

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
APCW-2020-1521-SPE-SPP-CDP-CUB-ZV-1A	ENV-2020-1522-CE	11 – Bonin
PROJECT ADDRESS:		
205, 207, 209 and 213 Ocean Front Walk		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
North Venice Boardwalk LLC 350 East Sunset Avenue #2 Venice, CA 90291	N/A	N/A
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
City Land Use Inc. 15203 Ventura Boulevard # 900 Sherman Oaks, CA	(213) 277-5789	contact@citylanduse.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Margaret Molloy 3841 Beethoven Street Los Angeles, CA 90066	(310) 560-2523	mmmolloy@earthlink.net
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Bindu Kannan, Planning Assistant	(213) 978-1290	bindu.kannan@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Specific Plan Exception, Project Permit Compliance Review, Coastal Development Permit, Conditional Use Beverage and Zone Variance		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

Specific Plan Exception, Project Permit Compliance Review, Coastal Development Permit, Conditional Use Beverage and Zone Variance

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:

Yes

No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

City Planning Commission (CPC)

Cultural Heritage Commission (CHC)

Central Area Planning Commission

East LA Area Planning Commission

Harbor Area Planning Commission

North Valley Area Planning Commission

South LA Area Planning Commission

South Valley Area Planning Commission

West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
February 3, 2021	4 - 0
LAST DAY TO APPEAL:	APPEALED:
March 19, 2021	YES
TRANSMITTED BY:	TRANSMITTAL DATE:
James K. Williams Commission Executive Assistant II	March 23, 2021



WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE **MAR 04 2021**

Case No. APCW-2020-1521-SPE-SPP-CDP-CUB-ZV
CEQA: ENV-2020-1522-CE
Plan Area: Venice

Council District: 11 – Bonin

Project Site: 205-213 Ocean Front Walk

Applicant: North Venice Boardwalk LLC
Representative: City Land Use Inc.

At its meeting of **February 3, 2021**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Expansion of an existing 3,288 square-foot restaurant to include the addition of a 918 square-foot storage area, and a two-story 1,792 square-foot addition comprised of 930 square feet of new Service Floor area, an outdoor recreation area, bar, office, and storage area. The Project will maintain 16 parking spaces for the existing restaurant and will provide three new vehicle parking spaces and 40 bicycle parking spaces onsite for the proposed addition.

1. **Determined** based on the whole of the administrative record that the project is exempt from CEQA, pursuant to CEQA Guidelines Section 15301 and 15303, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies;
2. **Approved** pursuant to Section 11.5.7 F of the Los Angeles Municipal Code (LAMC), a Specific Plan Exception to provide three vehicle parking spaces and 40 bicycle parking spaces in lieu of the parking otherwise required by Section 13 of the Specific Plan;
3. **Approved** pursuant to LAMC Section 11.5.7 C, a Project Permit Compliance Review for the proposed project, located within the North Venice Subarea of the Venice Coastal Zone Specific Plan;
4. **Approved** pursuant to LAMC Section 12.20.2, a Coastal Development Permit for a Development, within the Dual Permit Jurisdiction of the California Coastal Zone;
5. **Approved** pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption for a 5,998 square foot restaurant;
6. **Denied** pursuant to LAMC Section 12.27, a Zone Variance requesting relief from providing a loading zone required for commercial structures abutting an alley by LAMC Section 12.21 C.6;
7. **Adopted** the attached Conditions of Approval as modified by the Commission; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Newhouse
Second: Waltz Morocco
Ayes: Laing, Margulies
Absent: Yellin

Vote: 4 – 0



James K. Williams, Commission Executive Assistant II
West Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the West Los Angeles Area Planning Commission is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: MAR 19 2021

Pursuant to Section 12.20.2 I of the Los Angeles Municipal Code, the Commission's action on the Coastal Development Permit shall be deemed final only after 20 working days have expired from the date this decision letter is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

This Coastal Development Permit shall be subject to revocation as provided in Section 12.20.2 J of the Los Angeles Municipal Code.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures

c: Juliet Oh, Senior Planner
Bindu Kannan, Planner

CONDITIONS OF APPROVAL

As modified by the West Los Angeles Area Planning Commission on February 3, 2021.

Entitlement Conditions

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to Department of City Planning to impose additional corrective Conditions, if such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. **Dual Permit Jurisdiction Area.** The project is located within the Dual Permit Jurisdiction area of the California Coastal Zone. The applicant shall file an application for a second (or "dual") coastal development permit with the Coastal Commission. Prior to the issuance of any permits, the Applicant shall submit proof of a valid ("dual") permit issued by the Coastal Commission.
5. **Floor Area Ratio (FAR).** The subject site is limited to a maximum FAR of 0.5:1.
6. **Height.** New structures shall not exceed a maximum height of 30 feet (flat roof) and 35 feet (varied roofline, slope greater than 2:12). As shown in Exhibit A, the proposed structure is 25 feet 8 inches.
7. **Roof Structures.** Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
8. **Service Floor Area.** As shown in Exhibit A, 930 square feet of new outdoor Service Floor area is permitted. The existing restaurant will maintain all existing dining areas.
9. **Specific Plan Exception – Parking.**
 - a. A total of 19 vehicle parking spaces shall be provided onsite: three new vehicle parking spaces are required for the proposed expansion and 16 existing parking spaces shall be maintained. Any existing parking spaces shall be maintained to the satisfaction of the Department of Building and Safety.
 - b. A minimum of 40 bicycle parking spaces shall be provided onsite.
 - c. An additional 16 vehicle parking spaces shall be provided offsite at 250 Marine Street, or any other location. The offsite parking spaces shall be secured by lease and maintained for the life of the project; the spaces shall be available for use during weekends, holidays, and after 5:30 p.m. on weeknights.

10. **Encroachments.** The encroachments into Ocean Front Walk are subject to review and approval by the Department of Recreation and Parks. The applicant shall provide proof of a valid Outdoor Dining Permit prior to clearance of this condition and shall be maintained for the dining area.
11. **Loading Area.** A loading area shall be provided onsite pursuant to LAMC Section 12.21-C.6.
12. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
13. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
14. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

Alcoholic Beverage Conditions

15. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the proposed 5,998 square-foot restaurant with an existing 1,805 square-foot patio and a second proposed 930 square-foot outdoor patio and recreation area from the effective date of this grant. Subject to the following limitations:
 - a. The restaurant will operate from 8:00 a.m. to 11:00 p.m. Sunday through Thursday and from 8:00 a.m. to 12:00 a.m. Friday, Saturday and holidays. Alcohol service will be limited from 10:00 a.m. to 11:00 p.m. Sunday through Thursday and from 10:00 a.m. to 12:00 a.m. Friday, Saturday and holidays.
 - b. Indoor seating shall be limited to a maximum of 68 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 86 seats. An Outdoor Dining Permit or approval shall be obtained from the Department of Recreation and Parks for any encroachments and dining areas on Ocean Front Walk. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures. (A copy of the approved Permit, including a plot plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right of way as permitted by this grant).

16. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
17. Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

18. STAR/LEAD Training. Within the first six months of operation or the effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training.
19. STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
20. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
21. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
22. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
23. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
24. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.

25. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
26. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
27. Designated Driver Program. Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus.
28. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
29. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
30. Private Events. Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
31. Prior to the utilization of this grant, the applicant shall submit the restaurant's menu to the case file to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
32. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
33. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
34. There shall be no topless entertainment, male or female performers or fashion shows. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant.
35. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience, shall be limited to background music at a low volume such that it is

not audible beyond the premises. Independent, professional or amateur disc jockeys and karaoke are allowed.

36. Valet parking shall be provided to restaurant patrons. The availability of said validated parking and the location of said parking shall be made known to the public via the restaurant menu, a posting of the information at readily visible locations and on the restaurant website. The applicant shall provide a copy of the menu, signs or web page, for inclusion in the case file.
37. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.
38. Passenger loading shall be conducted onsite. The rear alley shall not be used for passenger loading at any time.
39. Valet service shall not utilize any local streets for the parking of vehicles at any time.
40. The applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use public transit or carpool to work. Said program may include but not be limited to: subsidies for public transit and installation of bike racks. A copy of the program shall be submitted to the Development Services Center for inclusion in the file.
41. The applicant shall utilize social media, webpages, or other media to provide travel information to the restaurant. Such information shall promote the use of alternate travel means to automotive transportation (walk, bike, public transit, rideshare/service, or carpool). For any patrons desiring to drive a personal vehicle to the venue, parking information must direct them to either use the valet service or park on surface streets within commercial streets. Further, patrons shall be notified that parking unlawfully within the Permit Parking District will be subject to being ticketed and their vehicles may be towed.
42. All deliveries shall be made in the rear parking area, onsite. No loading or unloading of deliveries shall be permitted within the Speedway right-of-way.
43. There shall be no permanent dance floor. The total number of persons shall be maintained at or below the occupancy approved by the Fire Department.
44. Live music and entertainment are outdoors 12:00 p.m. to 9:30 p.m. Sunday through Thursday and 12:00 p.m. through 10:30 p.m. Friday, Saturday and holidays; live music and entertainment shall adhere to the City of Los Angeles Noise Ordinance.
45. The operator shall obtain permits from the Los Angeles Police Permit Processing Section, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning within 30 days of their issuance for inclusion in the case file.
46. The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
47. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during

any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. Prior to the utilization of this grant, the Applicant shall provide a copy of its standard contract related to private parties or events to the Department of City Planning for inclusion in the case file.

The total number of guests shall not exceed the maximum occupancy determined by the Fire Department. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. APCW-2020-1521-SPE-SPP-CDP-CUB-ZV, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.

48. No after-hours use of the restaurant shall be permitted. The premises shall not be exclusively used for private parties, including promotional events, in which the general public is excluded.

Administrative Conditions

49. Prior to the utilization of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the restaurant, known as The Great White, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit, and insurance information shall be retained on the premises at all times, and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

50. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.
51. MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
52. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal

acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

53. The West Los Angeles Area Planning Commission reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
54. Final Plans. Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
55. Notations on Plans. Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
56. Approval, Verification and Submittals. Copies of any approvals guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
57. Code Compliance. Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
58. Department of Building and Safety. The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

59. Condition Compliance. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
60. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

Venice Coastal Zone Specific Plan Exception.

1. **The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.**

The subject lots maintain a one-story commercial structure that is approximately 3,228 square-feet and provides 16 on-site parking spaces in a surface parking lot. The project proposes a 1,792 square-foot expansion (located at 213 Ocean Front Walk) and an after-the-fact addition of a 918 square-foot storage area (located at 205 Ocean Front Walk) resulting in a 5,998 square-foot restaurant. The proposed expansion would develop an adjacent, vacant, commercial lot into a 372 square-foot dining area, and a 558 square-foot gaming area and a two-story structure, with a second story office and storage area, adding 930 square feet of outdoor Service Floor area.

The proposed expansion is subject to the parking requirements of the Venice Specific Plan (Section 13). The applicant requests a Specific Plan Exception to permit three additional on-site parking spaces and 40 bicycle parking spaces in lieu of the required 23 additional parking spaces. The applicant proposes to provide 16 vehicle spaces off-site, within a parking lot located 250 Marine Street. Those 16 off-site spaces are provided with limited hours of services (5:30 p.m. to closing Monday through Friday) and, all day during weekends and holidays. The off-site parking spaces would not be dedicated for use by the project, nor would they comply with the parking location requirements of LAMC Section 12.21-A.4(g). An assessment of the available parking areas within 750 feet of the subject site show that the applicant is unable to secure offsite parking in a manner consistent with the requirements of LAMC Section 12.21-A.4(g).

The existing restaurant is located along Ocean Front Walk, comprised of several restaurants, bars, and visitor-serving uses; the site is adjacent to Venice Beach. Also identified in the Specific Plan as the Beach Impact Zone (BIZ), an area with an additional parking requirement. The project is in an area that attracts a large volume of visitors and residents. The general intent of the parking provisions of the Specific Plan is to provide sufficient parking opportunities for visitors and residents of Venice for Coastal access. The proposed project is located 50 feet from a County of Los Angeles owned and operated lot. This parking lot provides enough spaces to accommodate increases in the volume of visitors or of local customers. A Parking Assessment dated March 1, 2020, prepared by SafetyPark, the existing valet operator, found that the current parking lot is underutilized during peak hours. On average, during peak hours, only 8.8 cars are parked after 5:00 p.m., with a daily average of 7.3 cars. Most visitors to Venice Beach and the boardwalk area park in the public parking lot and visit multiple commercial uses along Ocean Front Walk. As such, there is not a high demand for parking for the individual restaurant.

The site maintains a commercial structure that is built to the property line and is not able to provide additional on-site parking. A total of 16 existing tandem parking spaces and three new parking spaces, included ADA loading areas, occupy the rear portion of the existing development. While the project proposes development of an adjacent, vacant, commercial lot., the lot is limited in width. The rear portion of the lot is required to provide a 400 square-foot loading space that extends a minimum of 20 feet along the rear property line to a depth of at least 10 feet. The required loading space would restrict access to any additional parking spaces.

Although the required number of parking spaces are not provided, the current utilization of existing parking lot and proximity to the public parking lot, Venice Beach, and other commercial uses make it such that the reduced parking and offsite parking would accommodate parking demand for the project. Furthermore, the project will provide 40 additional bicycle parking spaces for visitors and residents that frequent Ocean Front Walk and Venice Beach. As such, the physical constraints and limitations of the site make it so that the application of the Specific Plan parking requirements (Section 13) would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan, to promote and preserve access to the Venice Coastal Zone and allow for development that would enhance Ocean Front Walk. Moreover, requiring all parking spots to be located on the same site would tend to create the need for a variance for the loading zone, which would also be inconsistent with the purposes of the Specific Plan.

