

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



F20b

5-21-0877 (NORTH VENICE BOARDWALK, LLC)
MAY 11, 2022

CORRESPONDENCE

Margaret Molloy	2
Laurette Healey (Applicant Agent).....	27
Ingrid Mueller	31
David S. Ewing	32

Date: 4/29/22

Subject: Opposition to NSI staff report for Appeal A-5-VEN-21-0070 on December 15, 2021, and the staff report for 5-21-0877.

Hello Commissioners,

I oppose the staff report and recommendation of approval for 5-21-0877, as well as to the No Substantial Issue (NOI) staff recommendation for A-5-VEN-21-0070 on December 15, 2021. This is an Environmental Justice issue first, in addition to applicable land use laws.

The Oakwood community in Venice is the first, and only remaining, “intentional Black coastal community” in California. This historic Black community has been constantly subjected to government-sanctioned tools of systemic racism including segregation, restrictive covenants, redlining, PACE, REAP, Broken Windows, Code Enforcement, and gang injunctions. Those programs separated communities along racial and economic lines, deprived certain families of opportunities to build generational wealth, and were used to force people of color out of their homes and community facilitating gentrification.

In contrast, when affluent, mostly white, developers abuse land use laws in plain sight, they appear to be held to a different standard of law that includes after-the-fact approvals and additional benefits in perpetuity. This double standard in law benefits one class only and exacerbates the economic divide, accelerating displacement in 2022.

Here, Applicant Jake Matthews re-opened The Waterfront in October 2018 having renovated the entire property “down to the studs” and expanded the service floor area across all four lots with CUB, all with no planning approval from the City of Los Angeles (City) or the Coastal Commission (Commission) or Los Angeles Department Building & Safety (LADBS) permits. Mr. Matthews is now seeking additional benefits in perpetuity. And staff recommends approval.

On March 8, 2019, the commission passed an Environmental Justice (EJ) policy. While implementation is still evolving, the EJ policy must be used meaningfully in all cases under review.

This case involves an Applicant who is (1) an experienced investor, with (2) blatantly ignored the law and (3) has benefited from unpermitted commercial expansion creating unjustified enrichment and coupled with (4) a property owner who has owned the property since at least 2002 and grossly underpays the commercial property taxes.

This is one of many similar cases in the Venice pipeline. It will set a precedent for how others come forward and their expectations of impunity. The commission must take a stand for Environmental Justice and Equity in order to promote a fair outcome for all stakeholders and an equitable standard for the application of federal, state, and local laws.

Section 30116 of the Coastal Act is an “inclusive policy” that describes as a “sensitive coastal resource area”. It is embedded in the certified Venice Land Use Plan since 2000.

In 2022, it must be meaningful, along with the EJ policy.

Please deny 5-21-0877 for these reasons.

Assessor records show the last "Typical Change in Ownership for both properties on 9/27/2002 (Lots 197, 199, 201, 203). Joanna Staudinger is the owner.

Tax Rolls for 2020-2021 for 205 Ocean Front Walk shows a Land Value is \$1,145,532 and Improvements valued at \$178,775.

213 Ocean Front Walk (Lot 203) has a Use Code: 100V - Commercial Vacant for a Land Value of \$496,613.

In total, 2020-2021 property taxes are for a 2717sq. ft restaurant built in 1946, 13,759sq. ft on Ocean Front Walk with total Land Value of \$1,642,145 and the building valued at \$178,775.

The gross undervaluation of commercial property tax for these four lots is part of a more general pattern of in Venice, especially on Ocean Front Walk. This underfunds public infrastructure and community services, exacerbating displacement. Please stop the cycle.

Please deny 5-21-0877 for these reasons.

Appreciatively,

Margaret Molloy

Show All: Hide Inactive Rolls: Showing 1 to 10 of 50 entries.

Roll Detail													Real Property Value								
Bill Number	Bill Type	Bill Status	Date Created	Date to Auditor	Recording Date	Seq #	Doc #	Doc Type	Doc Reason	OC1	OC2	%	Total Value		Land Value	Reason Code	Base Year	Improvement Value	Reason Code	Base Year	
+	222-PSEG				05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,364,785	\$	1,180,546	T	2003	\$ 184,239	T	2003	
+	2210000	R	A	07/06/2021	07/06/2021	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,338,026	\$	1,157,399	T	2003	\$ 180,627	T	2003
+	2200000	R	A	07/06/2020	07/06/2020	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,324,307	\$	1,145,532	T	2003	\$ 178,775	T	2003
+	2190000	R	A	07/01/2019	07/01/2019	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,298,341	\$	1,123,071	T	2003	\$ 175,270	T	2003
+	2180000	R	A	07/19/2018	07/19/2018	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,272,884	\$	1,101,050	T	2003	\$ 171,834	T	2003
+	2170000	R	A	06/26/2017	06/26/2017	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,247,926	\$	1,079,461	T	2003	\$ 168,465	T	2003
+	2160000	R	A	07/05/2016	07/05/2016	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,223,458	\$	1,058,296	T	2003	\$ 165,162	T	2003
+	2150000	R	A	06/23/2015	06/23/2015	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,205,082	\$	1,042,400	T	2003	\$ 162,682	T	2003
+	2140000	R	A	06/24/2014	06/24/2014	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,181,477	\$	1,021,981	T	2003	\$ 159,496	T	2003
+	2130000	R	A	06/25/2013	06/25/2013	05/07/2004	50	1152512	B	S	3	7	00%-0	\$ 1,176,139	\$	1,017,363	T	2003	\$ 158,776	T	2003

