



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
- Zoning Administrator

Regarding Case Number: APCW-2020-1521-SPE-SPP-CDP-CUB-ZV

Project Address: 205-213 Ocean Front Walk

Final Date to Appeal: 03/19/2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved

Margaret Molloy & Laddie Williams

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: Margaret Molloy

Company/Organization: _____

Mailing Address: 3841 Beethoven Street

City: Los Angeles State: CA Zip: 90066

Telephone: (310) 560-2523 E-mail: mmmolloy@earthlink.net

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: _____

b. Is the appeal being filed to support the original applicant's position? Yes No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? Entire Part

b. Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: _____

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Appeal Application (form CP-7769)
- Justification/Reason for Appeal
- Copies of Original Determination Letter

b. Electronic Copy

Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

- Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- 1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- 2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.


Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

From: Robin Rudisill wildrudi@me.com 
Subject: Fwd: Appeal of APCW-2020-1521-SPE-SPP-CDP-CUB-ZV for The Waterfront at 205 -213 Ocean Front Walk.
Date: March 19, 2021 at 3:36 PM
To:



From: mmmolloy@earthlink.net

Subject: Appeal of APCW-2020-1521-SPE-SPP-CDP-CUB-ZV for The Waterfront at 205 -213 Ocean Front Walk.

Date: March 19, 2021 at 2:41:01 PM PDT

Alcohol Beverage Control - ABC

Department of City Planning - DCP

LA Department of Building & Safety - LADBS

Los Angeles County Assessor

Appeal of APCW-2020-1521-SPE-SPP-CDP-CUB-ZV at 205 -213 Ocean Front Walk.

Lot Consolidation is Prohibited by Venice Specific Plan:

APCW-2020-1521-SPE-SPP-CDP-CUB-ZV at 205 -213 Ocean Front Walk, seeks to join 4 lots at 205, 207, 209, and 213 Ocean Front Walk. The certified Venice Land Use Plan prohibits tying more than 2 lots in the North-Venice subarea without underground parking. Therefore, APCW-2020-1521-SPE-SPP-CDP-CUB-ZV cannot be approved.

Requesting an ABC Type 47 General Eating Place Full Liquor License:

The "Waterfront Cafe" is a restaurant seeking to expand to a full line of alcohol with an ABC Type 47 - General Eating Place license. A Type 47 License "General Eating Place" requires a food order for alcohol service and that food sales exceed alcohol sales. The "Waterfront Cafe" has no food service requirement. Permitting conditions must be enforceable.

A 558-square-foot "Recreation Area" is Not Consistent with a Restaurant:

DCP approved a 558-square-foot standing only "recreation area" with a ABC Type 47 - General Eating Place license. A 558-square-foot outdoor "recreation area" standing only is not consistent with a restaurant and cannot be approved. It would set a precedent for what is approved under a "restaurant" permit.

Cumulative Impact

Venice, a three-square-mile area residential coastal community. Venice is over-saturated with alcohol licenses. This proposed expansion to a full line of liquor at a 5,998-square-foot restaurant that attracts a young clientele and seeks a 558-square-foot standing only "recreation area" that will pack people in, will not help This area of Venice is characterized as a high crime area. The residential community is suffering under the burden of over-saturated with alcohol licenses. The should not be approved.

Requesting a Specific Plan "Hardship" Exemption for Parking while Seeking to Expand a (E) Restaurant Almost 100%:

DCP approved "an expansion of an existing 3,228-square-foot restaurant to a 5,998-square-foot restaurant with a Venice Specific Plan "Hardship Exemption" from required parking. This is not consistent with the existing laws.

Lobbyist Lorette Healey, City Land Use, the Applicant's representative, cites other commercial businesses along Ocean Front Walk for their inadequate parking. It is a false comparison. These existing properties have "grandfathered rights" because the buildings predate requirements for onsite parking, loading zones etc. This application seeks to "expand" an existing business from a 3,228-square-foot restaurant to a 5,998-square-foot

restaurant. There can be no hardship claim for a hardship exemption for the Specific Plan parking requirements or comparisons to existing grandfathered rights.