2. There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.

There are special circumstances or conditions that are unique to the subject property, such as the shape, topography, or development restrictions that would warrant a Specific Plan Exception. The subject lot is located on the east side of Ocean Front Walk, adjacent to a residentially (R3-1) zoned neighborhood, and located immediately east of Venice Beach. The property is subject to the parking requirements outlined in Section 13. The combined lot area (of 205, 207 and 209 Ocean Front Walk) of 9,602 square-feet maintains a 3,288 square foot one-story commercial structure that is currently provides sixteen on-site parking spaces. The project would develop an adjacent vacant lot with new dining areas and commercial floor area. Any expansion of the existing floor area (including outdoor parking areas) is required to provide additional parking. Similar to the subject site, the majority of the commercial uses in the area are within structures that were constructed prior to the adoption of the Specific Plan and maintain nonconforming parking rights. Any change of use, addition, or extensive remodeling of these existing uses and structures would be subject to Section 13 of the Specific Plan.

The site maintains a commercial structure that is built to the property line and is not able to provide additional on-site parking. A total of 16 existing tandem parking spaces and three new parking spaces, included ADA loading areas, occupy the rear portion of the existing development. While the project proposes development of an adjacent, vacant, commercial lot., the lot is limited in width (37.5 feet wide). The rear portion of the lot is required to provide a 400 square-foot loading space that extends a minimum of 20 feet along the rear property line to a depth of at least 10 feet. The required loading space would restrict access to any additional parking spaces.

Furthermore, the project is located 50 feet from a public parking lot, owned and operated by the County of Los Angeles. Due to the site's proximity to Venice Beach and Ocean Front Walk, the majority of customers park elsewhere or bike along the beach and before visiting the project site. A Parking Assessment dated March 1, 2020, prepared by SafetyPark, the existing valet operator, found that the current parking lot is underutilized during peak hours. On average, during peak hours, only 8.8 cars are parked after 5:00 p.m., with a daily average of 7.3 cars. Most visitors to Venice Beach and the boardwalk area park in the public parking lot and visit multiple commercial uses along Ocean Front Walk. As such, there is not a high demand for parking for the individual restaurant.

As such, the physical site constraints and the underutilization of the existing parking lot are special circumstances or conditions that are unique to the subject property that do not generally apply to other properties within the Specific Plan area.

- 3. The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The property maintains a 3,288 square foot restaurant (the Waterfront) that provides sixteen on-site parking spaces. A review of the building permit history details, that although the structure was built in 1936 when zero parking was required, the site has been able to provide on-site parking spaces. Upon opening, the restaurant has gained popularity in the Venice community, known for historic nature and outdoor dining just overlooking Venice Beach. The additional service floor area gained in the proposed expansion of the existing restaurant into the adjoining vacant lot may allow for the addition of a few on-site vehicle spaces. The project proposes new service floor area by adding outdoor patio dining and recreation areas that are located solely on the subject lot. Even if a majority of the vacant lot was used to provide parking spaces there is not enough space on the substandard size lot to provide 23 vehicle spaces.

The site maintains a commercial structure that is built to the property line and is not able to provide additional on-site parking. A total of 16 existing tandem parking spaces and three new parking spaces, included ADA loading areas, occupy the rear portion of the existing development. While the project proposes development of an adjacent, vacant, commercial lot., the lot is limited in width (37.5 feet wide). The rear portion of the lot is required to provide a 400 square-foot loading space that extends a minimum of 20 feet along the rear property line to a depth of at least 10 feet. The required loading space would restrict access to any additional parking spaces.

Ocean Front Walk is developed with several commercial establishments that are nonconforming as to required parking and furthermore, do not provide loading spaces. The physical site constraints and requirement to provide a loading space on the narrow lot create a special circumstance and practical difficulty for the property as the additional required parking cannot be provided. As such, the requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties within the specific plan area in the same zone and vicinity. There are special circumstances, practical difficulties, or unnecessary hardships specific to the property.

- 4. The granting of the exception WILL NOT BE detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the subject property.**

Pursuant to Section 13.D of the Specific Plan, restaurant uses shall provide parking at a rate of 1 space per each 50 square feet of Service Floor area, 1 space per every 250 square-foot of office use and BIZ parking at a rate of 1 space for every 640 square-foot of ground floor commercial floor area. As such, the expansion requires 23 additional, parking spaces. The subject site is adjacent to Venice Beach and Ocean Front Walk, an area that attracts a high volume of tourists and residents. The project is located 50 feet from a public parking lot, owned and operated by the County of Los Angeles. Due to the site's proximity to Venice Beach and Ocean Front Walk, the majority of customers park elsewhere or bike along the beach and before visiting the project site. A Parking Assessment dated March 1, 2020, prepared by SafetyPark, the existing valet operator, found that the current parking lot is

underutilized during peak hours. On average, during peak hours, only 8.8 cars are parked after 5:00 p.m., with a daily average of 7.3 cars. Most visitors to Venice Beach and the boardwalk area park in the public parking lot and visit multiple commercial uses along Ocean Front Walk. As such, there is not a high demand for parking for the individual restaurant.

As conditioned, the project is required to provide three additional parking spaces onsite, 40 bicycle parking spaces, and 16 parking spaces in an offsite lot to allow for overflow parking through a valet program. As such, additional parking will be provided to offset the proposed expansion. In addition, the property will provide a loading space, onsite, to minimize impacts to access through the rear alley. The granting of the exception will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the subject property.

5. The granting of the exception is consistent with the principles, intent and goals of the Specific Plan and any applicable element of the General Plan.

Granting the requested exception will result in a 5,998 square foot restaurant (which includes a 930 square-foot of new Service Floor area) that provides a total of 19 vehicle parking spaces and 40 bicycle parking spaces onsite as well as 16 additional vehicle parking spaces offsite. As conditioned, the total number of parking spaces is consistent with the intent and goals of the Specific Plan, which call for adequate parking in the Venice Coastal Zone. As previously discussed, the project is located on Ocean Front Walk and adjacent Venice Beach, an area identified as a tourist destination. Ocean Front Walk is limited to pedestrians and is envisioned as an area for mixed-use and commercial development that incorporates pedestrian-oriented design. Both the Specific Plan and Venice Land Use Plan recognize the need for plazas, retail courtyards, and landscaped areas adjacent to Ocean Front Walk. Policy I.B.6 of the Land Use Plan provides that “Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants...” Granting the exception would result in a project that would enhance an existing restaurant use with an open recreation and dining area adjacent to Ocean Front Walk, consistent with the uses envisioned for Community Commercial designated areas. Furthermore, as discussed in Finding Nos. 6 through 9, the project is consistent with the development policies of the Venice Coastal Zone Specific Plan and Land Use Plan.

In addition, the proposed exception is consistent with the policies of the Mobility Plan 2035:

Policy 3.1 Access for all: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City’s transportation system.

Policy 3.8 Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The proposed project would provide additional vehicle parking onsite and offsite, but also provide 40 new bicycle parking spaces in an area served by a dedicated bicycle path along Venice Beach and proximate to Rose Avenue, a bicycle-friendly street.

