

CALIFORNIA COASTAL COMMISSION

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F8a

Filed: 3/5/2014
49th Day: Waived
Staff: SV – LB
Staff Report: 5/22/2014
Hearing Date: 6/13/2014

STAFF REPORT: APPEAL-NO SUBSTANTIAL ISSUE

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appeal Number: A-5-VEN-14-0011

Applicant: Viroj Watana, KAT Trust

Agent: Peter Elias

Appellant: William V. O'Connor

Project Location: 1020 Venice Blvd., Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA 2012-2454 approved with conditions for the construction of a 30 foot high, 3,717 square foot restaurant on a 14,339 square foot lot, including 987 square feet of service area with a seating capacity for 116 customers (including 17 patio seats) and 20 on-site parking spaces with an additional 13 on-site bicycle parking spaces.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the project, as approved by the City of Los Angeles, does require adequate customer and employee parking as required by Section 30252 of the Coastal Act, and therefore does not negatively impact the public's ability to access the coast.

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the following motion:

MOTION: *I move that the Commission determine that Appeal No. A-5-VEN-14-0011 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

RESOLUTION:

*The Commission hereby finds that Appeal No. A-5-VEN-14-0011 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANT'S CONTENTIONS

William V. O'Connor has appealed the City of Los Angeles decision to approve a Local Coastal Development Permit with conditions for the construction of a 3,717 square foot restaurant on a 14,339 square foot lot with seating for 116 people and 20 on-site parking spaces and 13 on-site bicycle parking spaces. The site is located on a triangular shaped lot between Venice Boulevard, Lincoln Boulevard and Harding Avenue near a residential neighborhood (**EXHIBITS #1 & #2**).

Mr. O'Connor has filed an appeal on the grounds that the proposed project will not provide adequate parking for patrons of the restaurant. In his appeal (**EXHIBIT #6**) he states:

“The proposed restaurant site is a 14,000 sq. ft. lot, has a 3,717 sq. ft. building and reports a serving area of 987 sq. ft. and 20 parking spaces (one per 50 sq. ft. of serving area). City of Los Angeles planning EXCLUDES path of travel/serving aisles from the serving area. If the path of travel/serving aisles is added back into the serving area, there would be a requirement for additional parking spaces. If the path of travel/serving area is an additional 360 sq. ft., then there would be a requirement for 7 additional parking spaces.”

III. LOCAL GOVERNMENT ACTION

On August 29, 2013, a public hearing for Local Coastal Development Permit No. ZA 2012-2454 (Viroj Watana, KAT Trust) was held before the Los Angeles City Zoning Administrator. Several persons spoke at the hearing. See pages 12 – 15 of **EXHIBIT #5** for a list of speakers. On November 22, 2013, the Zoning Administrator approved a Local Coastal Development Permit for the proposed restaurant with 987 square feet of service area with 20 on-site parking spaces and 13 bicycle parking spaces. The service area calculation excluded the paths of travel to exits and restrooms required by the Americans With Disabilities Act (ADA). Subsequently, William V. O'Connor appealed the Zoning Administrator's approval of the Local Coastal Development Permit to the City of Los Angeles West Los Angeles Area

Planning Commission. On February 19, 2014, the Planning Commission heard the appeal and upheld the Zoning Administrator's approval of the proposed project. The action by the Planning Commission approved Local Coastal Development Permit Case No. ZA 2012-2454 (Viroj Watana, KAT Trust) (See **EXHIBIT #5**).

The City's Notice of Final Local Action for Local Coastal Development Case Permit No. ZA 2012-2454 (Viroj Watana, KAT Trust) was received in the Commission's Long Beach office on March 4, 2014, and the Commission's required twenty working-day appeal period was established. On the first day of the appeal period, March 5, 2014, Mr. O'Connor submitted his appeal of the City's approval of the Local Coastal Development Permit to the Commission's Long Beach office. No other appeals were received prior to the end of the appeal period on April 2, 2014.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.] As provided under section 13318 of Title 14 of the California Code of Regulations, the appellant must conform to the procedures for filing an appeal as required under section 13111 of Title 14 of the California Code of Regulations, including the specific grounds for appeal and a summary of the significant question raised by the appeal.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of no substantial issue. If the Commission decides that the appellant's contentions raise no substantial issue as to conformity with Chapter 3 of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the Chapter 3 policies of the Coastal Act, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of the Coastal Commission

regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission’s regulations.

If there is no motion from the Commission to find no substantial issue, it will be presumed that the appeal raises a substantial issue and the Commission will schedule the de novo phase of the public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The certified Venice Land Use Plan is used as guidance. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, those who are qualified to testify at the hearing, as provided by Section 13117 of Title 14 of the California Code of Regulation, will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. The Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The proposed project site is not located within the *Dual Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The project site is a 14,339 square foot triangular-shaped parcel located more than a mile from the beach at the intersection of Lincoln and Venice Boulevards, which are lined with commercial developments at the inland extent of the coastal zone (**EXHIBIT #1**). Venice and Lincoln Boulevards are highly impacted with traffic and some of the busiest streets in Venice. The site is currently a vacant lot surrounded by fences and close to public transit. The residential neighborhood known as Southeast Venice begins at the southeast corner of the project lot and opens to the east and west as it unfolds south, toward the Pacific Ocean (**EXHIBITS #1 & #2**).

The applicant proposes to build a 3,717 square foot House of Pies restaurant with a varied height of 16 to approximately 29 feet, on the 14,339 square foot lot with 987 square feet of service area, excluding the paths of travel to exits and the restrooms required by the Americans With Disabilities Act (ADA). The proposed restaurant will have seating for 116 customers, including 17 patio seats. Proposed parking for the project includes 20 on-site parking spaces and 13 on-site bicycle parking spaces. Incidentally, this project proposes to close a curb cut on Harding Avenue. This curb cut closure will create two new, 24 hour, non-metered, on-street, public parking spaces. Additionally, the City requires that the applicant landscape 1,336 square feet of lot area that will not be used for parking, driveways, building area or outdoor dining. The applicant has proposed to landscape 2,015 square feet of the lot, which is 5.1% more than the City requires (**EXHIBIT #3**).

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission’s regulation simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that no substantial issue exists with respect to whether the local government action conforms with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a Coastal Development Permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued prior to certification of its LCP may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act.

The grounds for this appeal relate primarily to the proposed project's potential adverse impacts to the parking supply for coastal access. The project, as approved by the City, will be located more than a mile from the coast in a commercial area that is heavily impacted with traffic.

The Commission's standard of review for determining whether to hear the appeal is only whether the appeal raises a substantial issue as to conformity with Chapter 3 of the Coastal Act. Cal. Pub. Res. Code § 30625(b)(1); 14 C.C.R. § 13321. The Commission's decision will be guided by the factors listed in the previous section of this report (B. Factors to be Considered in Substantial Issue Analysis).

This appeal raises no substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The Notice of Decision on Local Coastal Development Permit No. 2012-2454 and accompanying Final Staff Report issued by the City of Los Angeles states that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed, would be consistent with Section 30222 and 30252 of the Coastal Act. **(EXHIBIT #5)**

In order to conform to the requirements of the Coastal Act, the proposed project is required to maintain and enhance public access to the coast by providing adequate parking facilities or other means (i.e. public transportation and bikes). The amount of parking that is "adequate" is typically determined by calculating the parking demand of a specific project using a parking standard. The parking standard is usually part of a certified local coastal program or zoning ordinance. The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP), which contains specific policies to carry out the requirements of the Coastal Act. The certified Venice LUP requires that new development shall provide the necessary parking spaces as required by the LUP Parking Requirement Table.

New development must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available in Venice. The provision is that an increased parking supply is required by the certified Venice LUP and Section 30252 of the Coastal Act.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential,

¹ Unless otherwise indicated, all subsequent statutory references are to sections within the Coastal Act. Cal. Pub. Res. Code §§ 30000 *et seq.*

general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Certified LUP Policy II.A.1 states:

It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.

Policy II.A.3 of the certified LUP states:

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.

The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for restaurants as follows:²

Restaurant: 1 space for each 50 square feet of service area (including outdoor).

Applying the five factors listed in the prior section clarifies that the appeal raises “no substantial issue” with respect to Chapter 3 of the Coastal Act, and therefore, does not meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are consistent with policies of Chapter 3 of the Coastal Act.

² The parking standards in the certified Venice LUP are identical to the parking standard contained in the Commission’s Regional Interpretive Guidelines for Los Angeles County, adopted 1980.

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act. As indicated above, the City's conclusion was supported by substantial evidence. In its report, the City recognized that "a number of speakers felt that the number of parking spaces provided was inadequate for the restaurant and were concerned that it would result in patrons and employees parking on the residential streets." Parking issues raised at the City's local hearing appear to be related to parking in the adjacent residential neighborhood not visitors seeking to access the coast. The proposed development is located more than a mile from the beach in a commercial area on Venice and Lincoln Boulevards, both of which are heavily impacted with traffic. Lincoln Boulevard is also known as Highway 1 and Pacific Coast Highway and is used by motorists as an alternative to the Interstate 405 to travel through the west side of Los Angeles. A new restaurant along Lincoln Boulevard is consistent with the substantial commercial development that exists along this road. The proposed restaurant provides 20 on-site parking spaces plus bike parking. No variances were requested or granted.

In addition to the required on-site vehicle and bicycle parking, the City has conditioned a Transportation Demand Management Plan (TDM) as a part of the applicant's permit. The purpose of this TDM is to address local parking issues for residents in the proposed project area. The applicant's TDM imposed by the City addresses neighborhood parking issues and includes:

- Preferential hiring of employees who are within walking or biking distance
- Incentives to encourage employees to walk, bike, take public transit or carpool to work
- Installing bike racks for use by customers and employees
- Employee training shall include notification not to park on the residential streets
- The acquisition of off-site parking for employees (who are not able to walk, bike or take public transit)
- Restaurant staff shall monitor the parking lot to ensure its use by customers only and not beach parking

Pages 22 – 24 of the City's Findings (**EXHIBIT #5**), provide evidence that the City complied with the Venice certified LUP and Chapter 3 policies of the Coastal Act. Therefore, the Coastal Commission finds that the City provided an adequate degree of factual and legal support for the local government's decision.

The second factor is the extent and scope of the development as approved or denied by the local government. This vacant lot was previously used as a gas station and a Christmas tree sales lot. The proposed development approved by the local government is the construction of a restaurant on a vacant lot. Restaurants are considered visitor-serving commercial facilities. This type of development is consistent with the type and character of development in the surrounding area and is consistent with development promoted by Section 30222 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. The significance is minimal as there are no coastal resources affected. The location of the proposed development is more than a mile from the beach in a commercial area that is heavily impacted with traffic. Because of its distant proximity to the beach, this area is not a primary destination for shoreline access.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The City does not currently have a certified LCP. Approximately four years ago, the City began excluding ADA aisles when calculating service floor area for parking requirements. It is probable that this decision may have a precedential impact on future decisions accounting for ADA required ingress and regress. Chapter 3 of the Coastal Act states that adequate parking shall be provided. Given the service floor area calculated by the City, adequate parking is provided as well as additional bicycle parking and new on-street public parking. Additionally, the location of the proposed project is close to public transit system. Approval of this project will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the Coastal Act.