+	2120000	R	A	06/27/2012	06/27/2012	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,153,078	\$	997,415	T	2003	\$	155,663	T	2003
+	2110000	R	A	07/06/2011	07/06/2011	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,130,469	\$	977,858	T	2003	\$	152,611	T	2003
+	2100000	R	A	07/22/2010	07/22/2010	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,122,021	\$	970,550	T	2003	\$	151,471	T	2003
+	2090000	R	A	06/11/2009	06/11/2009	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,124,687	\$	972,856	T	2003	\$	151,831	T	2003
+	2080000	R	A	06/12/2008	06/12/2008	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,102,635	\$	953,781	T	2003	\$	148,854	T	2003
+	2070000	R	A	06/14/2007	06/14/2007	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,081,016	\$	935,080	T	2003	\$	145,936	T	2003
+	2060000	R	A	06/22/2006	06/22/2006	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,059,821	\$	916,746	T	2003	\$	143,075	T	2003
+	2050000	R	A	06/24/2005	06/24/2005	05/07/2004	50	1152512	B	S	3	7	00%-0	\$	1,039,041	\$	898,771	T	2003	\$	140,270	T	2003
+	2040000	R	A	06/26/2004	06/26/2004	04/01/2003	50	0915850	B	R	3	7	00%-0	\$	1,018,669	\$	881,149	T	2003	\$	137,520	T	2003
+	2030000	R	A	06/27/2003	06/27/2003	09/27/2002	50	2277601	Y	A	3	5	00%-0	\$	1,000,000	\$	865,000	T	2003	\$	135,000	T	2003

+	2020100	T	A	02/23/2003	03/02/2003	09/27/2002	50	2277601	Y	A	3	5	00%-0	\$	1,000,000	\$	865,000	T	2003	\$	135,000	T	2003
+	2020000	R	A	07/05/2002	07/05/2002	08/10/1998	50	1394959	Y	A	3	5	00%-0	\$	1,236,307	\$	1,061,208	T	1999	\$	175,099	T	1999
+	2010000	R	A	06/30/2001	06/30/2001	08/10/1998	50	1394959	Y	A	3	5	00%-0	\$	1,212,066	\$	1,040,400	T	1999	\$	171,666	T	1999
+	2000000	R	A	07/13/2000	07/13/2000	08/10/1998	50	1394959	Y	A	3	5	00%-0	\$	1,188,300	\$	1,020,000	T	1999	\$	168,300	T	1999
+	1990001	C	A	11/14/1999	11/21/1999	08/10/1998	50	1394959	Y	A	3	5	00%-0	\$	1,165,000	\$	1,000,000	T	1999	\$	165,000	T	1999
+	1990000	R	I	07/16/1999	07/16/1999	08/10/1998	50	1394959	Y	A	3	5	00%-0	\$	1,405,000	\$	1,382,000	8	1987	\$	23,000	8	1987
+	1980100	T	A	06/20/1999	06/27/1999	08/10/1998	50	1394959	Y	A	3	5	00%-0	\$	1,165,000	\$	1,000,000	T	1999	\$	165,000	T	1999
+	1980000	R	A	07/14/1998	07/14/1998	03/03/1987	50	0315739	E	S	3	7	00%-0	\$	1,405,000	\$	1,382,000	8	1987	\$	23,000	8	1987
+	1970000	R	A	07/19/1997	07/19/1997	03/03/1987	50	0315739	E	S	3	7	00%-0	\$	1,405,000	\$	1,382,000	8	1987	\$	23,000	8	1987
+	1960000	R	A	08/03/1996	08/03/1996	03/03/1987	50	0315739	E	S	3	7	00%-0	\$	1,405,000	\$	1,382,000	8	1987	\$	23,000	8	1987

Sales Records for 205-213 Ocean Front Walk.

Last Typical Change of Ownership – Joann Staudinger in 2002.
Ms. Staudinger is JSB Properties Inc.



Mortgage Record

Recording Date:	04/18/2019	Document #:	19-0344677
Loan Amount:	\$745,000	Loan Type:	O
TD Due Date:		Type of Financing:	VAR
Lender Name:	FIRST REPUBLIC BANK		
Lender Type:	Bank		
Buyer Vesting:	J S B PROPERTIES INC,		
Vesting:			

Prior Transfer

Recording Date:	05/07/2004	Document #:	2004-1152512
Price:		Document Type:	N/A
First TD:		Type of Sale:	Price Per Public Records
Lender Name:	N/A		
Buyer Name:	N/A		
Buyer Vesting:	CO		
Sell Name:	N/A		
City/Muni/Twp:	N/A		
Legal:	LOT:203 BLK:2		GOLDEN BAY TRACT LOT 203 BLK 2

Prior Transfer

Recording Date:	04/01/2003	Document #:	03-0915850
Price:		Document Type:	Quit Claim Deed
First TD:		Type of Sale:	&
Lender Name:			
Buyer Name:	J S B PROPERTIES INC,		
Buyer Vesting:			
Sell Name:	STAUDINGER, JOANNA		
City/Muni/Twp:			
Legal:	BLK:2 CITY:LOS ANGELES SUBD:GOLDEN BAY TRACT MAP REF:MB2 PG15		

Prior Transfer

Recording Date:	09/27/2002	Document #:	02-2277601
Price:	\$1,375,000	Document Type:	Grant Deed
First TD:		Type of Sale:	0
Lender Name:			
Buyer Name:	STAUDINGER, JOANNA		
Buyer Vesting:			
Sell Name:	SUNSET VIEW PROPERTIES INC,		
City/Muni/Twp:	PACIFIC PALISADES		
Legal:	LOT:197,199 CITY:LOS ANGELES SUBD:GOLDEN BAY TRACT LOTS201&203 MAP REF:MB2 PG15		