Therefore, the granting of the exception is consistent with the principles, intent and goals of the Specific Plan, Land Use Plan, and Mobility Plan 2035.

Project Permit Compliance Review

6. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.

The project meets the required findings set forth in Section 8.C of the Venice Coastal Zone Specific Plan, as shown below:

a. The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and would not be materially detrimental to adjoining lots or the immediate neighborhood.

The proposed project consists of the expansion of an existing 3,288 square-foot restaurant located at 205, 207, and 209 Ocean Front Walk (The Waterfront) into an adjacent vacant lot located at 213 Ocean Front Walk. The 1,792 square-foot addition is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area. The project includes the after-the-fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk, the proposed project will result in a 5,998 square-foot restaurant; a total of 68 indoor seats and 86 outdoor seats are proposed. The proposed outdoor dining and recreation areas only adds to an established restaurant that has been in operation since 1981. The new outdoor patio dining and recreation areas requires a total of 23 additional parking spaces to comply with the parking standards for restaurant uses. As discussed in Finding Nos. 1-5, the project has been granted an exception to provide 19 vehicle parking spaces and 40 bicycle parking spaces onsite and 16 vehicle parking spaces offsite. A new two-story commercial structure will be constructed at 213 Ocean Front Walk, comprised of restrooms and office space above. The new structure is compatible in scale and character with the area, as there is a five-story apartment home immediately adjacent to the proposed project. No change is proposed to the existing permitted restaurant use. As conditioned, the project is compatible in scale and character to the existing neighborhood and would not be materially detrimental to adjoining lots or the immediate area.

b. The Venice Coastal Development Project is in conformity with the Venice Local Coastal Program.

Venice does not have a certified Local Coastal Program. However, as conditioned, the proposed project is consistent with the intent and purpose of the applicable provisions of the Certified Land Use Plan (LUP) and uncertified Specific Plan. The existing restaurant is subject to the parking requirements of the Specific Plan and LUP. As outlined in Section 13 of the Specific Plan and Policy II.A.3 of the LUP, the proposed project is required to provide a 23 additional parking spaces for the proposed expansion. As discussed in Finding Nos. 1-5, the project has been granted an exception to provide 19 vehicle parking spaces and 40 bicycle parking spaces onsite and 16 vehicle parking spaces offsite. As conditioned, adequate parking is provided to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities. Therefore, as conditioned, the project conforms to the certified Venice Land Use Plan and adopted Specific Plan.

c. The Applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed project and to register the Replacement Affordable Units with the Los Angeles Housing and Community Investment Department (HCIDLA).

The proposed project does not involve the conversion or demolition of existing dwelling units. Therefore, no Replacement Affordable Units are required or provided.

- d. The Venice Coastal Development Project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).**

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Maps. Projects consisting of the conversion, demolition, or construction of new residential units are subject to the special requirements for low and moderate income housing units in the Coastal Zone as mandated through the California Government Code Section 65590 (Mello Act), as implemented through the Interim Administrative Procedures for Complying with Mello Act in the Coastal Zone Portions of the City of Los Angeles, ("Interim Administrative Procedures") per the terms of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman, effective January 2001. The subject project does not include the demolition or conversion of an Affordable Existing Residential Unit, nor does it involve the construction of 10 or more Residential Units.

In addition to the required findings above, the project complies with the applicable regulations of the Venice Coastal Zone Specific Plan as follows:

- e. Land Use and Development Regulations - North Venice Subarea (Section 10.F)**

The project proposes the expansion of existing 3,288 square-foot restaurant resulting in a 5,988 square-foot restaurant that includes the addition the addition of a 918 square-foot storage area, and a two-story 1,792 square-foot addition comprised of 930 square feet of new Service Floor area, an outdoor recreation area, bar, office, and storage area. Venice Coastal Development Projects in the North Venice Subarea with a Flat Roof shall not exceed a maximum height of 30 feet. The resulting two story structure proposes a flat roof line with a maximum height of 25 feet and 8 inches. All vehicular access shall be provided from the alley, Speedway, at the rear of the subject lot.

- f. Commercial Design Standards (Section 11).**

As discussed, the project does not include any physical changes to the bulk and mass of the existing structure but will construct a new two-story commercial structure at 213 Ocean Front Walk. The project will result in a total of 5,998 square feet of floor area for the property and a floor area ratio of .435:1, less than the 0.5:1 FAR permitted for the site. The project does include a new outdoor dining patio and recreation area to create an inviting indoor-outdoor dining experience. The pedestrian entrance is taken from the front and the proposed outdoor dining patio provides an active storefront. As such, the proposed improvements are consistent with commercial design standards.

- g. Parking (Section 13).**

The existing commercial property currently provides 16 parking spaces on-site. Section 13.D of the Specific Plan requires 1 parking space for each 50 square feet of Service Floor area, for restaurant uses a 1 space for every 640 square feet of ground floor area (BIZ parking). The proposed 930 square-foot outdoor patio dining and recreation areas, the 362 square-foot second story office space requires 23 additional parking spaces. As discussed in Finding Nos. 1-5, the project has been granted an exception to provide 19 vehicle parking spaces and 40 bicycle parking spaces onsite and 16 vehicle parking

spaces offsite. As conditioned, the project is consistent with the parking requirements in Section 13.D.

7. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

A Categorical Exemption, ENV-2020-1522-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project consists of the expansion to an existing 3,288 square-foot restaurant located at 205, 207, and 209 Ocean Front Walk (The Waterfront) into an adjacent vacant lot located at 213 Ocean Front Walk. The 1,792 square-foot addition is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area. The project includes the after-the-fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk, the proposed project will result in a 5,998 square-foot restaurant. The project also includes a request for the on-site sale and consumption of a full line of alcoholic beverages. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1) and 15303 (Class 3).

The Class 1, categorical exemption allows for interior or exterior alterations involving remodeling or minor construction where there be negligible or no expansion of use and includes additions to existing structures provided that the addition will not result in an increase of more than: 1) 50 percent of the floor area of the structures before the addition or 2,500 square feet, whichever is less; or 10,000 square feet if i) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and ii) the area in which the project is not environmentally sensitive. The project proposes an expansion of existing 3,288 square-foot restaurant resulting in a 5,998 square-foot restaurant with a second story office and storage areas. The project is located in an area developed with commercial and residential uses, maintaining access to public services and facilities. Furthermore, the project is not located in an environmentally sensitive area. The site is approximately 200 feet from Venice Beach and is adjacent to Ocean Front Walk, a paved surface parking lot and commercial and residential structures.

The Class 3 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This includes one single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family dwellings and up to 10,000 square-feet of commercial floor area may be constructed under this exemption. The proposed project qualifies for a Class 3, categorical exemption because it consists of the construction of a two-story, 1,792 square-foot commercial structure comprised of restrooms, walk-up counter with outdoor seating, office, and storage areas.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2. do not apply to the project:

- (a) Location. The project is not located in a sensitive environment. Although the project is located within the California Coastal Zone, the subject property and the surrounding area are not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject

site is not located in a fault or flood zone, nor is it within a landslide or hazardous waste area. Although the project is located within a liquefaction area, methane zone, and tsunami inundation zone, the project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.