The City of Los Angeles Planning Department states that, approximately four years ago, the City was threatened with litigation by the Federal Government over the City's response to the ADA. One of the agreements reached was to require property owners/tenants to restripe their parking lots for the required van disabled access space if there was a tenant improvement or minor interior remodel. Before this agreement, the City only required the restriping as part of a change of use or major remodel. Additionally, the Los Angeles Municipal Code was changed to allow reduction in the number of existing required parking if the new van accessible space displaced existing parking.

Taking a proactive approach in response to concerns from applicants and Los Angeles Building and Safety over how service floor area within the Venice Specific Plan was being calculated, Venice planning staff researched the origins of the service floor area calculation. They sought to determine if including the aisle area required for disabled access to restaurant restrooms and exits that was mandated by the ADA and the State of California Title 24, could lead to potential violations of ADA requirements.

Venice planning staff discovered that the parking requirements came from the Regional Interpretive Guidelines, South Coast Region, Los Angeles County, adopted on October 14, 1980, ten years before the ADA was enacted. The Guidelines state that the parking requirement for restaurants is "*1 space for each 50 sq. ft. of service area.*" Service area is not defined in the Guidelines. The certified Venice LUP and the Venice Specific Plan both define service floor as "*all areas where the customer can be served, except the bathroom, including the indoor and outdoor dining area, bar, waiting room and tavern.*" Neither the Regional Interpretive Guidelines, the certified LUP nor the Venice Specific Plan mentions the ADA requirement or how it should be considered.

The Americans With Disabilities Act (ADA) was enacted on July 26, 1990. It described specific design mandates to accommodate disabled persons. Restaurants are considered public accommodations and as such, they must comply with the Americans With Disabilities Act Accessibility Guidelines set forth in the Code of Federal Regulations (CFR).

Part 36, Appendix A.4.2.1(1)(2) of the CFR states:

(1) Space Requirements for Wheelchairs. Many persons who use wheelchairs need a 30 in (760 mm) clear opening width for doorways, gates, and the like, when the latter are entered head-on. If the person is unfamiliar with a building, if competing traffic is heavy, if sudden or frequent movements are needed, or if the wheelchair must be turned at an opening, then greater clear widths are needed. For most situations, the addition of an inch of leeway on either side is sufficient. Thus, a minimum clear width of 32 in (815 mm)

will provide adequate clearance. However, when an opening or a restriction in a passageway is more than 24 in (610 mm) long, it is essentially a passageway and must be at least 36 in (915 mm) wide.

(2) Space Requirements for Use of Walking Aids. Although people who use walking aids can maneuver through clear width openings of 32 in (815 mm), they need 36 in (915 mm) wide passageways and walks for comfortable gaits. Crutch tips, often extending down at a wide angle, are a hazard in narrow passageways where they might not be seen by other pedestrians. Thus, the 36 in (915 mm) width provides a safety allowance both for the person with a disability and for others.

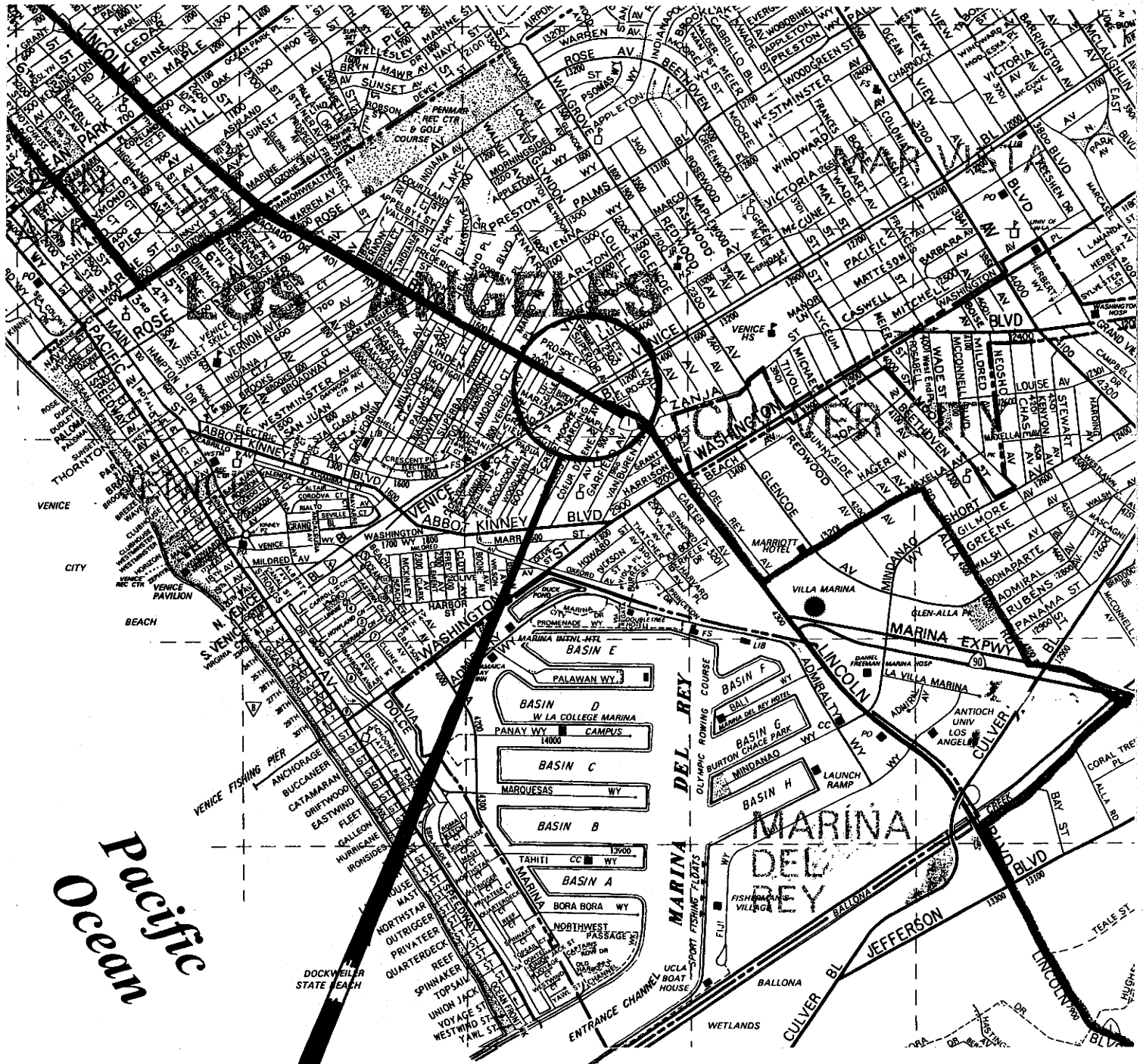
The certified Venice LUP and Specific Plan define service area as all areas where the customer can be served. The City and the Coastal Commission interpret this to mean any area where the customer can be *legally* served. Because the CFR requires ADA aisles in restaurants and not wanting to be tacit on the subject, the City began excluding the required ADA aisles from their calculation of service floor area. Thus, the City did not include ADA aisles in their calculation of service floor area and concluded that the service floor area for the House of Pies restaurant is 987 square feet.

The calculation that the City used to generate the service floor area is not consistent with how the Coastal Commission has historically calculated service floor area in relation to required parking spaces. In past actions, the Coastal Commission has included service aisles and paths of travel when calculating the total service floor area for purposes of establishing required parking for a restaurant project. However, since the parking requirement for a restaurant project is solely committed to guests of the restaurant and guests cannot be served within service aisles and paths of travel, it is reasonable to use only areas where a guest can be served to establish the required parking ratio for visiting guests. Based on the service floor area of 987 square feet, the Coastal Commission would require 20 parking spaces. The applicant is providing 20 parking spaces as well as 13 bicycle parking spaces consistent with the City's permit conditions. As such, the City's interpretation provides significant precedential value in future interpretations of a future certified LCP relative to proper calculations of service floor area to determine parking space requirements for a restaurant project.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal access, including parking, are important statewide issues, but this appeal raises local issues only. The City granted no variances or specific plan exceptions from the off-street parking requirements and imposed regulations to mitigate impacts on the immediate neighborhood's parking supply. Because of the required on-site vehicle and bicycle parking and the imposed TDM's, the City's approval does not raise issues of statewide significance.

In conclusion, the proposed project, accounting for 987 square feet of service floor area, as interpreted by the City, does conform with the parking standards set forth by the certified Venice LUP and is consistent with the policies of Chapter 3 of the Coastal Act. The primary issue for the appeal is whether the proposed project will adversely affect coastal access. In this case, the proposed project is located more than a mile from the beach, at the outer limit of the coastal zone. The applicant has proposed 20 on-site parking stalls, one more stall than as required by the City; two new, 24 hour, non-metered, public parking spaces on Harding Avenue (**EXHIBIT #4**) and 13 bicycle parking spaces. Furthermore, the project site is located close to public transit. The proposed project will not have a significant adverse impact on the parking supply that supports coastal access. Therefore, Commission staff recommends that the Commission find that the appeal raises no substantial issue as to conformity with Chapter 3 policies.