Property Information

Primary Owner : J S B PROPERTIES INC
Secondary Owner : N/A
Site Address : 213 OCEAN FRONT WALK
VENICE, CA 90291-2408
Mailing Address : 6100 CENTER DR
LOS ANGELES, CA 90045
Assessor Parcel Number : 4286-030-003
CountyName : Los Angeles
Tax Account ID :
Phone : N/A
Census Tract : 2734.02
Housing Tract Number : N/A
Lot Number : 203
Page Grid : 671-5F
Legal Description : Lot: 203 ; Block: 2 ; Abbreviated Description: LOT:203 BLK:2
GOLDEN BAY TRACT LOT 203 BLK 2

Property Characteristics

Bedrooms :	0	Year Built :	N/A	Square Feet :	0
Bathrooms :	0.0	Garage :	N/A	Lot size :	4158 SF
Partial Bath :	0	Fireplace :	N/A	Number of Units :	0
Total Rooms :	0	Pool/Spa :	N	Use Code :	Commercial-Vacant Land
Zoning :	LAC1				

Sale/Loan Information

Transfer Date :	09/27/2002	Document # :	02-2277601
Transfer Value :	\$1,375,000	Cost/Sq Feet :	N/A
First Loan Amt :	N/A	Lender :	

Assessment/Tax Information

Assessed Value :	\$496,613	Tax Amount :	\$9,066.87
Land Value :	\$496,613	Tax Status :	Current
Improvement Value :	\$0	Tax Rate Area :	0-067
Percent Improvement :	0 %	Homeowner Exemption :	N

MEMORANDUM OF LEASE

JAKE MATTHEWS AND JOANN STAUDINGER – 30YR LEASE SIGNED 9/28/2017

Branch :NCP User :GDEV

Title Officer : 55 Order : 0860066

RECORDING REQUESTED BY:

Fidelity National Title Company

UPON RECORDING, RETURN TO:

Greg Shean
Farella Braun + Martel LLP
235 Montgomery Street
San Francisco, CA 94104

APN 4286-030-002 and 4286-030-003

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE ("Memorandum") is made and entered into effective as of the 28 day of September, 2017, by and between J.S.B. Properties, Inc., a California corporation ("Landlord"), and Venice Boardwalk Ventures, LLC, a California limited liability company ("Tenant"), to provide notice to all parties of Tenant's leasehold interest in the real property known as 203 – 213 Ocean Front Walk, Venice, CA 90291, and more particularly described in Exhibit A attached hereto and made a part hereof (the "Property").

WITNESSETH:

1. Lease. For and in consideration of the rental reserved, and of the mutual covenants, agreements and conditions provided in that certain Lease, dated as of September 25, 2017 (the "Lease"), Landlord hereby leases to Tenant and Tenant hereby leases from Landlord the Property. The term of the Lease is scheduled to commence on November 1, 2017 as stated in the Lease, and, unless sooner terminated under the terms of the Lease, shall expire on October 31, 2027. The Lease also grants Tenant a right to extend the term of the Lease for two (2) additional one hundred-twenty (120) month periods and one (1) additional fifty-nine (59) month period commencing when the prior term expires upon each of the terms and conditions set forth in the Lease.

2. Lease Provisions Govern Memorandum. This Memorandum is subject to the conditions, covenants, agreements, reservations and provisions, including those pertaining to the rent and consideration payable, provided in the Lease. The incomplete statement of any such covenant, condition, agreement, reservation or provision in this Memorandum shall not be deemed to modify or amend any of the terms and provisions of the Lease, which shall be the controlling instrument. Subject to the foregoing, this Memorandum is binding upon, and shall inure to the benefit of, the parties hereto and their successors and assigns.

3. Counterparts. This Amendment of Memorandum may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same agreement.

348134203026.1

ms

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the date first above written.

Landlord:

Tenant:

J.S.B. Properties, Inc.,
a California corporation

Venice Boardwalk Ventures, LLC,
a California limited liability company

By: *J. Steudinger*
Name: Joanna Steudinger
Title: owner / president

By: *Jacob Mathews*
Name: JACOB MATHEWS
Title: MANAGER
9-28-17

SEE ATTACHED NOTARY CERTIFICATE



3481316203026.1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles**Carina Perry, Notary Public**

On 09/20/17 before me, Carina Perry / Notary Public,
personally appeared JALOB MATHEWS Notary Public,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Carina Perry (Seal)

34813/6203026.1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles

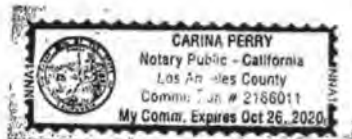
Carina Perry, Notary Public

On 09/26/17 before me, _____, a Notary Public,
personally appeared JOANNA STAUDINGER,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
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WITNESS my hand and official seal.