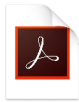
Additionally, Stefan Bachofner founded the Waterfront Cafe and operated at 205 1/2, 207 and 209 Ocean Front Walk for 25yrs. Mr. Bachofner provided required parking. This was tandem parking in the rear of the properties at 205 1/2, 207 and 209 Ocean Front Walk and parking at 213 Ocean Front Walk.

213 Ocean Front Walk is characterized in APCW-2020-1521-SPE-SPP-CDP-CUB-ZV as an existing vacant lot. That is not true.

The current Applicant has **already illegally expanded his service floor area** including incorporating 205 Ocean Front Walk, formally an independent Bike & Surfboard Rental business and into 213 Ocean Front Walk. The current applicant removed existing parking provided by Mr. Bachofner, expanded into the existing parking area illegally to extend his service floor area and now seeks a hardship exemption from parking requirements. It would set a precedent.

This cannot be allowed.

Comments by Mr. Bachofner regarding his parking requirements are incorporated into the Letter of Determination for ZA-2011-2694-CDP-CUB, the Venice Alehouse at 2 Rose, on July 7, 2014



2 Rose_Venice
Alehou...14.pdf



Stefan Bachofner, owner Waterfront Café:

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

DCP Letter of Determination for APCW-2020-1521-SPE-SPP-CDP-CUB-ZV refers to Public Parking at Rose Avenue Parking Lot

The DCP Letter of Determination for APCW-2020-1521-SPE-SPP-CDP-CUB-ZV refers multiple times to nearby City of Los Angeles Public Parking at Rose Avenue Parking Lot at 300 Ocean Front Walk. The certified Venice Land Use Plan prohibits commercial businesses from using public parking lots to provide their required parking because it is a denial of coastal access to residents and visitors to Venice Beach. That is prohibited.

Los Angeles County Assessors Records show No APNs for 205, 207, and 209 Ocean Front Walk

Regarding the addresses for APCW-2020-1521-SPE-SPP-CDP-CUB-ZV on March 12, 2021

regarding the addresses for APCW-2020-1521-SPE-SPP-CDP-CUB-ZV, on March 12, 2021, Applicant Jake Matthews wrote: "The address of the Israel Levin Center is 201-203 OFW, the existing restaurant is 205-209 OFW, the vacant lot is 213 OFW, and the Bowlology lot is 215 OFW. You can find this information on <http://zimas.lacity.org/> . Eventually this will be cleaned up on LADBS and ABC's records down the road."

Zimas shows an APN of 4286030002 for 205, 207 and 209 Ocean Front Walk. Zimas shows an APN of 4286030001 for 201-203 Ocean Front Walk and 4286030003 for 213 Ocean Front Walk.

On the County Assessor Records, 4286030001 is registered for 201 Ocean Front Walk; 4286030002 for 201 1/2 Ocean Front Walk; and 4286030003 for 213 Ocean Front Walk. This is inexcusable.

No CDP and CUB can be approved.

For these reasons, but not limited to these reasons, we appeal APCW-2020-1521-SPE-SPP-CDP-CUB-ZV.



Applicant Copy
 Office: Downtown
 Application Invoice No: 71008

City of Los Angeles
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



6800171008



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number: 190321E3C-15767537-135C-4194-B628-B31F52F6382D, Amount: \$109.47, Paid Date: 03/19/2021

Applicant: N/A - MOLLOY, MARGARET (310-5602523)
Representative:
Project Address: 207 S OCEAN FRONT WALK, 90291

NOTES: APPEAL OF ENTIRE DECISION BY AN AGGRIEVED PARTY

APCW-2020-1521-SPE-SPP-CDP-CUB-ZV-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 11
 Plan Area: Venice
 Processed by NGUYEN, MINDY on 03/19/2021

Signature: _____