- (b) **Cumulative Impact.** The project is consistent with the type of development permitted for the area zoned C1-1 and designated Community Commercial. The proposed addition and tenant improvements will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts.
- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical of a commercial neighborhood, no unusual circumstances are present or foreseeable.
- (d) **Scenic Highways.** The project site is not located on or near a designated state scenic highway.
- (e) **Hazardous Waste Sites.** The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) **Historical Resources.** The project site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA). The project is not listed on the National or California Register of Historic Places or identified as a Historic Cultural Monument (HCM).

Therefore, the project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

Coastal Development Permit

8. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. Applicable provision are as follows:

Section 30244 Archaeological and Paleontological Resources.

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. The proposed project consists of an expansion to an existing restaurant within a one-story commercial structure and includes a new outdoor dining patio and recreation areas, bar and second story office space and storage. The subject site is not located within an area with known Archaeological or Paleontological Resources and the scope of work does not include extensive excavation or grading activities. Moreover, the project is subject to compliance with Federal, State and Local regulations already in place regarding archeological or paleontological resources.

Section 30250 Location; existing developed area.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. The proposed project consists of an expansion to an existing restaurant within a one-story commercial structure and includes a new outdoor dining patio and recreation areas, bar and second story office space and storage. The project is located on Ocean Front Walk, in an area that is developed with similar commercial uses and maintains a restaurant with access to adequate public services and utilities. As such, adverse impacts to coastal resources are not expected.

Section 30251 Scenic and Visual Qualities.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. The project will expand an existing restaurant located on Ocean Front Walk, adjacent to Venice Beach. The project includes the development of a new two-story structure, outdoor dining and recreation areas. The project is compatible with existing multi-story commercial and residential structures along Ocean Front Walk, will not obstruct any views to and along the ocean, and will not alter any natural landforms. As such, the project will not impact the scenic and visual qualities of the neighborhood.

Section 30252 Maintenance and Enhancement of Public Access.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non- automobile 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 project is located on Ocean Front Walk, adjacent to Venice Beach. The project will maintain existing indoor and outdoor dining areas, includes a new outdoor patio and recreation areas located on-site, and does not encroach into the pedestrian path of travel along Ocean Front Walk. As conditioned, the applicant is to maintain a Revocable Permit (Department of Recreation and Parks) for the existing patio dining on Ocean Front Walk.

As discussed in Finding Nos. 1-5, the project has been granted an exception to provide 19 vehicle parking spaces and 40 bicycle parking spaces onsite and 16 vehicle parking spaces offsite. The project is located 50 feet from a public parking lot, owned and operated by the County of Los Angeles. Due to the site's proximity to Venice Beach and Ocean Front Walk, the majority of customers park elsewhere or bike along the beach and before visiting the project site. A Parking Assessment dated March 1, 2020, prepared by SafetyPark, the

existing valet operator, found that the current parking lot is underutilized during peak hours. On average, during peak hours, only 8.8 cars are parked after 5:00 p.m., with a daily average of 7.3 cars. Most visitors to Venice Beach and the boardwalk area park in the public parking lot and visit multiple commercial uses along Ocean Front Walk. As such, there is not a high demand for parking for the individual restaurant. As conditioned, adequate parking will be provided to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities. The project will maintain and enhance pedestrian access adjacent to the site.

Section 30253 Minimization of Adverse Impacts.

New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. The property is located within a methane zone area, tsunami inundation zone and within 4.2 kilometers of the Santa Monica Fault. As such, the project is subject to compliance with Zoning, Building, and Fire Safety Code requirements that will minimize risks to life and property in geologic and Liquefaction hazard areas.

The project site is also located within an area that may be affected by Sea Level Rise. On August 12, 2015, the Coastal Commission adopted a Sea Level Rise Policy Guidance document, updated and adopted On November 7, 2018. This policy document provides a framework and directions for local jurisdictions to address sea level rise (SLR) in Local Coastal Programs (LCPs) and Coastal Development Permits (CDPs). In May 2018, the City completed an initial sea level rise vulnerability assessment for the Venice Coastal Zone. The report provides that: Existing wide beaches generally protect Venice from coastal hazards. Coastal assets along or near the beachfront are potentially vulnerable during a large storm event in combination with SLR greater than 3.3 feet. After 4.9 feet SLR, beachfront assets are more vulnerable to damage from flooding or potential erosion of the beach. A SLR of 6.6 feet is a tipping point for Venice's exposure to extreme coastal wave events. Beachfront and coastal assets could flood annually, beaches could be greatly reduced in width, and high water levels could greatly increase potential for flooding of inland low-lying areas. As discussed in the analysis, there is considerable uncertainty around the timing of SLR, how coastal processes may be affected, and what adaptation approaches will be applied in the future (VSLRVA, pg. 45). Policies and development standards to address the potential impacts of SLR would be addressed in the City's LCP for the Venice Coastal Zone.

The Coastal Storm Modeling System (CoSMoS) was utilized to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6-foot sea level rise and a 100-year storm scenario. Based on this scenario, the proposed development could potentially be affected by flooding as a result of SLR, however, the potential for such flooding in severe storm events is likely to increase towards the end of the project life (based on a typical development life of 75 years). Furthermore, any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

In short, the proposed project consists of an expansion to an existing 3,288 square foot restaurant (The Waterfront) into an adjacent vacant lot located at 213 Ocean Front Walk.

The 1,792 square-foot addition is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area. Including the after the fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk, the proposed project will result in a 5,998 square-foot restaurant; a total of 68 indoor seats and 86 outdoor seats are proposed. The continued operation of the restaurant use, and the new outdoor patio dining and recreation areas, and office and storage space would have no adverse impacts on public access, recreation, public views or the marine environment, as the property is located within a developed commercial node. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

9. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program (“LCP”), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan (“LUP”) was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. Per the Land Use Plan, the subject property is designated as Community Commercial.

The following are applicable policies from the Venice Local Coastal Land Use Plan:

Policy I. B. 6. Community Commercial Land Use. *The areas designated as Community Commercial on the Land Use Policy Map will accommodate the development of community serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities.*

Policy I. B. 11. Intensification of Commercial Uses. *Intensification of existing commercial uses, including, but not limited to additions to commercial structures, expansion of indoor or outdoor dining areas, and conversions of retail uses to sit-down restaurants, shall be required to provide adequate parking to meet the demands of the intensification consistent with LUP Policies II.A.3 and II.A.4.*

Policy II. A. 3. Parking Requirements. *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. Restaurant uses are required to provide one parking space for each 50 square feet of Service Floor area. In addition, one space is required for each 640 square feet of ground floor floor area. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy.*