VENICE, CA



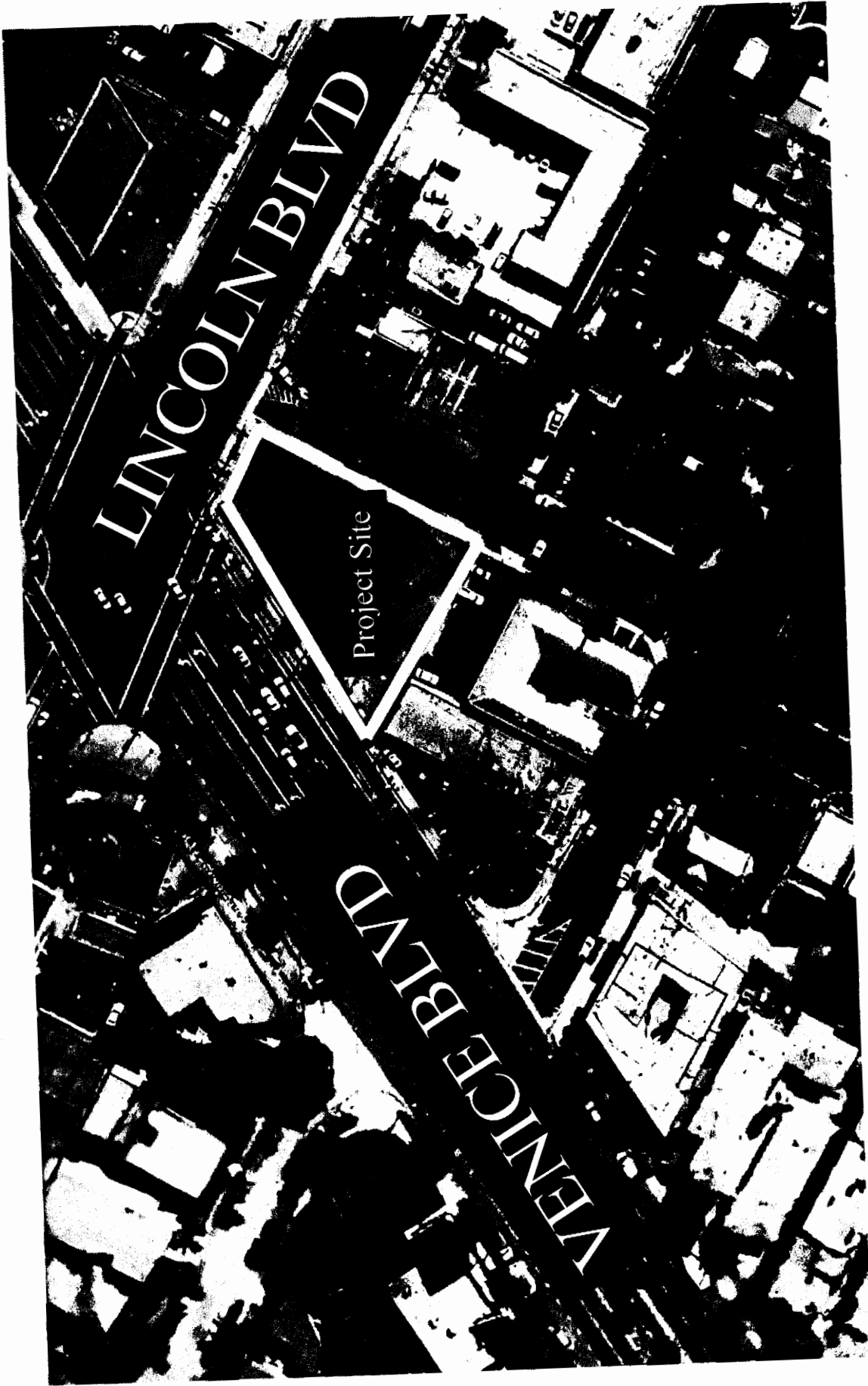
Pacific
Ocean

SITE LOCATION



COASTAL COMMISSION

EXHIBIT # 1
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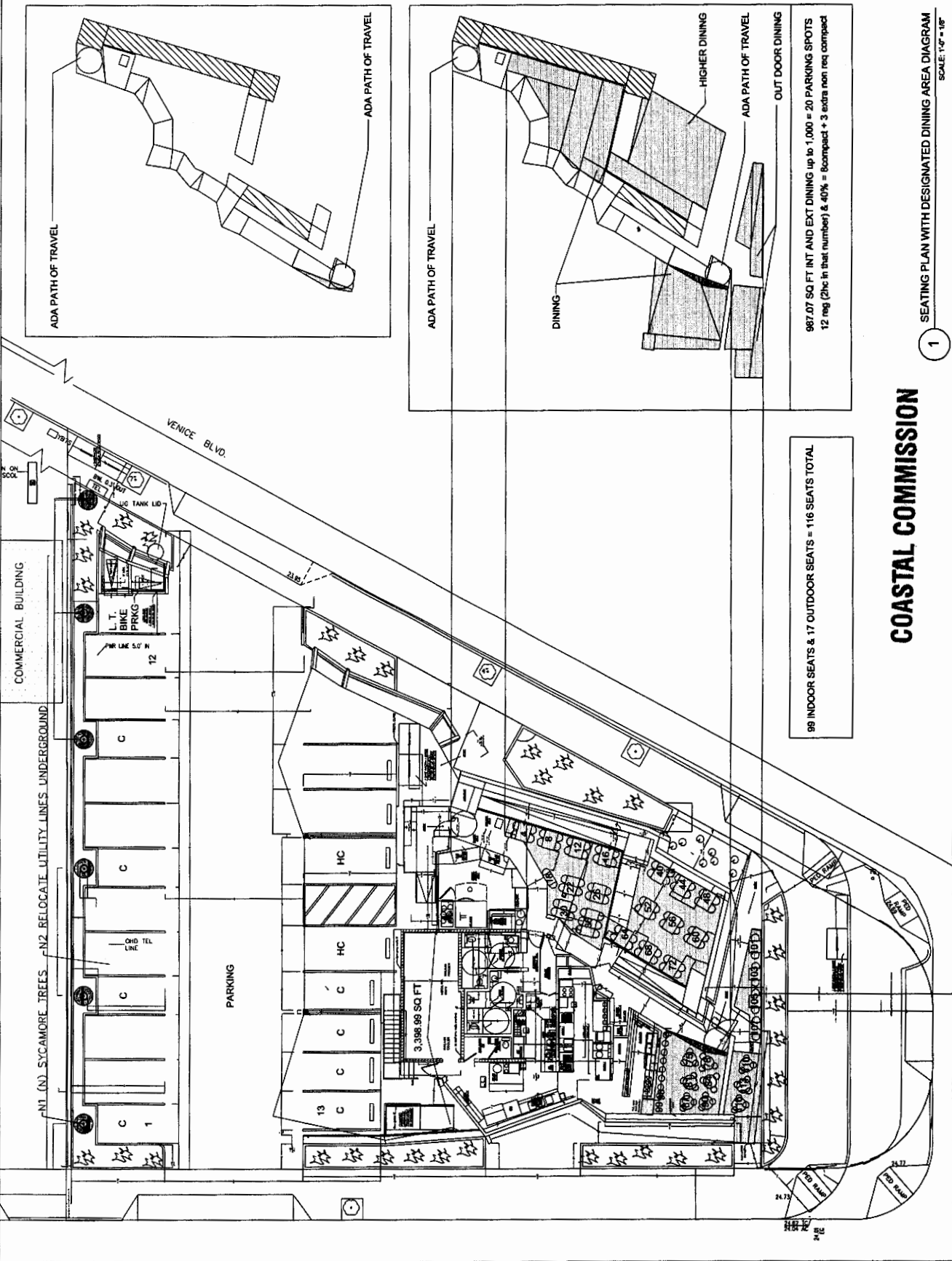


COASTAL COMMISSION

EXHIBIT # 2

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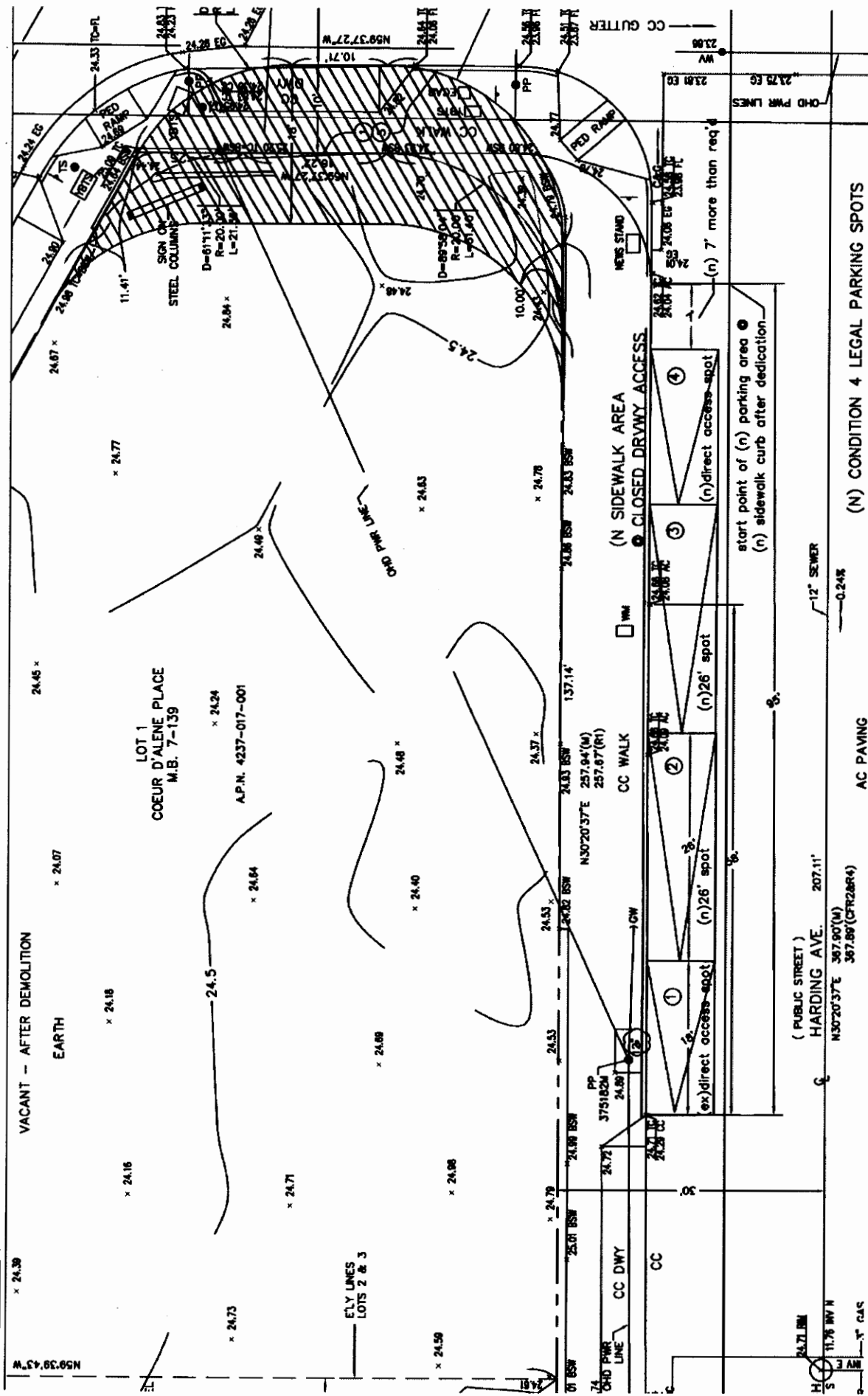


COASTAL COMMISSION

1 SEATING PLAN WITH DESIGNATED DINING AREA DIAGRAM
 SCALE: 1/4" = 18"

EXHIBIT # 3
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Lincoln Blvd.



(N) CONDITION 4 LEGAL PARKING SPOTS

AC PAVING

COASTAL COMMISSION

EXHIBIT # 4
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WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4800 (213) 978-1300
www.lacity.org/PLN/index.htm South Coast Region

RECEIVED
MAR 05 2014

Determination Mailing Date: FEB 28 2014

CASE NO: ZA 2012-2454-CDP-CUB-CU-SPP-CDO-1A
CEQA: ENV-2012-2455-MND

Location: 1020 East Venice Boulevard
Council District: COASTAL COMMISSION
Plan Area: Venice
Zone: [Q]C2-1-CDO and C2-1

APPLICANT: Viroj Watana, KAT Trust
Representative: Peter Elias, Quality Mapping Service

APPELLANT: William V. O'Connor

At its meeting on **February 19, 2014**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Denied the appeal.
2. Sustained the decision of the Zoning Administrator and approved:
 - a Coastal Development Permit for the construction and use of a restaurant with 987 square feet of service floor area located in the single permit jurisdiction area of the Coastal Zone;
 - a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 3,717 square-foot restaurant with 116 seats in the [Q]C2-1-CDO and C2-1 Zones;
 - a Conditional Use a to allow hours of operation from 7 a.m. to 11 p.m. Sunday through Thursday, and 6 a.m. to 2 a.m. Friday and Saturday in lieu of 7 a.m. to 11 p.m. as otherwise permitted; and to allow a 2-1/2 to 5-foot southerly landscape buffer in lieu of the 5 feet required for commercial corner developments;
 - a Project Permit Compliance with the Venice Coastal Zone Specific Plan; and pursuant to Los Angeles Municipal Code Section 13.08-E Lincoln Boulevard Community Design Overlay plans.
3. Adopted the Findings.
4. Sustained the decision of the Zoning Administrator to adopt the action of the lead agency in issuing Mitigated Negative Declaration ENV 2012- 2455-MND as the environmental clearance for this action.

