reports that assess whether the parking is in conformance with the Special Conditions of permit amendment A-62-81-A1. If the parking monitoring report indicates the parking is not in conformance with the requirements approved pursuant to this permit amendment, the applicant, or successors in interest, shall submit a revised or supplemental parking plan for the review and approval of the Executive Director that shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. After five years, the one-year monitoring period may be extended to five years upon written approval of the Executive Director. The Executive Director may grant such approval if each of the previous audits revealed compliance with the conditions in the auditor's opinion, if confirmed by the Executive Director.

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

- g. Prior to issuance of the permit amendment, the applicant shall amend the deed restriction recorded on June 3, 1983 under instrument number 83619994 to incorporate the updated requirements of Special Condition 3 as follows:
1. to revise and add the elements of the CCC approved parking plan, to be attached thereto as an exhibit,
  2. to add the elements of the CCC approved signage plan, to be attached thereto as an exhibit, and;
  3. to add the elements of the CCC approved monitoring plan, to be attached thereto as an exhibit.

The recorded document shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit amendment. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

4. Restricted Uses. Prior to the issuance of the permit, the applicant shall submit a document suitable for recording, providing a deed restriction prohibiting any commercial unit for use as a restaurant or bar. This restriction will not preclude retail stores, grocery stores or take-out food stores. The deed restriction shall also prohibit fencing along Ocean Front Walk. This deed restriction shall be recorded free of all prior liens except tax liens and shall be binding on the applicants and all heirs, assigns and successors in interest to the subject property.
5. Signs. The building shall contain no more than 6 wall signs, no more than 12 square feet each, for the entire structure. This condition does not apply to the parking sign required in Condition 2. No additional signs besides those permitted in this condition will be permitted.