The surrounding area consists of commercial uses along Ocean Front Walk and the adjacent residential uses in the neighborhoods. As discussed, the project does not include any physical changes to the bulk and mass of the existing structure. The project includes

the construction of a new two-story commercial structure and the addition of new recreational and Service Floor area, office area, which requires compliance with the parking requirements of the Venice Coastal Zone Specific Plan and the Land Use Plan. As discussed in Finding Nos. 1-5, the project has been granted an exception to provide 19 vehicle parking spaces and 40 bicycle parking spaces onsite and 16 vehicle parking spaces offsite. The project is located 50 feet from a public parking lot, owned and operated by the County of Los Angeles. Due to the site's proximity to Venice Beach and Ocean Front Walk, the majority of customers park elsewhere or bike along the beach and before visiting the project site. The site is proximate to a dedicated bike path along Venice Beach and a bicycle-friendly street (Rose Avenue). A Parking Assessment dated March 1, 2020, prepared by SafetyPark, the existing valet operator, found that the current parking lot is underutilized during peak hours. On average, during peak hours, only 8.8 cars are parked after 5:00 p.m., with a daily average of 7.3 cars. Most visitors to Venice Beach and the boardwalk area park in the public parking lot and visit multiple commercial uses along Ocean Front Walk. As such, there is not a high demand for parking for the individual restaurant. Therefore, the total vehicle and bicycle parking provided for the project is adequate for the new development.

As conditioned, the project is compatible in scale and character to the existing neighborhood and would not be materially detrimental to adjoining lots or the immediate area. As such, the project will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program (LCP) that is in conformance with Chapter 3 of the California Coastal Act. As such, the project as proposed would conform to the Local Coastal Program.

- 10. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources. In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The project consists of a 1,792 square-foot expansion to an existing restaurant. The addition is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area and includes the after-the-fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk; the proposed project will result in 5,998 square-foot restaurant. The Regional Interpretive Guidelines have been reviewed and as conditioned, the proposed project is consistent with the parking provisions recommended in the Regional Interpretative Requirements for the Venice Area as well as the policies of the LUP and standards of the Specific Plan.

- 11. The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal**

Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

The project consists of an expansion of 1,792 square-feet which is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area. Including the after the fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk, the proposed project will result in 5,998 square-foot restaurant. The proposed development is located within the Dual Permit Jurisdiction of the Coastal Zone, where the local jurisdiction (City of Los Angeles) issues Coastal Development Permits. The Coastal Commission will render decisions on appeals of the City's Coastal Development Permits or Coastal Exemptions. The Coastal Commission took action on the following commercial projects in the Venice Coastal Zone:

- In October 2010, the Commission approved with conditions a Coastal Development Permit for the demolition of a one-story 1,312 square foot residential building, and construction of a 25-foot high, 1,248 square foot restaurant with a rooftop parking deck, located at 1305 Abbot Kinney Boulevard. (Application No. A-5-VEN-10-138).
- In February 2016, the Commission approved with conditions a Coastal Development Permit for the expansion of a rooftop food and drink service area from 2,700 square feet to 5,000 square feet, installation of 92 bicycle parking stalls, and proposed change to a special condition of the underlying permit to allow the hotel to charge a market rate fee for parking to hotel guests and to offer any excess parking that may exist within their parking garage to the general public for a market rate parking fee, located at 1697 Pacific Avenue. (Application No. A-5-VEN-15-0025 & 5-03-071-A3).
- In September 2016, the Commission approved with conditions a Coastal Development permit for an addition of a 754 sq. ft. restaurant patio on the public right-of-way, including a 70 sq. ft. walk-up window service area and 684 sq. ft. of full-service, sit-down dining area, with valet parking service and 120 off-site parking spaces at Westside Leadership Magnet School at 104 Anchorage Street, located at 10 Washington Boulevard (Application No 5-16-0478).

As such, this decision of the permit granting authority has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

12. The development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

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.

The subject property is located approximately 200 feet from Venice Beach and public parking lot. The project site is proximate to a dedicated bicycle path along Venice Beach and a bicycle-friendly street, Rose Avenue. The proposed development will provide 19 vehicle parking spaces and 40 bicycle parking spaces onsite and provide 16 vehicle parking spaces offsite. A Parking Assessment dated March 1, 2020, prepared by SafetyPark, the existing valet operator, found that the current parking lot is underutilized during peak hours. On average, during peak hours, only 8.8 cars are parked after 5:00 p.m., with a daily average of 7.3 cars. Most visitors to Venice Beach and the boardwalk area park in the public parking lot and visit multiple commercial uses along Ocean Front Walk. As such, there is not a high demand for parking for the individual restaurant. Therefore, the total vehicle and bicycle parking provided for the project is adequate for the new development and will not conflict with any public access or public recreation policies of the Coastal Act.

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

A Categorical Exemption, ENV-2020-1522-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project consists of the expansion to an existing 3,288 square foot restaurant located at 205, 207, and 209 Ocean Front Walk (The Waterfront) into an adjacent vacant lot located at 213 Ocean Front Walk. The 1,792 square-foot addition is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area. Including the after the fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk, the proposed project will result in a 5,998 square-foot restaurant. The project also includes a request for the on-site sale and consumption of a full line of alcoholic beverages. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1) and 15303 (Class 3).

A full discussion is provided in Finding No. 7.

Therefore, the project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

Conditional Use Permit

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

The subject property consists of four rectangular, level lots with a frontage of 124.8 feet along Ocean Front Walk and a depth of approximately 109 feet with a total lot area of approximately 13,760 square feet. The structure is adjacent to a County owned public parking lot to the west and a residential use to the east. The subject site and adjacent lots are designated for Community Commercial land use and are zoned C1-1. The lots immediately north of subject site are zoned C1-1 and developed with restaurant, retail, and

office uses. The lots to the south of are zoned C1-1 and developed with restaurant, retail, and residential uses.

The project consists of an expansion to an existing 3,288 square-foot restaurant (The Waterfront) into an adjacent vacant lot located at 213 Ocean Front Walk. The 1,792 square-foot addition is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area. Including the after-the-fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk, the proposed project will result in a 5,998 square-foot restaurant. The resulting restaurant proposes to provide 68 interior and 86 outdoor seats and the on-site sale and consumption of a full line of alcoholic beverages with hours of operation from 8:00 a.m. to 11:00 p.m. Sunday through Thursday and from 8:00 a.m. to 12:00 a.m. Friday, Saturday, and holidays; alcohol will be served from 10:00 a.m. to 11:00 p.m. Sunday through Thursday and from 10:00 a.m. to 12:00 a.m. Friday, Saturday, and holidays.

A variety of commercial uses are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. There are several restaurants, bars, and alcohol-serving establishments along Ocean Front Walk. The proposed project would renovate, improve, and expand an existing commercial structure while activating the site with outdoor seating and recreation areas. The project will also increase the transparency of the street with new glazing along the façade. As such, the physical improvements to the existing structure would enhance the built environment in the surrounding neighborhood. The proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will assure that the service alcoholic beverages will not be disruptive to the community. The availability of a full line of alcoholic beverages for on-site consumption in conjunction with the restaurant will offer an amenity to the local residents and visitors to the Venice area.