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

This action was taken by the following vote:

Moved: Commissioner Foster
 Seconded: Commissioner Halper
 Ayes: Commissioners Foster, Halper, Waltz Morocco, and Linnick
 Vote: 4 - 0

COASTAL COMMISSION

EXHIBIT # 5
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Effective Date
 Effective upon the mailing of this notice

Appeal Status
 Not further appealable to City Council

Rhonda Ketay, Commission Executive Assistant
 West Los Angeles Area Planning Commission

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.

Attachment: Zoning Administrator's Decision Letter dated November 22, 2013

cc: Notification List
Maya Zaitzevsky
Linda Clarke

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
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CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

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November 22, 2013

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14549 Archwood Street, #301
Van Nuys CA 91405

CASE NO. ZA 2012-2454(CDP)(CUB)
(CU)(SPP)(CDO)
COASTAL DEVELOPMENT PERMIT/
CONDITIONAL USE/PROJECT PERMIT
COMPLIANCE/COMMUNITY DESIGN
OVERLAY

1020 East Venice Boulevard
Venice Planning Area
Zone : [Q]C2-1-CDO, C2-1
D. M. : 108B149
C. D. : 11
CEQA : ENV-2012-2455-MND

Legal Description: Lot 1, FR Lots 2 and 3,
Coeur D'Alaine Tract

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Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a coastal development permit for the construction and use of a restaurant with 987 square feet of service floor area located in the single permit jurisdiction area of the Coastal Zone;

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a 3,717 square-foot restaurant with 116 seats in the [Q]C2-1-CDO and C2-1 Zones;

Pursuant to Los Angeles Municipal Code Section 12.24-W,27, I hereby APPROVE:

a conditional use to allow hours of operation of 7 a.m. to 11 p.m., Sunday through Thursday, and 6 a.m. to 2 a.m. Friday and Saturday in lieu of 7 a.m. to 11 p.m. as otherwise permitted; and to allow a 2-1/2- to 5-foot southerly landscape buffer in lieu of the 5 feet required for commercial corner developments;

Pursuant to Los Angeles Municipal Code Section 11.5.7-C, I hereby APPROVE:

Project Permit Compliance with the Venice Coastal Zone Specific Plan;



Pursuant to Los Angeles Municipal Code Section 13.08-E, I hereby APPROVE:

Lincoln Boulevard Community Design Overlay Plans,

upon the following additional terms and conditions:

1. 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.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
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 the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Approved herein is a coastal development permit to allow the construction, use and maintenance of a 3,717 square-foot restaurant serving a full line of alcoholic beverages for on-site consumption with 99 interior seats and 17 patio seats. No patron seating is permitted on the second floor deck. Hours of operation are 7 a.m. to 11 p.m., Sunday through Thursday, and 6 a.m. to 2 a.m. Friday and Saturday. The number of seats shall not exceed the maximum capacity or occupancy allowed by the Los Angeles Fire Department or the Department of Building and Safety.

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- a. Floor Area Ratio. The project shall be limited to a floor area ratio of 0.5:1. (0.28:1 is proposed on the Exhibit "A")
- b. Service Floor Area. The Service Floor Area ("SFA") shall be limited to a maximum of 987 square feet of area as shown on the Exhibit A. The path of travel to the restrooms required by the American with Disabilities Act is not included in calculating the SFA. The path of travel shall conform to the floor plan contained in the file, and shall not be used as SFA.
- c. Height. The building shall be limited to a varied roofline height of 30 feet, with an initial height of approximately 16 feet to approximately 29 feet at its highest elevation, as shown on "Exhibit A".
- d. Parking. The project shall provide at least 20 vehicular and 13 bicycle parking spaces based on a maximum service floor area of 987 square feet.
 - 1) Interior and exterior dining will total approximately 987 square feet. The parking requirement is 19 parking spaces.
 - 2) All parking areas shall be improved and landscaped in accordance with LAMC Section 12.21-A,6 (except as modified herein.)
- e. Trash and Recycling Areas. All trash and storage areas shall be completely enclosed. Trash bins and storage areas shall be located within a gated, covered enclosure with a drain. The enclosure shall be a minimum six feet high, and shall have a separate area for recyclable materials.
- f. Setbacks. Building setbacks shall measure not more than 20 feet from the property line abutting Lincoln Boulevard.
- g. Storefront Transparency. A minimum of 60 percent of the building façade at ground level and abutting a public right-of-way, shall consist of doors and transparent windows.
- h. Entrances. The building shall have a primary entrance oriented towards Lincoln Boulevard.
- i. Appurtenances. All new utility lines that directly service the project shall be installed underground. If underground service is not available, then provisions shall be made for future underground service.
- j. Landscaping.
 - 1) Open portions of the lot not used for buildings, parkways, driveways, or other access features, shall be landscaped, and include the location of a permanent underground sprinkler system. A landscape

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plan shall be prepared by a State licensed landscape architect, State licensed architect or landscaped contractor.

- 2) Trees shall be planted along rear lot lines adjacent to residential parcels at a ratio of one tree for every 25 feet of lot width, trees shall be 24-inch box size with a trunk diameter of 2 inches.
 - 3) All areas of the site not occupied by buildings, parking, driveways, or used for outdoor dining or other pedestrian uses shall be landscaped; a minimum of 80% of landscaped areas shall consist of plant materials.
 - 4) A 5-foot landscaped buffer shall be located between parking areas and the property line wherever a surface parking lot abuts a public right-of-way. The landscaped buffer area shall contain 24-inch box trees planted at a ratio of one for every 10 linear feet.
- k. Access. Driveways shall not measure more than 20 feet in width. An exception is permitted only if the Department of Transportation ("LADOT") determines that no other alternative exists.
- l. Signage. The location and the number of signs (excluding font) shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Wall signs shall not project more than 10 inches from the face of the wall. Wall sign size shall not exceed one-and-one-half square feet per one foot of building facade length.
8. This grant shall have a life of **seven years** after which the applicant shall file for and win an authorization from the Office of Zoning Administration in order to continue the sale of a full line of alcoholic beverages for on-site consumption.
 9. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
 10. Any future operator or owner for this site must file a new plan approval application to allow the City of Los Angeles to review the "mode and character" of the use.

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provide proof of any legal nonconforming parking status to the satisfaction of the Department of Building and Safety. No variance or specific plan exception from the off-street parking requirements has been requested or granted herein.

12. The applicant shall prepare a Transportation Demand Management Plan for the restaurant which shall include the following measures:
 - Preferential hiring of employees who live within walking or biking distance.
 - Incentives to encourage employees to walk, bike, take public transit, or carpool to work.
 - Installing bike racks for use by the customers and employees.
 - Employee training shall include notification to not park on the residential streets.
 - The acquisition of off-site parking for employees.
 - Restaurant staff shall monitor the parking lot to insure its use by customers only and not beach parking.
13. During construction, name and phone number of the construction manager shall be clearly posted on the site for receipt of any community complaints.
14. Prior to the start of construction, the construction manager shall contact the administrators of the nearby schools to provide them with the construction schedule and a contact number to call.
15. A driveway access and circulation plan shall be submitted to the satisfaction of the Department of Transportation Citywide Planning Coordination Section and the Bureau of Engineering.
16. Prior to the issuance of any permits, the applicant shall submit a construction work site traffic control plan to the satisfaction of the Department of Transportation Central District Office. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Construction-related traffic shall be restricted to off-peak hours. If approved by LADOT, the applicant shall install a no right turn sign at the Harding Avenue exit.
17. Prior to the issuance of the building permit, the Project shall comply with applicable requirements of the Coastal Transportation Corridor Specific Plan, to the satisfaction of the Department of Transportation.
18. Amplified recorded-music shall not be audible beyond the property lines.
19. No dancing, live entertainment, karaoke, or disc jockey is permitted.
20. No pool tables, coin-operated games, or video machines are permitted.

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21. No after hour use of the establishment is permitted, including but not limited to private or promotional events.
22. The premises shall be maintained as a bona fide restaurant with an operating kitchen and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
23. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. Staff shall attend the training on an annual basis.
24. The applicant shall install and maintain security cameras and a 30-day DVR that covers all common areas of the business, high-risk areas and entrances or exits. The DVRs shall be made available to LAPD and the Department of City Planning upon request.
25. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door but shall be solid.
26. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
27. A 24-hour "hot line" phone number and contact name shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - Posted at the entry and the front desk.
 - The line shall be answered during operating hours. During non-operating hours a recorded message shall advise the caller that they will be responded to on the next business day.
 - Provided to the immediate neighbors, schools, the Council Office, and Neighborhood Council.
 - The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response. This shall be available for inspection by LAPD and the Department of City Planning upon request.

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28. Deliveries – Loading – Maintenance
- a. Parking lot cleaning, sweeping, trash collection and deliveries shall occur no earlier than 7 a.m. no later than 8 p.m. Monday through Friday and no earlier than 10 a.m. no later than 4 p.m. on Saturdays and Sundays. Additionally, these activities shall not occur during peak hours of restaurant operation.
 - b. Loading shall be on-site, no loading and unloading of goods shall be permitted on any public street.
 - c. Delivery vehicles shall not exceed 35,000 pounds and 18-wheel semi-trucks are prohibited.
 - d. The cleaning of kitchen mats shall occur between 3:30 p.m. and 6 p.m. in an area containing a drain.
29. Loitering is prohibited on the property under control of the applicant.
30. Outdoor lighting shall be designed and installed with shielding, so that the light source does not overflow into adjacent residential properties.
31. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department or City Planning. All employees working in the restaurant shall be knowledgeable of these conditions and shall sign a document acknowledging receipt of these conditions.
32. This grant is tied to ENV-2012-2455-MND, all mitigation measures shall be printed on the building plans.
33. Within 30 days of the effective date 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and acted on diligently to completion, the authorization shall terminate and become void.

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TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after DECEMBER 9, 2013, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

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Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

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.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the statements made at the public hearing on August 29, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The subject property is a vacant 14,339 square-foot triangular parcel containing portions of three lots and is zoned [Q]C2-1-CDO and C2-1. The property has approximately 188 feet of frontage on Venice Boulevard, 56 feet of frontage on Lincoln Boulevard, and 168 feet of frontage on Harding Avenue. The majority of the property is located in the Lincoln Boulevard Community Design Overlay District ("CDO"), and it is within the Oakwood-Millwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan, and the Los Angeles Coastal Transportation Corridor Specific Plan. The property is approximately 5.23 kilometers from the nearest known fault (Santa Monica Fault). The site is within a liquefaction zone, and the single permit jurisdiction area of the California Coastal Zone.