Signature Carina Perry (Seal)
Carina Perry, Notary Public



348136213076.1

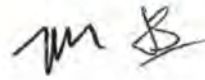


EXHIBIT A

PROPERTY DESCRIPTION

LEGAL DESCRIPTION

Real property in the City of Venice, County of Los Angeles, State of California, described as follows:

PARCEL 1:

LOTS 197, 199 AND 201 IN BLOCK 2 OF THE GOLDEN BAY TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2 PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOT 203 IN BLOCK 2 OF GOLDEN BAY TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2 PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN:

4286-030-002 (Affects Parcel 1)

4286-030-003 (Affects Parcel 2)

348136203026.1

WATERFRONT RE-OPENS

Venice's Reborn Waterfront Cafe Shines Along the Boardwalk - LA Eater, Oct 12, 2018

<https://la.eater.com/2018/10/12/17968636/waterfront-venice-opening-tacos-new-cafe-photos-inside>

“...in came Jake Mathews, a developer with [9Mile Investments](#), to turn the place around. Now the **Waterfront has been pulled back to the studs and opened up...**”

While referred to as an “existing non-conforming restaurant” seeking a Type 47 General Eating Place alcohol license, patrons must show proof of being over 21 to enter, not just to order alcohol, and no food order is required. As he has done at Winston House at 23 Windward in Venice, Mr. Matthews increases occupancy by removing seating, in a “restaurant”.



Sunny insides





Patio seating



Greenery abounds



Subject: Opposition to the staff report for 5-21-0877 (And NSI staff report for Appeal A-5-VEN-21-0070 on December 15, 2021)

Hello Commissioners,

I oppose the staff report and recommendation of approval for 5-21-0877, as well as the No Substantial Issue (NOI) staff recommendation for A-5-VEN-21-0070 on December 15, 2021. This is an Environmental Justice issue first, in addition to applicable land use laws.

The Oakwood community in Venice is the first, and only remaining, “intentional Black coastal community” in California. This historic Black community has been constantly subjected to government-sanctioned tools of systemic racism including segregation, restrictive covenants, redlining, PACE, REAP, Broken Windows, Code Enforcement, and gang injunctions. Those programs separated communities along racial and economic lines, deprived certain families of opportunities to build generational wealth, and were used to force people of color out of their homes and community, facilitating gentrification.

In contrast, when affluent, mostly white, developers abuse land use laws in plain sight, they appear to be held to a different standard of law that includes after-the-fact approvals and additional benefits in perpetuity. This double standard in law benefits one class only and exacerbates the economic divide, accelerating displacement in 2022.

Here, Applicant Jake Matthews re-opened The Waterfront in October 2018 having renovated the entire property “down to the studs” and expanded the service floor area with CUB across all four lots ¹, all with no planning approval from the City of Los Angeles (City) or the Coastal Commission (Commission) or Los Angeles Department Building & Safety (LADBS) permits.

Mr. Matthews is now seeking additional benefits in perpetuity. Staff recommends approval. HOW does that incentivize affluent people to follow the law? There must be one legal standard for all people in land use law. Anything less exacerbates injustice.

On March 8, 2019, the commission passed an Environmental Justice (EJ) policy. While implementation is still evolving, the EJ policy must be used meaningfully in all cases under review.

1. Venice's Reborn Waterfront Cafe Shines Along the Boardwalk - LA Eater, Oct 12, 2018
<https://la.eater.com/2018/10/12/17968636/waterfront-venice-opening-tacos-new-cafe-photos-inside>

This case involves an Applicant who is (1) an experienced investor and developer, (2) blatantly ignored the law, and (3) has benefited from unpermitted commercial expansion creating unjustified enrichment, coupled with (4) a property owner who has owned the property since at least 2002 and grossly underpays the commercial property taxes.

This is one of many similar cases in the Venice pipeline.

It will set a precedent for how others come forward and their expectations of impunity. The commission must take a stand for Environmental Justice and Equity to promote a fair outcome for all stakeholders and an equitable standard for the application of federal, state, and local laws.

Section 30116 of the Coastal Act describes a “sensitive coastal resource area” and promotes coastal access, including housing access for low and moderate-income people, in high visitor destination areas. It has been embedded in the certified Venice Land Use Plan since 2000. In order for this “inclusive policy” must be meaningful, along with the EJ policy, the same legal standards must apply for all people, regardless of income.

Here, Assessor records show the last “Typical Change in Ownership for both properties on 9/27/2002 (Lots 197, 199, 201, 203). Joanna Staudinger is the owner. Tax Rolls for 2020-2021 for 205 Ocean Front Walk shows a Land Value is \$1,145,532 and Improvements valued at \$178,775. 213 Ocean Front Walk (Lot 203) has a Use Code: 100V - Commercial Vacant for a Land Value of \$496,613.

In total, 2020-2021 property taxes are for a 2717sq. ft restaurant built in 1946, 13,759sq. ft on Ocean Front Walk with total Land Value of \$1,642,145 and the building valued at \$178,775.

The gross undervaluation of commercial property tax for these four lots is part of a more general pattern of in Venice, especially on Ocean Front Walk. This underfunds public infrastructure and community services, exacerbating displacement. Please stop the cycle!

On September 28, 2017, the Applicant executed a Memorandum of Lease with the property owner and finalized the Lease on December 1, 2017. A CPRA request for a copy of the Lease to understand the description of the “existing legal use of the property” is redacted entirely for through those specific areas of description.

On 2/23/2018, the Applicant filed CEX 5-18-0035-X: for NO CHANGE IN FLOOR AREA, HEIGHT, OR USE.

Inexplicably, this CEX is not mentioned in the staff report for No Substantial Issue (NSI) for Appeal A-5-VEN-21-0070 on December 15, 2021, or the staff report for 5-21-0877.

It includes these section:

- ☒ Other: The proposed development is an improvement to a structure other than a single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater), but is not (a) an increase of 10% or more of internal floor area; (b) an increase in height over 10%; or (c) a significant non-attached structure (Coastal Act Section 30610(b) and Section 13253(b)(4) of the Administrative Regulations).