15. The project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

The subject site currently maintains a 3,288 square-foot, one-story commercial building built in 1936 for retail use. In 1946 certificates of occupancies were issued permitting the subject site as a food store and sandwich shop. In 1981 certificates of occupancies were issued permitting the subject site as a restaurant with an occupancy of 68. In This structure is located at 205, 207 and 209 Ocean Front Walk. The combined 9,602 square foot lot is zoned C1-1, with a land use designation of Community Commercial, and is located within the North Venice Subarea of the Venice Coastal Zone Specific Plan and the Dual Permit Jurisdiction of the California Coastal Zone. Based on the permit history, 16 on-site parking have been provided for the existing uses. A search of records from the California Department of Alcoholic Beverage Control indicate an active Type 41 ABC License (number 589130) for the subject site. The project includes the expansion of the existing Waterfront restaurant.

The project proposes an expansion into 213 Ocean Front Walk, which is currently vacant. The site is zoned C1-1 with a land use designation of Community Commercial. The properties to the north and south of the site are zoned C1-1 and are improved with one and two-story commercial structures. A five-story residential building is located adjacent to the project site and the corner of Rose Avenue and Ocean Front Walk. Residentially (R3-1) zoned lots are located east of the site, across Speedway. A County owned and operated surface parking lot is located west of the site across Ocean Front Walk. The subject property is within 200 of Venice Beach. Ocean Front Walk is developed with primarily restaurant and retail uses. As part of the commercial node, the restaurant expansion will continue to

revitalize the area. Restaurant uses contribute to the overall success of the surrounding community and the local economy. Conditions have been imposed to encourage responsible management and deter criminal activity. As conditioned, the continued operation of the restaurant with the sale of a full line of alcoholic beverages for on-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

16. The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code (LAMC). The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property for Community Commercial land uses with the corresponding zones of CR, C2, C4, RAS3, and RAS4 and Height District No. 1. The property is within the area of the Los Angeles Coastal Transportation Corridor Specific Plan and the North Venice Subarea of the Venice Coastal Zone Specific Plan. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission. The LUP designates the property as a Community Commercial area.

The project is consistent with the following policies of the Framework Element and the Venice Land Use Plan:

- Policy 7.3.2 of the Framework Element addresses commercial uses, stating the need to "retain existing commercial activities within walking distance of residential areas." In addition, the Venice Community Plan outlines objectives regarding the importance of strengthening commercial development. The policies in Objective 2-1 of the Community Plan encourage the development of new commercial uses in existing commercial areas and include policies to allow for commercial development that is compatible with the neighborhood and that protects adjacent uses. While the Framework Element and Venice Community Plan provide general policies that support commercial uses in existing commercial areas, the Venice Coastal Zone Specific Plan and Land Use plan outline additional development regulations regarding the intensity of commercial uses within the Venice Specific Plan area.

The project is consistent with the following policies of the Venice Coastal Zone Land Use Plan:

- Policy I.B.6 of the LUP states that the Community Commercial Land Use Designation: *will accommodate the development of community serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.*

Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.

The project will maintain and expand an existing restaurant use on Ocean Front Walk, an area identified in the Venice Land Use Plan as a significant tourist attraction and pedestrian thoroughfare. The LUP identifies emphasizes restaurant uses as preferred uses in areas designated for Community Commercial land use. As conditioned, the proposed project will be consistent with the intent of the General Plan and Community Plan.

17. The proposed use will not adversely affect the welfare of the pertinent community.

The project is located within a commercial corridor developed with primarily restaurant and retail uses, proximate to the Venice Beach recreational area. A variety of commercial uses are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of a full line of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions, the sale of a full line of alcoholic beverages for off-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

18. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two on-site and one off-site consumption licenses are allocated to the subject census tract (Census Tract 2734.02). Currently there are three on-site licenses and one off-site licenses in this census tract. Records from the California Department of Alcoholic Beverage Control show an active Type 41 ABC License (number 589130) for the subject site.

According to statistics provided by the Los Angeles Police Department's Pacific Division Vice Unit, within Crime Reporting District No. 1431, which has jurisdiction over the subject property, a total of 1,112 crimes were reported in 2019 (414 Part I and 698 Part II crimes),

compared to the citywide average of 170 offenses and the high crime reporting district of 204 crimes for the same reporting period.

Part I Crimes reported by LAPD include, Homicide (0), Rape (5), Robbery (20), Aggravated Assault (68), Burglary (33), Auto Theft (25), Larceny (263). Part II Crimes reported include, Other Assault (28), Forgery/Counterfeit (1) Embezzlement/Fraud (0), Receiving Stolen Property (0), Weapons Violation (6), Prostitution Related (0), Sex Offenses (1), Offenses Against Family (1), Narcotics (41), Liquor Laws (148), Public Drunkenness (23), Disturbing the Peace (1), Disorderly Conduct (0), Gambling (0), DUI related (3) and other offenses (50). Of the 1,112 total crimes reported for the census tract, 148 arrests were made for liquor laws, and 3 arrests were made for driving under the influence. Crime reporting statistics for 2020 are not yet available.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within revitalized hubs are supported by a significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Commission is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness.

The above statistics indicate that the crime rate in the census tract where the subject site is located is higher than the city average. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

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

The project site is zoned for commercial uses and will continue to be utilized as such with the existing restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

- Israel Levin Senior Adult Center, 201 Ocean Front Walk
- Single- and multi-family residential uses

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

Zone Variance

20. **The strict application of the zone code would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The Zone Variance requested herein is to allow relief from providing a loading zone otherwise required by LAMC Section 12.21-C.6 for commercial structures abutting an alley.

The proposed project consists of an expansion to an existing 3,288 square-foot restaurant (The Waterfront) into an adjacent vacant lot located at 213 Ocean Front Walk. The 1,792 square-foot addition is comprised of 930 square feet of new Service Floor area (372 square foot outdoor dining patio and a 558 square-foot outdoor recreation area), bar, and a second story office and storage area. Including the after the fact addition of a 918 square-foot storage area located at 205 Ocean Front Walk, the proposed project will result in a 5,998 square-foot restaurant. The resulting restaurant proposes to provide 68 interior and 86 outdoor seats and the on-site sale and consumption of a full line of alcoholic beverages with hours of operation from 8:00 a.m. to 11:00 p.m. Sunday through Thursday and from 8:00 a.m. to 12:00 a.m. Friday, Saturday, and holidays.

A total of 23 additional on-site vehicle parking spaces are required for the proposed expansion; however due the limited space available on-site the applicant has requested a Specific Plan exception (SPE) to provide 3 additional on-site parking spaces, in lieu of the 23 parking spaces required. A loading zone of a minimum 400 square-feet (minimum of 20 feet in width and 10 feet in depth measured perpendicularly to the alley line) as required by the Los Angeles Department of Building and Safety is also required. The project proposes to expand into 213 Ocean Front Walk, which is currently a vacant lot. The vacant lot gives the applicant flexibility with their design, and therefore, does not constitute a practical difficulty or hardship. The applicant requests a Zone Variance to allow relief from providing a loading zone. Denial of the zone variance does not prohibit the project from maintaining the existing site configuration, including the sixteen existing spaces and providing new on-site parking spaces.