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Department of Building and Safety records indicate the property was developed with a gas station from 1960 to 2005. The underground gas tanks were removed in 2005. The site has been used for Christmas tree sales. In 2008 a case was filed to construct a mixed-use project (40 units and 5,000 square feet of commercial space), but it was withdrawn by the applicant in 2009. The property was sold in 2011.

The project is the proposed construction of a 27-foot 9-inch in height, 3,717 square-foot "House of Pies" restaurant with 99 interior seats and 17 patio seats with an estimated service floor area of 987 square feet. Hours of operation are proposed to be 24 hours daily, with the sale of a full line of alcohol between the hours of 10 a.m. to 2 a.m. On September 5, 2013 the applicant reduced the requested hours of operation to 6 a.m. to 2 a.m. Monday through Thursday, 6 a.m. to 3 a.m. Friday, 7 a.m. to 3 a.m. Saturday, and 7 a.m. to 2 a.m. Sunday. Alcohol sales are proposed from 11 a.m. to midnight, daily. Construction of the proposed project requires approval of the following: a coastal development permit; a conditional use; Commercial Corner deviations (hours of operation and reduced southerly landscape buffer of 2-1/2 to 5 feet in lieu of the required 5 feet); Design Overlay Plans; and Project Permit Compliance.

The application states it will be a family-oriented restaurant serving sit-down meals. There will be no drive-through window, and no live entertainment, dancing, or karaoke. The kitchen will be operating at all times. There is another House of Pies restaurant located at 1869 North Vermont Avenue, which does not serve alcoholic beverages. The applicant operates two restaurants ("Natalee Thai") located at 10101 Venice Boulevard and 998 South Robertson Boulevard with Type 47 ABC licenses.

Twenty surface parking spaces are proposed for customers. Employees will be told to park on Lincoln and Venice Boulevards. The applicant is proposing to offer employee incentives for using public transit or alternative transportation. Twelve employees will be on-site at any given time. The lot size will be reduced 13,360 square feet after the required dedications.

The site plan indicates that the restaurant will be located on the northern portion of the lot on Lincoln Boulevard, and the surface parking will be located to the rear. The property has five curb cuts, the three northerly driveways will be closed and the two southerly ones will remain for vehicular access. A trash enclosure is proposed along the Harding Avenue frontage and located adjacent to the kitchen. The applicant states that all loading and unloading will be done on-site, with no that would affect public streets.

A detailed planting plan is included that proposes approximately 15% of the lot area to be landscaped, or 2,105 square feet. Planting areas will occur between the building and the sidewalks at intermittent locations, and will be comprised of mostly succulent plant species that are known for their minimal water consumption. Additionally, a water feature with vegetation is proposed along the Venice Boulevard frontage. Seven Sycamore trees are proposed for various locations in the parking lot on the southern edge of the project. A 6-foot tall masonry wall will separate the site from the properties to the south and will be screened with climbing vines. Thirteen bicycle parking spaces are proposed (three long-term lockers, and ten short-term racks.) No Mello determination is required since the proposed project does not involve the demolition of housing or the creation of new housing.

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Adjoining properties to the north of Lincoln Boulevard are zoned [Q]C2-1-CDO and developed with one and two-story commercial buildings comprised of a gas station, market, various retail uses, an office building, and a motorcycle dealership.

Adjoining properties to the east across Harding Avenue are zoned commercial and residential, [Q]C2-1-CDO and R2-1. Commercial zoned lots are occupied by one- and two-story offices, retail, and a motel. R2-1 zoned properties are one and two-story single-family residences.

Properties to the south are zoned C2-1 and occupied by a one-story commercial building with a liquor store and a Laundromat, and an 18-unit apartment building.

Properties to the west across Venice Boulevard are zoned [Q]C2-1-CDO and occupied by one- and two-story commercial buildings, including a car wash and two apartment buildings, with 15 and 8 units each.

Lincoln Boulevard is a Major Highway Class I improved to a width of 126 feet.

Venice Boulevard is a Scenic Major Highway Class II improved to a width of 104 feet, and contains Class II bike lanes.

Harding Avenue is a Local Street improved to a width of 60 feet.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. CPC-2008-3327(ZC)(DB)(CDP)(ZAA)(MEL)(SPP) – On January 27, 2010, the Director of Planning terminated the application for a development with 40 residential units and 5,000 square feet of commercial uses.

Surrounding Properties

Case No. ZA 2000-0873(CU)(SPP) – On November 17, 2000, the Zoning Administrator approved a conditional use and project permit compliance to allow the construction, use, and maintenance of a three-story, 42-room motel located at 2435 Lincoln Boulevard. The applicant appealed the requirement to dedicate 18 feet along the Lincoln Boulevard frontage. The Presidents Row Neighborhood Association appealed the approval of the permit. On March 13, 2001, the West Los Angeles Area Planning Commission sustained the Zoning Administrator and denied the appeals. According to LADBS records, the owner constructed a two-story, 22-room motel.

Public Hearing

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The public hearing was held on August 29, 2013 at the West Los Angeles Municipal Building. The public testimony is summarized below.

Peter Elias, Representative:

- The applicant is the owner of the House of Pies in Los Feliz and Natalee Thai restaurants
- The House of Pies was a large chain of coffee shops, he would like to update the concept, to be similar to Marie Callendar's
- Building has a unique design, featuring an articulated roof with a maximum height of 17 feet 9 inches, and is oriented towards the front of lot
- A 5-foot wide landscape buffer is proposed on all sides except against the westerly property line
- A water feature and six sycamore trees are proposed in conformance with the CDO.
- 24-hour operation and a full line of alcoholic beverages is proposed
- Met with the Venice Neighborhood Council, both the Land Use Committee and Board have voted in support
- Ingress and egress are concerns to the neighbors, and a request to remove driveway on Harding Avenue was heard.
- We could prohibit right turns onto Harding Avenue from 3:30 p.m. to 6 p.m.
- No significant traffic impacts were found
- BOE is requiring an 18-foot dedication on Lincoln Boulevard that would require the applicant to move utilities
- 20 parking spaces for customers only
- There will be an employee rideshare program and other alternative transportation methods will be provided
- We estimate only four employees will drive to the restaurant
- We are committed to employ area residents
- Possibility of leasing parking from Boys and Girls Club for \$300 a month
- Bike parking exceeds ordinance requirements

Clair Look-Jaeger, Traffic Engineer:

- We prepared a traffic study even though one was not required, as estimates show traffic is below the threshold
- No significant impacts were found at the five intersections studied
- DOT approved the analysis
- Intersection of Major Highways require an extra dedication of 10 feet
- The estimation for relocation of utilities would be \$60,000 to \$75,000
- Caltrans has been consulted
- The Westside Mobility Study is evaluating light rail on Lincoln Boulevard
- Redistribution of traffic with no turns on Harding Avenue

Harris Levy:

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- Moving the curb would be required for any project constructed there
- Board is concerned about right turns into residential areas via Harding Avenue
- 24-hour operations seem excessive; menu items do not seem consistent with request for a full line of alcohol
- Beer and wine sales seems more appropriate
- Hours of alcohol sales is a concern; prefer end at 11 p.m. weekdays
- Their proposed Condition No. 30 is acceptable
- Board would not support any project that will negatively affect the community
- If traffic could be minimized the project would be supported

Mark Severino:

- Residents are concerned about traffic flow into residential areas
- 20 parking spaces does not accommodate 33 trips
- Sensitive residential uses- children are nearby
- No other restaurant in vicinity serves alcohol after 11 p.m.
- An alcohol rehab center is just blocks away
- Gridlock at Lincoln/Venice Boulevard intersection

Stewart Oscars (displayed a map with his traffic analysis and trip routes):

- Venice Boulevard driveway won't be used by all patrons, but Harding Avenue will be used as an exit by all patrons
- A full bar is a concern drinking will take place in parking lots and driveways
- The proposed landscaping will not mitigate noise impacts

Laura Trice:

- Opposed to 24 hours operation-drunk people will concentrate here
- School nearby; neighborhood is family friendly-kids often play in the street
- Nearby IHOP restaurant operates 24 hours with commercial and industrial, and has minimal impacts
- House of Pies - Los Feliz location does not sell alcohol
- Adjacent liquor store
- Limit construction hours from 8 a.m. to 4 p.m.
- Allow no waiver of landscaping requirements

Trula Marcus:

- Project was not presented to residents early in the process
- Make Harding Avenue one-way to Naples Avenue
- Approximately 20 boys aged 10-15 play football in street on occasion
- Concerns over liability regarding accidents due to intoxication
- No alcohol sales past 10 p.m.
- Introduce speed bumps on Harding Avenue for traffic calming

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- Concerns over Venice Beach traffic

Chris Dahlin:

- Project is a beautiful design
- Naples and Harding Avenue are not complete through-streets
- Project should follow all rules
- Was not aware of project until receipt of hearing notice

Penelope MacKenzie:

- I did not receive the hearing notice
- At the Lincoln and Venice intersection the traffic has doubled in the past five years
- No patrons will exit site to Venice Boulevard, as traffic is too great
- 700 kids live within one block
- Harding Avenue is a famous, historic street
- Design is not acceptable
- A pedestrian was killed at this intersection recently
- Concerned with inadequate employee parking

Phil Bubar:

- Owner of 18-unit residential building
- Pleased to see development of site, it will die without a proper use
- A row of pay phones next to existing liquor store was in place before, and was a hub for prostitution and drugs
- Traffic concerns are real
- Venice Boulevard should be a gateway to Venice Beach
- The 2 a.m. closing would imply employees would leave from at 2 a.m. to 6 a.m.
- Owner will accommodate parking issues through a valet service or tandem parking
- Management will ensure patrons do not exit restaurant intoxicated

Mary O'Connor:

- House of Pies - Los Feliz location is well-known and enjoyed by patrons
- Parking is a problem at Los Feliz location

Bill O'Connor:

- Hours of operation should not exceed 11 p.m.
- Five-foot landscape buffer is intended to screen residences from commercial
- 20 parking spaces is insufficient
- Driveway should not be located on Harding Avenue
- A full line of alcohol is not appropriate
- Lincoln Boulevard should be improved

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Noel Fleming, Council District 11:

- Councilmember Bonin feels the neighbors are a vital part of the process
- We appreciate that the applicant met with the Neighborhood Council to get their input and support
- We would like alcohol sales from 11 a.m. to midnight
- We appreciate the volunteered conditions
- This will be an improvement from the former gas station and the current vacant lot
- We would like a plan approval to be filed a year after the Certificate of Occupancy is issued and a Plan Approval if there is a change of ownership

Peter Elias, rebuttal:

- Hearing was properly noticed to a 500-foot radius
- 12 people in attended our open house
- Residential street traffic will be light; willing to accommodate a sign stating no right-turns onto Harding Avenue
- 24-hour operation; restaurant will not always operate at full capacity
- Beverages are incidental to meal service
- Willing to accept Plan Approval in one year; a seven-year grant is desired as a five-year grant is too short, as construction will not finish until 2015
- Setback variation is internal, not on the outside
- Existing restaurant's busiest hours are between 7 p.m. and 1 a.m.
- Tandem and valet parking is acceptable, if required as a Condition of Approval
- Deliveries will be restricted to 7 a.m. to 8 p.m. weekdays
- No deliveries will be from semi-trucks

Correspondence

The applicant volunteered the following terms and conditions:

1. No cover charge or admission shall be charged in a manner which would characterize the use as a nightclub or after-hours establishment.
2. The sale and dispensing of alcoholic beverages for on-site consumption shall be limited to 11 a.m. - midnight daily.
3. The premises shall not be exclusively used for private parties, including promotional events, in which the general public is excluded.
4. Parking:
 - a. Customer Parking: On-site parking shall be free at all times for customers. Restaurant staff shall monitor the parking lot to ensure its use by customers only.
 - b. Employee Parking: Employees will not be allowed to park on-site or in any residential area and will be required to park on Lincoln Boulevard and Venice Boulevard. The owner of the restaurant shall provide free off-site parking to all employees.

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- c. Employee Parking Incentive Program: The applicant will implement an employee parking incentive program that is offered to all employees to encourage the use of bus, bicycle and ride sharing. Employees who participate in this incentive program will receive free meals based on participation.
 - d. The applicant shall comply with the bicycle parking ordinance. In addition, the applicant will provide a total of 13 bicycle parking spaces (including the four required) and maintain at least 20 on-site automobile spaces.
5. The applicant shall place a sign at the Harding Avenue driveway exit restricting right hand turns from the hours of 3:30 p.m. – 7 a.m. daily.
 6. Deliveries – Loading - Maintenance
 34. Parking lot cleaning, sweeping, trash collection and deliveries shall occur no earlier than 7 a.m. no later than 8 p.m. Monday through Friday and no earlier than 10 a.m. no later than 4 p.m. on Saturdays and Sundays. Additionally, these activities shall not occur during peak hours of restaurant operation.
 35. Loading shall be on-site, no loading and unloading of goods shall be permitted on any public street.
 36. Delivery vehicles shall not exceed 35,000 pounds and 18-wheel semi-trucks are prohibited.
 37. The cleaning of kitchen mats shall occur on-site between 3:30 p.m. and 6:00 p.m. and the location shall have an area drain.
 38. The trash enclosure shall be covered and the area shall have an area drain.
 7. APPROVAL OF PLAN REVIEW: In order to provide for reexamination of the matter one (1) year after the operation and if the applicant/operator or owner of the land wishes to continue operation as herein authorized, an "Approval of Plans" shall be filed; if the restaurant is sold, the new owner shall file for a plan approval to review the CUB and CCR that they are compliant.

A petition dated December 2012 was submitted by the applicant with 350 signatures in support of the proposed project.

On May 9, 2013 the Bureau of Engineering issued the following project requirements:

1. Lincoln Boulevard: dedicate an 18-foot wide strip of land to complete a 68-foot half right-of-way in accordance with Major Highway Class 1 standards.
2. Venice Boulevard: Reconstruct 8.5-foot wide concrete sidewalk along property frontage and repair any broken concrete curb, gutter, and pavement. Close off all unused driveways with standard curb, gutter, and sidewalk.
3. Lincoln Boulevard: Construct additional surfacing to join existing improvements to create a 56-foot wide half roadway and a 12-foot wide sidewalk.
4. Harding Avenue: Reconstruct sidewalk to create a 5-foot wide sidewalk and a 9.5-foot wide landscaped parkway. Close off all unused driveways with standard curb, gutter, and sidewalk.

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On May 16, 2013, the Los Angeles Department of Transportation (DOT) approved the traffic assessment prepared by Lindscott, Law and Greenspan Engineers (April 10, 2013) for the project stating it would generate 396 daily trips, a net increase of 33 AM and 33 PM trips. The project would not result in any significant traffic impacts at any of the studied intersections.

On July 16, 2013 the Venice Neighborhood Council voted in support of the project subject to the following conditions:

- Parking shall be free at all times for customers and employees of the restaurant
- The owner of the restaurant shall provide free off-site parking to all employees who drive
- Employees shall not park on any residential street but may park on Lincoln Boulevard and Venice Boulevard
- The applicant will implement an employee parking incentive program to encourage the use of bus, bicycle and ride sharing
- Restaurant staff shall monitor the parking lot to insure its use by customers only and not beach parking
- The bicycle-parking area will be moved closer to the entrance
- All deliveries and trash pick-up shall occur during non-peak hours
- Loading shall be on-site, no loading and unloading of goods shall be permitted on any public street
- Delivery vehicles shall not exceed (add gross vehicle weight)
- Standard BMP conditions
- No music shall be audible at adjacent properties
- The cleaning of kitchen mats shall occur on-site between 3:30 p.m. and 6:00 p.m. and the location shall have an area drain
- The trash enclosure shall be covered and the area shall have an area drain
- No street widening of Lincoln Boulevard is supported. Any dedicated area should be used for additional landscaping
- If the restaurant is sold, the new owner shall file for a plan approval

In a letter dated August 23, 2013, the President's Row Neighborhood Association supports the restaurant subject to the following:

- No right-turns onto Harding Avenue
- 24-hour operation is a concern due to adjacent residential
- Beer and wine only, no precedent for selling a full line of alcoholic beverages
- Alcohol service from 11 a.m. to 11 p.m.
- Strongly support requirement for Plan Approval

A letter dated August 5, 2013, by William O'Connor in support subject to the following:

- Seven additional parking spaces
- Contract of long term employee off-site parking

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- Remove Harding Avenue entrance
- Revise operating hours to 6 a.m. to 11 p.m.
- Remove the request for a full line of alcoholic beverages

A letter dated August 13, 2013, from Stewart Oscars requested the following:

- Deliveries between 7 a.m. and 5 p.m.
- Provide more parking
- A traffic plan to ensure Harding Avenue and Naples Avenue do not become feeder streets
- Hours from 6 a.m. to midnight

A letter received on August 14, 2013, from John Tripp stated:

- To protect the young children the Harding Avenue driveway should be closed off, access from Venice Boulevard only
- Employee parking arrangements need to be more solid

A letter received on August 14, 2013, from Erica Beeney and Rupert Wyatt stated:

- Restaurant should not be open 24 hours, as this would attract patrons exiting bars and nightclubs in the area.
- Preferred hours are 7 a.m. to 11 p.m.
- A full line of alcoholic beverages is not suitable, beer and wine is more appropriate
- Proposed parking is insufficient
- Residential streets will be burdened by patrons entering and exiting the project site.

A letter received on August 14, 2013, from Elizabeth and Marvin Tien stated:

- A 24-hour restaurant is not compatible with community, and would introduce light, noise, and traffic impacts.
- A full line of alcoholic beverages is not suitable, beer and wine sales is more appropriate, and should end at 11 p.m.
- Harding Avenue driveway should be removed, access from Venice Boulevard only to protect families and minimize traffic impacts

A letter received on August 14, 2013, from Denise Johnston stated:

- Proposed parking is insufficient
- Security guards should be provided
- Traffic patterns need to be considered

A petition dated September 4, 2013 with six signatures expressed the following concerns:

- Restaurant should not have hours exceeding 7 a.m. to 10 p.m.

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- No alcohol sales should be allowed, to be similar to Norms, IHOP
- Limit hours of construction to 8 a.m. to 4 p.m., on weekdays only
- 27 on-site spaces should be required
- Prohibit driveway on Harding Avenue
- Require 5 feet of landscaping, not the requested 2 feet to 5 feet

On September 5, 2013, Peter Elias emailed the following:

Reduced Hours of Operation: Given this is a full-service restaurant and based on the information provided, below is a proposed schedule of reduced hours of operation: Monday through Thursday 6 a.m. to 2 a.m.; Friday 6 a.m. to 3 a.m.; Saturday 7 a.m. to 2 a.m.; and, Sunday 7 a.m. to 2 a.m.

Trips: Based upon the data provided in the attached "Hourly Variation in a High Turnover Sit Down Restaurant" portion of the traffic study included in the case file, there will be a projected total of 496 daily trips entering and exiting the premises in a 24-hour period (248 trips entering and 248 trips exiting). The primary use of this facility is projected to be during the early afternoon (11 a.m.-2 p.m.) and during normal dinner hours (5 p.m.-10 p.m.). It is projected that during the remaining operating hours (early morning and later in the evening), there will be minimal traffic entering and exiting the facility, falling below 9% for most of this period.

Mitigation between the restaurant and the residential neighborhood: The anticipated low use impact of the site on the evening, along with the mitigation measures that include responsible management of the facility make the proposed hours reasonable for operation. All of the neighboring residential uses are 50 to 100 feet away from the site and a 6-foot concrete block wall plus six sycamore trees located at the rear of the site provide adequate mitigation between uses. Additionally the applicant understands that it is the responsibility of the management of the restaurant to ensure quiet utilization of the premises and this must be adhered to at all times.

Sale of Alcohol: The applicant has elected to maintain his request to permit the sale and dispensing of a full line of alcoholic beverages as a use accessory to a full-service restaurant.

There are more than 30 applicant volunteered conditions designed to mitigate any impacts for the operation of the restaurant, with 10 of them specifically addressing the sale of alcoholic beverages and to insure that there will be no bar/lounge operating at this location.

The premises shall be maintained as a bona fide restaurant with a kitchen, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours.

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Since it is being sold as part of a full-service restaurant menu and there is no dancing, live entertainment or the operation of a bar/lounge on the premises, the sale of alcohol is solely offered as a convenience and is incidental to meal service for its patrons.

On October 28, 2013, The Pacific Area Vice Unit of LAPD submitted the following recommended conditions of approval (Captain Johnson October 3, 2013 letter)

- 11:00 p.m. closing time on Sunday through Thursday
- 2:00 a.m. closing time on Friday and Saturday
- Must operate as a bona fide eating place (Restaurant)
- No music audible from outside of the location
- No live music, bands, or events
- No crowds gathering outside of the location during business hours
- Follow all conditions placed by the California Department of Alcohol Beverage Control

On October 29, 2013, Peter Elias emailed this response to the LAPD letter:

Well they are not opposed to the sale of a full line of alcohol and other than the proposed hours, the project is consistent with their requests. However, the hours are substantially limiting and seem to be overly restrictive. Do we know why an 11 pm close time is being recommended Monday to Thursday? I do have a call to Officer Watkins to discuss this further.

As you know the original 24hr restaurant operation was supported by the Neighborhood Council and the Council Office. This was because they expressed a need for a legitimate restaurant with extended hours that was located in Venice.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provides the ABC an opportunity to address the specific conduct of alcohol

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sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No cover charge or admission shall be charged in a manner which would characterize the use as a nightclub or after-hours establishment.
- The sale and dispensing of alcoholic beverages for on-site consumption shall be from 11 a.m. to midnight daily.
- The premises shall not be exclusively used for private parties, including promotional events, in which the general public is excluded.

COASTAL DEVELOPMENT PERMIT FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

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

The subject property is a vacant triangular-shaped, 14,339 square-foot parcel comprised of three lots at the southerly intersection of Lincoln Boulevard and Venice Boulevard. The northerly portion of the property is zoned [Q]C2-1-CDO and the two southerly lots are zoned C2-1. The property is located in the single permit jurisdiction area of the Oakwood-Millwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan. The majority of the property is located in the Lincoln Boulevard Community Design Overlay Zone. The property was previously developed with a gas station that was demolished in 2005.

The applicant is requesting a coastal development permit to authorize the construction of a 3,717 square-foot restaurant with 99 interior seats and 17 patio seats and a Service Floor Area of 987 square feet. The building is primarily one-story with the ground floor containing 3,399 square feet, and a second story deck, mechanical room, and office on a second floor. The second floor is only accessible from the exterior of the building and will not contain seating. Hours of operation are proposed from 6 a.m. to 2 a.m. Monday through Thursday, 6 a.m. to 3 a.m. Friday, 7 a.m. to 3 a.m. Saturday, and 7 a.m. to 2 a.m. Sunday. Alcohol sales are proposed from 11 a.m. to midnight, daily.

Coastal Act Section 30222 establishes a higher priority for publicly available visitor-serving commercial recreational facilities over private residential, industrial, or general commercial development. Section 30252 of the Coastal Act states:

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

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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 restaurant will serve visitors as well as serve the local community. There are 20 surface parking spaces provided on-site, and 13 bicycle parking spaces. A restaurant is a permitted use in the C2 Zone and the proposed height, floor area, and parking for the project comply with the applicable regulations. A conditional use for the proposed on-site sale of alcoholic beverages is required. The only LAMC deviations requested are to allow a reduced landscape buffer at one portion of the property and to allow the hours of operation to exceed 7 a.m. to 11 p.m., daily.

The construction and operation of the proposed restaurant should have no adverse effects on public access, recreation, public views or the marine environment as the property is located approximately 3/4 of a mile from the closest body of water. The restaurant 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 restaurant will not block any designated public access views. As conditioned, the restaurant is in conformity with Chapter 3 of the California Coastal Act.

2. **The development 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.**

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 the 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 have not been adopted. The LUP therefore is advisory in nature. The LUP designates the property for Community Commercial land uses. Restaurants are a permitted use in the Community Commercial land use designation which is planned for more intense land uses that serve the needs of visitors. The Venice Community Plan designates the subject property for General Commercial and Height District No. 1. The restaurant is permitted by the Plan designation and the corresponding zone. On an individual basis, the project is not anticipated to prejudice the ability of the City to prepare a Local Coastal Plan.

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3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination.**

The California Coastal Commission's interpretive guidelines have been reviewed and considered in preparation of these findings. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City's determination is based on the cited provisions of the California Coastal Act and other legally established laws and regulations.

4. **The decision herein has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the California Public Resources Code.**

There were no relevant decisions of the Coastal Commission found in the area. The Zoning Administrator located on the Coastal Commission's website, an appeal of a permit for the construction of restaurant on 1305 Abbot Kinney Boulevard. That appeal report (No. A-5-VEN-10-138) was reviewed as part of this decision.

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

Not applicable, the property is located approximately 3/4 of a mile from the closest body of water within the coastal zone.

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

A Mitigated Negative Declaration (ENV-2012-2455-MND) was prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The MND concluded that after the implementation of the mitigation measures, the proposed development will not result in any significant impacts to the environment. The MND prepared for the proposed development was appropriate pursuant to CEQA.

CONDITIONAL USE PERMIT FINDINGS

7. **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 applicant is requesting a conditional use to allow the sale of a full line of alcoholic beverages for on-site consumption at the proposed restaurant. The

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restaurant would have 99 interior seats and 17 patio seats. The applicant originally requested 24-hour operation of the restaurant, but after the public hearing and meeting with the Neighborhood Council they reduced the proposed hours of operation to 6 a.m. to 2 a.m. Monday through Thursday; 6 a.m. to 3 a.m. Friday, 7 a.m. to 3 a.m. Saturday, and 7 a.m. to 2 a.m. Sunday. Alcohol sales are proposed from 11 a.m. to midnight, daily. There were a number of residents who live off of Harding Avenue who attended the hearing and who spoke in opposition to a number of the elements of the proposed project. The following were the most contentious points raised at the hearing: vehicular ingress and egress from Harding Avenue; the sale of a full line of alcoholic beverages; the hours of operation; the number of parking spaces; incompatibility of the use with the residential neighborhood; and the reduced landscape buffer. The applicant was concerned about the request from the Bureau of Engineering to widen the Lincoln Boulevard Frontage by ten feet as the cost of the improvements were expensive and it would result in a negligible impact on traffic due to the minimal area of widening. The applicant proposes to dedicate the required land on Lincoln Boulevard but maintain it for landscaping rather than moving the curb.

The applicant had a traffic study prepared that was approved by LADOT. The traffic engineer spoke at the hearing and requested that the improvements on Lincoln Boulevard be waived as part of the letter of decision. The Zoning Administrator does not have authority under the LAMC to grant relief from street improvements as part of the conditional use permit. The traffic engineer described the trips projected in the AM and PM peak hours, and indicated they are below the threshold of significance. The applicant will close two of the driveways as part of the project construction, one on Harding Avenue and one on Venice Boulevard; however, they have to keep the driveway on Harding Avenue open because there is not enough room on the property to allow proper vehicular circulation if there was only one driveway from Venice Boulevard. Also, the Venice Specific Plan, the LAMC, and the Los Angeles Coastal Transportation Corridor Specific Plan require vehicular access to be provided from alleys or local streets over Major Highways.

The neighbors were opposed to having a driveway on Harding Avenue because they felt that cars would use that driveway rather than entering and exiting on Venice Boulevard. This would lead to cut-through traffic on the adjacent residential streets and to present a potential safety hazard to the neighborhood children who play in the streets. The engineer stated that a sign prohibiting right-turns onto Harding Avenue during the afternoon could be installed, but that it would be less confusing to prohibit right-turns altogether rather than a specified time. Prohibiting vehicular access from Harding Avenue is not an option due to the unique size and shape of the property, and the regulations in place governing driveway locations. Subject to approval by LADOT, a condition has been imposed prohibiting right-turn exits onto Harding Avenue from the site.

A number of speakers felt that the number of parking spaces provided was inadequate for the restaurant and were concerned that it would result in patrons and employees parking on the residential streets. The applicant is required to provide

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19 parking spaces pursuant to the Specific Plan, and that number could be reduced by three based on the 13 bicycle parking spaces provided. However, the restaurant will provide 20 surface parking spaces, will provide incentives to the employees to take transit or ride bikes to work, and will lease off-site parking for employees if it is needed. The conditions of the grant include a TDM program to encourage local hiring, and incentives to employees who don't drive to work. As the project as designed exceeds the LAMC parking requirement by four spaces, there is no nexus to make the applicant provide additional parking.

Many neighbors stated that the proposed hours of operation were going to make their neighborhood a late night destination after the Venice Beach bars closed, would result in noise, and would change the character of their neighborhood. The Neighborhood Council supported the 24-hour operation as did the Council Office, subject to a limitation on the hours of alcohol sales from 11 a.m. to midnight, daily. The Pacific Area Vice Unit requested that the restaurant close at 11 p.m. Sunday through Thursday and 2 a.m. on Friday through Saturday. The majority of the residents preferred the restaurant to operate from 7 a.m. to 11 p.m. as permitted. A number of the residents were opposed to alcohol sales at a family restaurant, but if they were permitted, to have it limited to the sale of beer and wine only. The applicant did not agree to change the request to beer and wine. The applicant's volunteered restriction on the hours of alcohol sales has been included above as a recommended condition for the consideration of the ABC. The reduction in hours proposed by the applicant is appreciated; however, the closing times are still a concern given the property's proximity to residential uses. The hours are limited to 7 a.m. to midnight, Sunday through Thursday, and 6 a.m. to 2 a.m., Friday and Saturday. A plan approval was not required; however, after 18 months of operation, the applicant may file for a plan approval and the Zoning Administrator can extend the hours if it is found to be appropriate.

The landscape plan indicates that the project would comply with the 5-foot landscaped setback requirement along Lincoln and Venice Boulevard and Harding Avenue. The applicant requested a Commercial Corner deviation to allow a varying landscaped setback of 2 feet 6 inches to 5 feet at the southerly property line to accommodate the required parking spaces. This request is acceptable as the landscaped setbacks, combined with the six proposed Sycamore trees and 6-foot masonry wall will mitigate the noise impacts of the project and will significantly increase the aesthetics of the long-vacant site. The project's modern design is in conformance with the Lincoln Boulevard CDO which encourages projects to be designed with "architectural elements that provide visual interest, and gesture to the local tradition of whimsical structures and playful spaces." Venice is a world-famous tourist destination. The property is located at the intersection of two Major Highways that are well-served by public transportation and is walking distance of residential uses. As conditioned, the development of the restaurant at this location will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the Venice community and the City.

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8. **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 triangular-shaped property is approximately 14,339 square feet, it is zoned for commercial uses but has been vacant since 2005. It is located in the neighborhood of Southeast Venice which is developed with commercial uses adjacent to residential uses. The properties to the north of the site are zoned [Q]C2-1-CDO and developed with a gas station, market, office, and a motorcycle dealership. The properties to the east are zoned [Q]C2-1-CDO and R2-1 and are developed with one- and two-story offices, retail, a motel, and single-family dwellings. The properties to the south are zoned C2-1 and developed with a liquor store, Laundromat, and a multi-family building. The properties to the west are zoned [Q]C2-1-CDO and developed with a car wash and two multi-family buildings.

The property is located at the intersection of Lincoln Boulevard, a commercial corridor, Venice Boulevard which has residential and commercial uses, and Harding Avenue a local street serving a residential neighborhood. The site is zoned for commercial uses and the proposed restaurant will be compatible with the surrounding area as it should be a much less intense than the prior gas station. The building's proposed variable height ranging from 16 feet 8-1/2 inches to 27 feet 9 inches at its highest elevation is permitted by the CDO and Specific Plan. The applicant owns three restaurants in the City with no known operational issues. Conditions have been imposed to address the restaurant's operations including a restriction on delivery times, hours of operation, noise, lighting, egress, security cameras, and STAR training. As conditioned, the operation of the restaurant will not adversely affect the surrounding neighborhood.

9. **The project substantially conforms with 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. Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property as General Commercial with the corresponding zones of C1.5, C2, C4, CR, RAS3, and RAS4. The property is located in the Venice Coastal Zone and the Los Angeles Coastal Transportation Corridor Specific Plans. The property is also located in the Lincoln Boulevard Community Design Overlay District. Granting of the conditional use adjacent to residential uses is consistent with Objective 7.3 of the Framework Element which states "maintain and enhance the existing businesses in

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the City” as well as Policy 7.3.2 which states “retain existing neighborhood commercial activities within walking distance of residential areas.” Granting of the requested conditional use is also consistent with the following Venice Community Plan commercial objectives and policies:

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.1: New commercial uses shall be located in existing established commercial areas or shopping centers.

With conditions and limitations imposed by the Zoning Administrator, the surrounding properties should be protected from predictable impacts of the proposed restaurant. The project is in conformance with the spirit and intent of the General Plan and other City polices which aim to promote the subject property and its immediate area with healthy and viable commercial activity. The project is consistent with the applicable General Plan, the Venice Community Plan, the Specific Plans and the Lincoln Boulevard CDP.