On December 15, 2021, the staff report for NSI on Appeal A-5-VEN-21-0070, stated that staff could not establish that the Applicant had operated Boardwalk Tacos at 203 Ocean Front Walk. It describes Lot 4286030003 is a “vacant lot” throughout the report. The “existing restaurant” as an “existing 3,288 sq. ft. restaurant”. And after-the-fact application for a 918sq. ft. storage area addition.

205, 207, 209, and 213 Ocean Front Walk, Venice (APNs: 4286030002, 4286030003)

Appeal of City of Los Angeles Local Coastal Development Permit No. APCW-2020-1521-SPE-SPP- CDP-CUB-ZV approved with conditions for the construction of a new, two-story, 25.7-ft. tall, 2,165 sq. ft., mixed-use (office, restaurant/bar, restroom) structure and three new parking spaces **on one lot associated with** an existing, pre-coastal restaurant that spans three adjacent ocean-fronting lots. The project includes after- the-fact approval for construction of a new, 918 sq. ft. storage area to the existing restaurant.

The staff report for 5-21-0877 describes:

205, 207, 209, and 213 Ocean Front Walk, Venice, City of Los Angeles, Los Angeles County (APNs: 4286-030-002, 4286-030-003)

Construction of a new, two-story, 25.7-ft. tall, 1,235 sq. ft., mixed-use (office, restaurant/bar, and restroom) structure with three new parking spaces on a 4,158 sq. ft. ocean-fronting lot, associated with an existing, two- story, 19-ft. tall, 3,146 sq. ft. restaurant, which spans three adjacent lots totaling 9,572 sq. ft. The project includes a request for after-the-fact approval of a two- story, 19-ft. tall, 918 sq. ft. storage area attached to the existing restaurant.

But then states in SUMMARY OF STAFF RECOMMENDATION:

The three northern-most lots (205, 207, and 209 Ocean Front Walk) are currently developed with a two-story restaurant providing 16 on-site parking spaces. **The existing restaurant consists of a 3,146 sq. ft. interior area, with kitchens, restrooms, and approximately 1,398 sq. ft. of service floor area; as well as a 1,804 sq. ft. outdoor patio consisting entirely of service area.** The outdoor patio has exterior walls, but lacks a roof structure. The existing restaurant was constructed prior to passage of the Coastal Act.

The fourth and southern-most lot (213 Ocean Front Walk) currently supports temporary structures, including plywood walls, an awning, and an eight-stall restroom trailer with no permanent plumbing or pipe infrastructure. The applicant obtained an AI Fresco Dining Permit from the City of Los Angeles Planning Department for the subject structures in 2020 (to allow for additional outdoor dining during the pandemic); however, the use of the site as additional service floor area for the existing restaurant did not receive a coastal development permit (CDP) from the City, nor the Coastal Commission. The proposed project includes removal of the unpermitted structures.

In June 2019, prior to any AI Fresco permitting, the Applicant was operating across all four lots as noted in an LADBS Order to Comply (OTC) for unpermitted construction. This OTC is also not noted in either staff report.

Since The Waterfront is legally barred from claiming any ‘grandfathered’ right to continue an illegal or unlawful activity, any previous failure to enforce the existing laws remains irrelevant. (*Schafer, supra*, 237 Cal.App.4th at 1262-63; *Feduniak, supra*, 148 Cal.App.4th at 1360.) There is no equitable estoppel to protect continued unlawful activity, i.e. you can’t grandfather in illegal actions.

Parking

Staff report, on page 8 states:

An existing, one-story, 3,288 sq. ft. restaurant with 16 on-site parking spaces is located across three adjacent lots: 205 Ocean Front Walk (2,227 sq. ft. in size), 207 Ocean Front Walk (2,227 sq. ft. in size), and 209 Ocean Front Walk (4,162 sq. ft. in size) (Exhibit 2). There is a Certificate of Occupancy (COO), dated October 23, 1951, which describes the restaurant as a one-story, “G-1 Occupancy (food)” use structure (Exhibit 6). There is an additional COO, dated March 27, 1985, which updated the use from “G-2 res. to B-2 restaurant”.

Footnote 1 shows the “actual required parking”:

¹ The existing restaurant includes 3,202 sq. ft. of service floor area and would require 69 parking spaces per certified LUP policies II.A.3 and II.A.4 without its legally non-conforming status.

Please deny 5-21-0877. This Applicant has a pattern and practice of unpermitted development. It is unfair competition.

Appreciatively,

Margaret Molloy

Seifert, Chloe@Coastal

From: Margaret Molloy
Sent: Tuesday, May 10, 2022 1:52 PM
To: Seifert, Chloe@Coastal
Cc: Reed, Jessica@Coastal; Warren, Louise@Coastal
Subject: Request for May 5, 2022 email to be published in the "Correspondence for Application No. 5-21-0877 (North Venice Boardwalk, LLC, Venice)".
Attachments: 24 windward_CofO 1985.pdf

Hello Ms. Seifert and all,

I request that this document is published in the "Correspondence for Application No. 5-21-0877 (North Venice Boardwalk, LLC, Venice)".
It was submitted prior to the publication deadline. Please confirm.

Appreciatively,

Margaret Molloy

From: Margaret Molloy <mmmolloy@earthlink.net>
Subject: Re: Question re 205-213 Ocean Front Walk
Date: May 5, 2022 at 1:49:22 PM PDT
To: "Chloe@Coastal Seifert" <chloe.seifert@coastal.ca.gov>
Cc: "Jessica@Coastal Reed" <Jessica.Reed@coastal.ca.gov>, "Warren, Louise@Coastal" <Louise.Warren@coastal.ca.gov>

Hello Ms. Seifert, Ms. Reed, and Ms. Warren,

This section of the staff report on page 27 confirms that each lot can be sold separately:

"In the event that either parcel (currently identified as 4286-030-002 and 4286-030-003) undergoes a change in ownership, the two new parking spaces proposed on 205-209 Ocean Front Walk (4286-030-002) must be maintained for the use of the new structure at 213 Ocean Front Walk (4286-030-003) as approved by this permit. "

This project has NOT been evaluated for precedent as a "stand alone walk-up food and alcohol takeout counter" with seating on private land.

"The applicant proposes construction of a new, two-story, 25.7-ft. tall, 1,235 sq. ft., mixed- use structure on the lot at 213 Ocean Front Walk. The new structure will include a walk- up service counter, food/beverage preparation kitchen, and restrooms on the first floor, and an office and storage areas on the second floor. The applicant is also proposing a new outdoor seating and recreation area providing 930 sq. ft. of outdoor service floor area on the lot located at 213 Ocean Front Walk. The new structure will serve as a detached addition to the existing restaurant at 205, 207, and 209 Ocean Front Walk, with a 16 ft. distance between the existing and proposed structures."

And: "The proposed project would provide a 49-ft. structural setback from Ocean Front Walk. Policy I.B.7 allows a maximum 15-ft. setback from Ocean Front Walk; **as such, the location of the new structure is inconsistent with Policy I.B.7, which was likely intended to ensure visual compatibility with the surrounding row of storefronts immediately adjacent to the boardwalk.**"

There are many other substantial issues with the staff report BUT THIS is completely unaddressed for precedent as a "stand alone" development.

Importantly, Belles Beach House (formally Larry's, with expansion across three additional lots) owned by the Sokol Family and also represented by lobbyist Laurette Healey, is illegally operating a restaurant with full CUB across five lots at 20-36 Windward Avenue with e Certificate of Occupancy for a "25' x 60' take-out restaurant" only. Three longtime retail store were evicted in March 2021 for this expansion.

Currently, other businesses are doing similar evictions of retail tenants with similar ambitions.

This project has NOT been evaluated for precedent as a "stand alone walk-up food and alcohol takeout counter" with seating on private land. That is unacceptable.

Appreciatively,

Margaret Molloy

In summary, while not explicitly meeting the parking requirements of the certified LUP, the applicant adequately meets the expected demand generated by the proposed development through the provision of bicycle parking stalls and on- and off-site vehicle parking. **Special Condition 4** requires the applicant to acknowledge that any change in the parking proposed and approved by this permit must be submitted to the Executive Director, to determine if an amendment to the permit is legally required. **Special Condition 4** additionally requires the applicant to maintain 19 vehicle parking spaces spanning the four lots and 40 bicycle parking spaces on-site at all times, and 16 off-site valet vehicle parking on weekends, holidays, and weekdays after 5:30 PM. In the event that either parcel (currently identified as 4286-030-002 and 4286-030-003) undergoes a change in ownership, the two new parking spaces proposed on 205-209 Ocean Front Walk (4286-030-002) must be maintained for the use of the new structure at 213 Ocean Front Walk (4286-030-003) as approved by this permit. This shall be applicable unless the Commission amends the subject permit.

To ensure that any prospective future owners of the properties are made aware of the applicability of the conditions of this permit, including the parking requirements, **Special Condition 12** requires the owner to execute a deed restriction acknowledging that, pursuant to the subject permit (CDP No. 5-21-0877), the Commission has authorized development on the subject property subject to the terms and 12 special conditions of this permit that restrict the use of the subject property.

As proposed and conditioned, the Commission finds that the development conforms to the applicable policies of the certified Venice LUP, as well as sections 30210 and 30252 of the Coastal Act.

LUP Policy II.A.3 requires one parking space for each 50 sq. ft. of total service floor area for window service restaurants with walk-up service and outdoor eating area. Per this policy, the 2,165 sq. ft. (including the outdoor service area) of new service area with walk-up window service would require 36 parking spaces, not including the BIZ parking spaces. LUP Policy II.A.3 also states that the parking requirements may be modified for beachfront walk-up with seating depending on the particulars of the individual case. In

this case the new structure, while separate, will be associated with the existing restaurant. The new outdoor service floor area created by the project may be used by both the existing restaurant and the new walk-up service window restaurant. The new outdoor service floor area will include seating and tables. Thus, considering the new service floor area and the proposed office use of the structure, it is appropriate to use the parking standards for Restaurant and Office uses rather than Walk-Up Window Service Restaurant.

Laurette Healey, City Land Use

NAME OF CLIENT: 24 Windward Avenue, LLC	REPRESENTATION BEGINS: Mar 01, 2021	REPRESENTATION ENDS: Dec 31, 2021
CLIENT ADDRESS: (Number and Street) (street address redacted)		
CITY, STATE, ZIP CODE: Venice , CA 90291	TELEPHONE NUMBER: (310) 6174422	
Agencies to be lobbied on behalf of the client ANY CITY AGENCY	Municipal Legislation / Projects (1) Larrys, LLC/24-36 Windward Avenue Restaurant	

NAME OF CLIENT: North Venice Boardwalk, LLC	REPRESENTATION BEGINS: Jan 01, 2021	REPRESENTATION ENDS: Dec 31, 2021
CLIENT ADDRESS: (Number and Street) (street address redacted)		
CITY, STATE, ZIP CODE: Venice , CA 90291	TELEPHONE NUMBER: (310) 403-6448	
Agencies to be lobbied on behalf of the client ANY CITY AGENCY	Municipal Legislation / Projects (1) Entitlement and Building Permits/205-213 Ocean Front Walk Accessory building; Type 47 ABC license; recreation area; parking	

Belles Beach House, owned by the Sokol Family, and also represented by lobbyist Laurette Healey, is illegally operating a restaurant with full CUB across five lots at 20-36 Windward Avenue with a Certificate of Occupancy for a 25' x 60' take-out restaurant. It opened on October 19, 2021.