On June 9, 1981, the Zoning Administrator issued a Determination (ZAI-1981-68-B), which established the deemed-to-be-approved status of an approved conditional use for the sale of alcoholic beverages for consumption on the premises and allowed for completion and maintenance of interior improvements to the restaurant with a small bar. The Zoning Administrator included three conditions of approval. Condition No. 2 required: "That a loading space be provided on the property adjoining the Speedway as required in Section 12.21-C,6 of the Municipal Code." A loading area was required in order to effectuate the Zoning Administrator's approval of the Conditional Use status and should have been maintained.

The expansion of the restaurant use would require that the applicant provide a loading area, however, the requirement of a loading area was previously required by the Zoning Administrator's decision on Case No. ZAI-1981-68-B. In this case, there is no substantial evidence demonstrating that the strict application of the zoning ordinance would result in unnecessary hardships inconsistent with the intent of the Zoning Code because the property owner was required to provide a loading area for the restaurant in 1981 and maintain it with the restaurant use.

- 21. There are no special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject property consists of four rectangular, level lots with a frontage of 124.8 feet along Ocean Front Walk and a depth of approximately 109 feet, with a total lot area of approximately 13,760 square feet. The project seeks a Zone Variance to allow relief from providing a loading zone otherwise required by LAMC Section 12.21-C.6 for commercial structures abutting an alley.

Lots 205, 207 and 209 Ocean Front Walk maintain a 3,288 square-foot restaurant with parking in the rear. The project proposes an expansion into 213 Ocean Front Walk, which is currently vacant. The site is zoned C1-1 with a land use designation of Community Commercial. The properties to the north and south of the site are zoned C1-1 and are improved with one and two-story commercial structures. A five-story residential building is located adjacent to the project site and the corner of Rose Avenue and Ocean Front Walk. Residentially (R3-1) zoned lots are located east of the site, across Speedway. A County owned and operated surface parking lot is located west of the site across Ocean Front Walk. The subject property is within 200 feet of Venice Beach.

The lots 205, 207 and 209 Ocean Front Walk are fully developed and proposes to maintain sixteen parking spaces and provide three new parking on-site, accessible via Speedway. 213 Ocean Front Walk is a vacant and there is flexibility that allows for the alteration of the project design to provide a loading area onsite. Furthermore, as required in Condition No. 2 of Case No. ZAI 81-068 B, a loading zone was previously required for the restaurant use to be accessed from Speedway. There is no evidence that shows the loading zone was permitted to be removed. As such, a loading zone should be maintained for the existing restaurant, separate of the proposed expansion.

The proposed expansion into a vacant lot is subject to the same requirement of a loading space as other new development abutting an alley. The commercial lots fronting Ocean Front Walk, proximate to the site, range from 25 to 37.5 feet in width and a depth of 108 to 112 feet; one lot is 55 feet in width. The proposed expansion will occupy a vacant commercial lot with width of 37.5 feet and depth of 111 feet, average for the area. There are no special circumstances applicable to the subject property that would not apply to other property in the commercially zoned lots abutting Speedway.

- 22. Such variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The project requests a variance to provide relief from providing a loading zone otherwise required by LAMC Section 12.21-C.6 for commercial structures abutting an alley. The structure has operated with retail or restaurant uses since 1936 and was required in 1981 to provide a loading space by Case No. ZAI-81-068-B, as a condition of approving the conditional use status of the sale and onsite consumption of alcoholic beverages. The proposed expansion of the existing restaurant would require compliance with the provisions of LAMC Section 12.21-C.6. However, that requirement should have already been satisfied by the property owner, upon effectuating the grant of conditional use under Case No. ZAI-81-068-B.

As previously discussed, the proposed expansion into a vacant lot is subject to the same

requirement of a loading space as other new development abutting an alley. The commercial lots fronting Ocean Front Walk, proximate to the site, range from 25 to 37.5 feet in width and a depth of 108 to 112 feet; one lot is 55 feet in width. The proposed expansion will occupy a vacant commercial lot with a width of 37.5 feet and depth of 111 feet, average for the area. The majority of the commercially zoned lots in the area are substandard in width, however, the project would expand an existing restaurant to a property with a lot width of 124 feet. The applicant has maintained a restaurant use on a site that is larger than most commercial properties along Ocean Front Walk. There are no special circumstances, practical difficulties, or unnecessary hardships applicable to the subject site. As such, a Variance is not necessary for the preservation and enjoyment of the property.

23. The granting of such variance WILL be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The granting of the variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone of vicinity in which the property is located because the operator will continue to use existing routes along Speedway that were not designed for commercial loading. Speedway, which has a right-of-way width of approximately twenty feet provides access to the Residential (R3-1) lots immediately east of the proposed project location. In addition, a five-story residential structure is located just two lots south of the proposed project. Speedway also provides access to the beach. The lack of a loading zone for such a large, proposed expansion would slow the traffic flow and create hazards for residents attempting to access their properties, as visitors accessing Venice beach. LAMC Section 12.21-C.6 specifically requires loading areas onsite for commercial uses abutting alleys, ensuring that alleys remain clear and unobstructed for vehicle circulation. Therefore, it can be found that granting this variance will be materially injurious to the property or improvements in the same zone or vicinity in which the property is located.

24. The granting of the variance will adversely affect any element of the General Plan.

The property is located in the Venice Community Plan area with a designated land use of Community Commercial, and a corresponding zone of C1 and Height District No.1. The project is located in the Los Angeles Coastal Transportation Corridor Area. The subject property is within 4.2 kilometers of the Santa Monica Fault Zone (Fault Type B), a Tsunami Inundation, Liquefaction and Methane Zones. While providing a loading zone is typically required for expansions per the LAMC, relief can be granted when approved by a decision maker's action. Further, it is one of the general objectives of the General Plan to encourage the maintenance of viable commercial uses, which operate in a manner compatible with adjoining uses, in order to maintain a healthy and varied economic basis throughout the community and provides services to the adjoining community.

The proposed expansion required a loading area to be provided onsite pursuant to LAMC Section 12.21-C.6, as the property abuts an alley. Policy 2.10 of the Mobility Plan calls to: "facilitate the provision of adequate on and off-street loading areas." The Mobility Plan highlights the needs to provide loading areas to ensure that vehicles making deliveries "do not block the public right-of-way." Furthermore, as discussed in the Venice LUP, alleys are identified as the primary points of vehicle access for lots adjacent to alleys. Policy II.C.9 provides that: "alleyways shall remain clear of all vehicles, structures, storage and debris at all times so that fire apparatus may service all residences on walk streets. The alleyways may be used solely for ingress and egress to garages and to private parking areas. New development shall incorporate any improvements necessary to upgrade or retain alleys to

current standards and to enhance public safety.” Compliance with the loading area requirements of the LAMC ensures that commercial loading operations do not impact access through the Speedway alley. The requested variance to deviate from the requirements of LAMC Section 12.21-C.6 will adversely affect the policies of the Mobility Plan and Venice LUP.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment