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June 12, 2024

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPEAL OF CASE NO. ENV-2021-7224-CE-1A; COUNCIL FILE No. 24-0540**

The project includes renovation on the ground and basement levels of the 5-story historic Waldorf Building to bring back a historic restaurant containing 1,276 square-feet of floor area with 43 seats at the ground level and an accessory theater containing 706 square-feet with 49 seats at the basement level. The project does not involve any new construction or expansion of the existing building. The entitlement includes a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption with an extended hours of operation in a commercial corner site, and a Coastal Development Permit for a project in the Dual Jurisdiction Coastal Zone.

At its meeting of March 6, 2024, the West Los Angeles Area Planning Commission denied an appeal and sustained Associate Zoning Administrator's approval of the proposed project:

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15301 (Class 1), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 applies;
2. **Denied** the appeals and **sustained** the Zoning Administrator's Determination dated August 28, 2023, which;
3. **Approved**, Pursuant Los Angeles Municipal Code (LAMC) Sections 12.24-W.1 and 12.24-W.27, a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation an existing restaurant at the ground level and an existing theater at the basement level all located within a 5-story over a basement historic apartment hotel building in the C1-1 zone, with the hours of operation from 8 a.m. to 12 a.m., midnight from Sunday to Wednesday, and from 8:00 a.m. to 1:00 a.m. on Thursday, Friday, and Saturday, in lieu of the maximum hours of operation from 7 a.m. to 11 p.m. permitted in a Commercial Corner Development;

4. **Approved**, pursuant to LAMC Section 12.20.2, a Coastal Development Permit authorizing the renovation of an existing 1,276 square-foot ground floor restaurant with 43 seats, and a 706 square-foot basement level theater with 49 seats located within an historic 5-story over a basement apartment hotel building, on a lot located in the Dual Permit Jurisdiction area of the Coastal Zone.

Subsequently, on April 23, 2024, a CEQA appeal was filed by an aggrieved party representing Keep Neighborhoods First, Citizens Preserving Venice, and Better Neighbors LA, to the City Council (Case Number ENV-2021-7224-CE-1A; Council File Number 24-0540) challenging the West Los Angeles Area Planning Commission's determination of a Class 1 Categorical Exemption as the project's environmental clearance.

### **APPEAL SUMMARY**

The appellant contends that the City improperly approved the Conditional Use and the Coastal Development requests for the project because the upper floors of the 5-story Waldorf apartment hotel were being used as housing units and that the project owner has illegally turned the building into a hotel. The appellant further alleges that the proposed restaurant and theater uses are currently not in operation, and therefore the project does not qualify for a Class 1 Categorical Exemption.

### **APPEAL ANALYSIS**

The project is located at 1217 Ocean Front Walk, right on the Boardwalk, in the Venice Community Plan area. The project site is improved with a 5-story over a basement historic Apartment Hotel building opened in 1915 known as Venice Waldorf Building. The property is zoned C1-1 with a Community Commercial Land Use permitting various commercial and retail uses. The project includes renovation on the ground and basement levels of the Waldorf Building to bring back a historic restaurant containing 1,276 square-feet of floor area with 43 seats at the ground level and an accessory theater containing 706 square-feet with 49 seats at the basement level. The project does not involve any new construction or expansion of the existing building. The entitlement includes a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption with an extended hours of operation in a commercial corner site, and a Coastal Development Permit for a project in the Dual Jurisdiction Coastal Zone.

On August 28, 2023, the Zoning Administrator issued an approval letter to the project permitting the sales and on-site consumption of a full line of alcoholic beverages for the proposed restaurant and theater with the business hours of 8 am to 12 am midnight from Sunday to Wednesday, and from 8 am to 1 am on Thursday, Friday and Saturday.

On September 12, 2023, three separate appeals were filed to the West Los Angeles Area Planning Commission objecting to the City's determination. Appellants' entire argument was that the upper floors of the 5-story Waldorf apartment hotel were being used as housing units and that the project owner has illegally turned the building into a hotel.

On March 6, 2024, at the West LA Area Planning Commission, the Commission heard and considered the appellant's justifications and voted to deny the appeal and sustained the Zoning Administrator's decision based on the fact that Waldorf Building has been historically used as part hotel and part apartment and permitted by the building's existing Certificates of Occupancy. And, the Housing Department, the Office of City Attorney, and the California Coastal Commission all have clarified that there is no outstanding housing violation and citations.

Subsequently, the appellant filed a CEQA appeal to the to the City Council on April 23, 2024, presenting the same issues and points in the appeal to the West Los Angeles Area Planning Commission, to the Planning Land Use Management Committee now in this CEQA appeal. The Appellant continues to introduce unrelated apartment hotel use issue into this CEQA appeal, and generally argues that the restaurant and theater uses are currently not in operation, and therefore the project does not qualify for a Class 1 Categorical Exemption, which is reserved for Existing Facilities.

The Class 1 Categorical Exemption issued for this review was issued to restore the originally permitted use of a restaurant and theater and related on-site alcohol sales in this historic Waldorf apartment hotel building built in 1913. The project does not result in the expansion of commercial floor area and therefore there is little to no negligible change in intensity at the subject site. The case file provides substantial evidence including historic certificates of occupancy indicating the permitted uses at the subject site.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project. The project will not result in significant cumulative impacts or significant effect. The project site does not involve any no unusual circumstances, near scenic highways or hazardous waste sites. And, the project does not adversely affect a historic resources.

Lastly, the proposed restoration of a historic restaurant and the accessory theater use is consistent with policies of the certified Venice Coastal Zoning Specific Plan and Chapter 3 policies of the Coastal Act as discussed thoroughly in the Finding Nos. 3, and 9 through 14 in of the Zoning Administrator's and the West Los Angeles Area Planning Commission Determination.

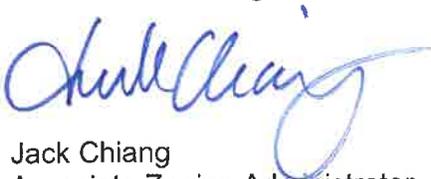
In conclusion, based substantial evidence included in the Zoning Administrator's and West Los Angeles Area Planning Commission's Determinations, and on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15301, Class 1, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 applies.

### **RECOMMENDATION**

Staff recommends that the PLUM Committee recommend for City Council to deny the appeal; sustain the West Los Angeles Area Planning Commission's approval of the project; and adopt the CEQA Guidelines, Article 19, Section 15301, Class 1, Categorical Exemption as the project's environmental clearance.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Jack Chiang  
Associate Zoning Administrator