Similar to Mr. Matthews, three longterm retail businesses were evicted for this unpermitted expansion.

Belles Beach House Blends Breezy Hawaiian Resort With Izakaya-Style Fare

<https://la.eater.com/2021/10/21/22738628/belles-beach-house-venice-opening-tiki-hawaiian-food-cocktails>

Address of
Building

24 Windward Ave 4 0 0 0 8 6



CITY OF LOS ANGELES
CERTIFICATE OF OCCUPANCY

Note: Any change of use or occupancy must be approved by the Department of Building and Safety.

This certifies that, so far as ascertained or made known to the undersigned, the vacant land, building or portion of a building described below and located at the above address complies with the applicable construction requirements (Chapter 9) and/or the applicable zoning requirements (Chapter 1) of the Los Angeles Municipal Code for the use, or occupancy group in which it is classified

Issued 7-10-85

Permit No. and Year WLA 51784/84&56463/85

One story, Type III, 25'x60' take-out restaurant
with 2 required parking spaces. B-2 occupancy.

Owner David Saxe
Owner's 32 Wavecrest
Address Venice, CA 90291

5000518200500006093

B & S 95a (R.1.77)

BY  J. Riley
JUL 11 1985



CITY LAND USE
FOR EVERYTHING OUTSIDE THE BOX

AGENDA ITEM: F 20 B, Friday, May 13, 2022

California Coastal Commission
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, California 90802-4830

Re: Applicant Statement
Application No. 5-21-0877
Site Address: 205-213 Ocean Front Walk, Venice
(APNs: 4286030002, 4286030003)

Dear Chair, Brownsey, and Honorable Commissioners:

We are writing on behalf of the Applicant to express our strong support for the staff recommendation to approve the dual permit jurisdiction CDP for the improvements and coastal access amenities proposed at The Waterfront at 205-213 Ocean Front Walk, Venice. We are also writing in response to the letter submitted by Margaret Molloy on April 29, 2022, concerning this project. As background, at its December 15, 2021, meeting, the Commission found that the appeal filed by Ms. Molloy **with respect to the City of Los Angeles' approval of a CDP for this project** raised no substantial issues under the Coastal Act.

The proposed project will add ten new bathroom stalls, an outdoor recreation area, and a beach serving food and beverage walk-up service. If approved, it will enhance the visitor experience and help alleviate the bathroom shortage on the north end of the Venice Boardwalk.

Ms. Molloy's letter falsely states that the Applicant **"blatantly ignored the law...and has benefited from unpermitted commercial expansion creating unjustified enrichment"** and that the Applicant renovated the entire property without permits or approvals. Ms. Molloy also incorrectly **claims "patrons must show proof of being over 21 to enter" the restaurant.**

In 2018, the Applicant purchased the restaurant business from the previous tenant, Stefan Bachofner, who operated the premises for twenty-three years (1994 to 2017). Like most 23-year-old restaurants, the building needed to be renovated, and building systems that required upgrading. The Applicant's **renovation of the restaurant was done with permits, inspections**, and sign off from the Los Angeles Department of Building and Safety, the Los Angeles County Health Department, and California Coastal Commission Exemptions for the aspects of the renovation that required Coastal Commission review (the storefront openings, the awnings, the signage, and the new trellis).

In good faith, the Applicant assumed the service floor area of the existing restaurant, including the beer garden covered under the existing ABC license. The previous tenant had operated for approximately 23 years without any notices of violation or code compliance part of the approved use.

In 2019, the Applicant received notice that its use of the beer garden was not in compliance and that 213 Ocean Front Walk is designated as a vacant lot. The Applicant immediately retained

City Land Use to undertake an extensive review of over 100 years of archival permitting history and worked with its neighbors and the community to prepare an application for the proposed development (ten new bathrooms, a walk-up food and beverage counter with an outdoor picnic-style seating and an outdoor recreation area.). These materials are submitted to Coastal Staff. The application has broad support from the neighbors, unanimous approval from Venice Neighborhood Council, Area Planning Commission, LA City Council and a unanimous determination of no substantial issue from the **Coastal Commission with respect to Ms. Molloy's** appeal of the City approval. Ms. Molloy, the single opponent, lives approximately 2.5 miles away from the property.

As Venice parents with young children, the **Applicant's** principal motivation in creating the new Waterfront was to fill the need for a safe, fun, and clean place for families to go on Ocean Front Walk. The Waterfront does not restrict access to people 21 and over. It is open to everyone. The Waterfront team works hard to support the Venice community. The Waterfront has given away thousands of meals, held multiple fundraisers to support local non-profits, hires locally (including hiring and offering support for people experiencing homelessness), holds a monthly neighbor night that attracts on average 100 neighbors for a free community dinner, and makes an invaluable contribution to the local community and visitors.

Thank you for your time and consideration. **We respectfully request the Commission adopt the Staff recommendation to approve this Coastal Development Permit Application.**

Sincerely,

Laurette Healey

Laurette Healey, Principal
City Land Use, Inc.

E: Laurette@citylanduse.com

M: (310) 968-7887

W: CityLandUse.com

Cc: (via email)

Jake Mathews
David Goldberg
Shannon Vaughn



From: Jessica Lawson <jlawson@lahsa.org>

Date: January 9, 2019 at 2:43:03 PM PST

To: "Dave@thewaterfrontvenice.com" <Dave@thewaterfrontvenice.com>

Subject: Thank You

Good Afternoon Mr. Dave Harper,

I met you a few months ago on the boardwalk shortly after you reopened The Waterfront. First of all, I would like to thank you for being our ally and so supportive and kind to the individuals around your restaurant that are experiencing homelessness.

At least once a week I hear positive things about you and your staff from the people we work with; the latest was just yesterday when an elder man that I often assist offered compliments about The Waterfront and the way you all treat them with respect.

I have mentioned these reactions to my colleagues and recommended that when visiting Venice they dine at your restaurant. My department's Associate Director, Victor Hinderliter, has heard me mention this a few times and suggested that maybe our communications department could write a story to showcase the way that you bring humanity to this difficult situation. Our Communications Director loved the idea and also suggested shooting a video about your restaurant and how you assist our cause.

I am wondering if you would be interested in this and if I can connect you to LAHSA's communication department and it's Director, Tom Waldman.

Thank You!!

Jessica L. Lawson

Homeless Engagement Team Service Coordinator

Los Angeles Homeless Services Authority

213/806-9090

www.lahsa.org

Volunteer for the 2019 Greater Los Angeles Homeless Count

<http://www.theycountwillyou.org>

From: Emily Swallow <eswallow@la.surfrider.org>

Subject: Re: Thank You!

Date: February 1, 2019 at 3:52:34 PM PST

To: Graham Hamilton <ghamilton@la.surfrider.org>

Cc: Dave Harper <dave@thewaterfrontvenice.com>, SFLA Executive Committee <ec@la.surfrider.org>, Josh Black <realjoshblack@gmail.com>, Trishna Patel <trishna@thewaterfrontvenice.com>, Hanna Scherneck <hanna@thewaterfrontvenice.com>

Dave -

I want to add my thanks and appreciation to what has already been expressed. As a Venice resident, I'm thrilled to have you there because Waterfront is the perfect gathering spot. And as a Surfrider activist, I'm incredibly grateful for the example you're setting for the community. Thanks for having us on Wednesday! I'm headed back to New York for awhile, but you'd better believe I'll be stopping in next time I'm in town!

All the best -

Emily

Emily Swallow

SURFRIDER FOUNDATION LOS ANGELES

Chair, Ocean Friendly Restaurants

<https://la.surfrider.org/programs/ocean-friendly-restaurants/>

Instagram: @[oceanfriendlyrestaurantsla](https://www.instagram.com/oceanfriendlyrestaurantsla)

Twitter: @SurfriderOFR

la.surfrider.org

Seifert, Chloe@Coastal

From: Ingrid Mueller <ingridinvenice@gmail.com>
Sent: Friday, May 6, 2022 12:49 PM
To: Seifert, Chloe@Coastal
Subject: i¿¿Opposition!!! to 5-21-0877

Follow Up Flag: Follow up
Flag Status: Flagged

Respected CCCommissioners,

Please pay extreme Attention:

Our Ocean Front Walk, Windward Ave+Circle have amassed slithering bu\$iness \$nakes, creating One Class establishments and environments that are Unwanted, now Inaccessible & Unaffordable to Original Old Venice, like established small restaurants and people with character and history.

Please acknowledge piracy and inequality in our protected Coastal Zone by Opposing/Denying this Agenda Item.

Sincerely, indeed!
Ingrid Mueller
Tenant in Venice 90291
Since 1988

May 6th, 2022

Chloe Seifert | Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802

Opposition to Coastal Application 5-21-0877

Dear Honorable Coastal Commissioners:

There are numerous deleterious issues involved in this application and the prescription proffered by staff. I'm limiting my comments to one troubling subject: the gift of public benefits to cheaters, based on a precedent long-since set in the Venice Coastal Zone and well understood by unscrupulous business owners: that it is easier, and a great deal more profitable, to seek forgiveness than to ask permission.

The willingness of this Commission and some other discretionary bodies to overlook deliberate and longstanding violations while "bringing the project into compliance" provides the violator with an advantage over honest businesses. It creates a perverse incentive to bootleg construction, enjoy its fruits for as long as possible and then, when seeking a new entitlement, to be legally redeemed.

If I were to steal \$100,000 in cash from Los Angeles County or the City of Los Angeles, I would presumably be sent to prison. Yet the loss of tax money involved in these land use ploys may be much larger, since they are no longer collectible after four years. This is money that could have been used to house the homeless or fight Covid-19. Instead, it is expanding the applicant's substantial business holdings, which are substantial.

The Waterfront has acknowledged that over nine hundred square feet of its service floor area was built without permits, and that the business has used that space profitably; yet it is my understanding that the applicant has never sought to rectify the situation until now, in order to seek additional entitlements.

Frankly, this also begs the question of why the staff, or this Commission, would base any findings on representations made by an applicant who has admittedly operated dishonestly and now seeks to capitalize further on that dishonesty. When the applicant claims that the LUP's parking requirements need not be fulfilled for this establishment due to its particular circumstances, is that supported by a study done by a certified professional? Has any methodology for assessing the parking needs been established or followed, or has a story been accepted in lieu of any rigorous assessment?

These are not the only business owners in the Coastal Zone who play this game. Many socialize and know each others' business and keep an eye open for the angles. I think you'll find the record is replete with forgiveness.

Would staff or Commissioners be interested in a tour?

Yours truly,

David S. Ewing