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

As noted above, the proposed restaurant was not universally embraced by the adjacent residential neighbors. The operation has been conditioned to address the potential adverse impacts. If at any time there is documented evidence of detrimental impacts from the sale of alcoholic beverages at the restaurant, additional conditions can be imposed through a plan approval. Mitigation measures have been imposed to address the potential environmental impacts of the proposed project, include aesthetics, air quality, and noise impacts, and reduce those impacts to a less than significant level.

11. 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.

STAL COMMISSION According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, there are 2 on-site and 2 off-site licenses allocated to

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Census Tract No. 2738.00. There are 3 on-site and 1 off-site existing licenses in the census tract. There are three ABC licenses within 1,000 feet of the property: one Type 21 off-site and two Type 41 on-site licenses. The applicant is proposing to add one on-site license to the census tract.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 1443, which has jurisdiction over the subject property, a total of 153 Part I Crimes and Part II Arrests were reported in 2012. This is compared to the citywide average of 146 crimes and the high crime reporting district average of 176 crimes for the same period. In 2012, there were 15 Narcotics, 0 Liquor Law, 1 Public Drunkenness, 0 Disturbing the Peace, 0 Disorderly Conduct, and 9 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The restaurant is not located in an area of high crime, and no revocation proceedings were found within 1,000 feet of the location. The applicant has volunteered to only serve alcohol from 11 a.m. to midnight and will not operate in a nightclub type manner by charging a cover charge or requiring a minimum number of drinks to be purchased. These conditions are supported by the Council Office, and have been recommended for inclusion in the ABC license. Restaurant employees who serve alcohol are required to take STAR training. The applicant has two restaurants with ABC licenses in good standing indicating he is a responsible operator. As conditioned herein, the granting of the conditional use will not lead to an undue concentration of ABC licenses.

12. **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 following sensitive uses are located within 1,000 feet of the property:

- Church of St. Mark
- St. Mark Parish Hall
- Venice Lutheran Church and School
- Chalk Pre-School
- Venice United Church
- Venice Boys and Girls Club

In response to the neighboring residents concerns about the sale of alcoholic beverages at the proposed restaurant, a number of conditions of approval have been imposed to ensure the grant does not detrimentally impact these sensitive uses. The applicant worked with the Venice Neighborhood Council, the Council Office, and the neighborhood association to establish operational conditions that would reduce its impact on the nearby sensitive uses. The owner is committed to preserve the character of the neighborhood through responsible management of the

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restaurant. As conditioned, the proposed use should not detrimentally affect the nearby sensitive uses.

- 13. **Based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The subject property is located on a lot which is subject to Commercial Corner development standards. The applicant is requesting to deviate from the hours of operation enumerated in LAMC Section 12.22-A,23 and to deviate from the required landscape buffer. There was considerable public concern about the requested 24-hour operation of the restaurant due to its proximity to residential uses. The hours were limited to 7 a.m. to midnight, Sunday through Thursday, and 6 a.m. to 2 a.m., Friday and Saturday. The applicant will provide a 5-foot landscape buffer on three of the property lines but has requested that on the southerly side of the property that they be allowed to have a varying width buffer from 2-1/2 feet to 5 feet in lieu of the required 5 feet. The reduction is needed only in the areas adjacent to the parking spaces. Denial of the request would unfairly limit the applicant's ability to provide parking requested by the community in excess of the LAMC requirements.

The traffic study prepared by Lindscott, Law & Greenspan Engineers prepared to analyze the traffic impacts for the proposed restaurant was approved by LADOT on May 16, 2013. The study determined that the restaurant's projected 396 daily trips would not result in a significant impact at any of the studied intersections or neighborhood street segments, and would not result in a significant increase in the volume-to-capacity or level of service at these intersections. The requested prohibition on right-turns on Harding Avenue will be evaluated by LADOT staff when they review the driveway circulation and access plan prior to the issuance of building permits. The property currently has five driveways, three will be removed which will increase the safety of the ingress and egress. As proposed, the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

- 14. **The project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The proposed development of a restaurant is not considered a mini-shopping center and thus will not result in a detrimental concentration in the vicinity. The commercial corner property is subject to regulations that are intended to ensure compatibility of the commercial development with the adjacent residential development. The project will be attractively landscaped along the property lines, and the building design contains the required transparent windows. The restaurant is designed to activate the sidewalk and provide an interesting visual experience. The site has been ~~ASTAL COMMISSION~~ and underutilized for years. The proposed restaurant will not add to detrimental concentration of Commercial Corner Developments in the vicinity.

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PROJECT PERMIT COMPLIANCE FINDINGS

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

The adjoining properties to the north, east and southwest are zoned C2-1 and developed with commercial uses. The adjoining property to the south is zoned C2-1 and developed with a two-story eighteen-unit apartment building. Two properties across Harding Avenue to the southeast are zoned R2-1 and developed with single family homes. The rest of the surrounding properties are developed with one- to two-story residential structures and commercial uses. The proposed restaurant is located towards the front of the lot with an entrance on Lincoln Boulevard, as required by the Lincoln Boulevard CDO. The parking is located at the rear. The proposed 3,717-square-foot sit-down restaurant is compatible in scale and character with the existing neighborhood and that which is allowed in the Venice Coastal Zone Specific Plan in the Oakwood-Millwood-Southeast Venice Subarea. As conditioned, the project is not anticipated to be materially detrimental to the adjoining properties or the immediate area.

16. **The Venice Coastal Development Project is in conformity with the certified Local Coastal Program.**

The Venice Land Use Plan designates the subject property for General Commercial land uses and it is zoned [Q]C2-1-CDO and C2-1. The proposed restaurant is consistent with the property's zoning and land use designation. The proposed restaurant is consistent with the commercial intent and purposes of the Land Use Plan and the Specific Plan, which are parts of the Venice Coastal Program. The restaurant will provide a service to the community and visitors, a stated policy of the LUP. As stated below, the project complies with all applicable development requirements of the Venice Coastal Zone Specific Plan.

17. **The applicant has guaranteed to keep the rent levels of any replacement affordable unit at an affordable level for the life of the proposed Venice Coastal Development project and to register the replacement affordable units with the Los Angeles Department of Housing.**

Not applicable. The property is vacant and did not previously contain affordable residential units. There are no replacement affordable units required as part of the construction of the project.

18. **The Venice Coastal Development 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).**

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The Mello Act is a State law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. The proposed project does not involve the demolition or construction of any new housing units. A restaurant is proposed on a site formerly developed with a gas station.

19. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

a. **Section 9. B, Height.** The project's proposed height was adequately measured from the centerline of the street adjacent to the front lot line measured from the projection of the midpoint of the lot frontage, as demonstrated on the elevation sheet A.3 of Exhibit "A", which is required by Specific Plan Section 9B.3.

b. **Section 10.G, Height.** Venice Coastal Development Projects in the Southeast Venice Subarea with a varied roofline shall not exceed a maximum height of 30 feet, provided that any portion of the roof that exceeds 25 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet. The project has a varied roof line with a height ranging from 16 feet 8-1/2 inches to 27 feet 9 inches at its highest elevation. Therefore the project is in compliance with the height provisions of the Plan.

c. **Section 10.G, Access.** The Plan requires driveways and vehicular access to Venice Coastal Development Projects to be provided from alleyways, unless the Department of Transportation determines that it is not feasible. The subject site is not adjacent to an alley. The proposed access would continue to be from two existing driveway curb cuts located on Venice Boulevard and Harding Avenue. The project is in compliance with the applicable provisions of section 10. G.

d. **Section 11, Floor Area Ratio.** The proposed restaurant has a floor area of 3,717 square feet. The property is 13,360 net square feet after the required dedications. The Specific Plan limits the floor area ratio in commercial zones to 0.5:1. The project as proposed has a floor area ratio of 0.28:1 ($3,717/13,360=0.28$) in conformance with the Specific Plan.

e. **Section 11, Access.** The Plan requires driveways and vehicular access to Venice Coastal Development Projects to be provided from alleyways, unless the Department of Transportation determines that it is not feasible. The subject site is not adjacent to an alley; therefore the access will be from two existing driveway curb cuts on Venice Boulevard and Harding Avenue. Further the project is reducing the existing amount of curb cuts from four to two, eliminating the two altogether.

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- f. **Section 11, Landscaping.** The project's landscape plan demonstrates that all open areas are landscaped with the applicable plan materials per Appendix B. The project will landscape approximately 15% or 2,014 square feet of the subject site. The project is in conformance with the landscape requirements of Section 11.
- g. **Section 11, Lighting.** The project does not propose any direct light towards residential projects. The project includes the planting of Sycamore trees to buffer the adjacent residential use from the project.
- h. **Section 11, Trash.** The project provides a trash enclosure to the rear of the building. The enclosure will be enclosed by a wall seven-foot wall with a five-foot landscaped planter on the portion adjacent to the public right-of-way. The location is not visible from Lincoln or Venice Boulevard.
- i. **Section 13D, Parking.** The Plan requires parking based on "Businesses and Commercial Uses/Restaurants" parking requirement table, at a ratio of one parking space for each 50 square feet of Service Floor Area, including outdoor service area. The project proposes 987 square feet of interior and exterior dining area. Therefore, the project's parking requirement is 19 spaces ($987/50=19.5$ rounded down to 19). However, project plans propose 20 parking spaces. Based on the Plan's parking requirement of 19 spaces and the project's proposed 20 spaces, the project complies with the Plan.
20. **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 Mitigated Negative Declaration (ENV-2012-2455-MND) was prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. LADOT approve the traffic analysis prepared for the proposed development of the restaurant and they determined that no significant traffic impacts would result. The mitigation measures have been incorporated as conditions of the grant.

DESIGN OVERLAY APPROVAL FINDINGS

21. **The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.**

The project involves the construction of a one-story commercial building for use as a sit down restaurant. As conditioned by this approval, the project has been reviewed by staff and has been found to be in substantial conformance with the design guidelines and standards. The design standards of the Lincoln Boulevard CDO

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applicable to the subject project include, but are not limited to, Standard 2b-c, 3a, 6a, 12a, 12c, 13c-d, 14a-b, and 22b-c.

- a. **Standard 2b and the [Q] condition.** Surface parking lots are prohibited from being located between the front property line and new buildings on Lincoln. The project complies with the Q and guideline by located the surface parking to the rear of the main structure, as shown on the site plan in Exhibit "A".
- b. **Standard 2c.** The Plan recommends that vehicular access come from side streets and not Lincoln Boulevard. The project proposes two driveways for vehicular access from Venice Boulevard and Harding Avenue.
- c. **Standard 3a and the [Q] condition.** The Plan requires at least 60 percent of the building façade consist of doors and windows. The proposed building's façade will be at least 60% transparent on the facades facing Lincoln and Venice Boulevard, as demonstrated on the elevation sheet in Exhibit "A". The project provides transparent, nonreflective glass that allows views into the building's interiors.
- d. **Standard 6a and the [Q] condition.** The Plan requires all buildings on Lincoln Boulevard to provide a primary entrance oriented towards Lincoln. For buildings on a corner lot it is recommended that the entrance be located at the corner, as well as an additional entrance for the intersecting street, in addition to entrances provided along Lincoln. The project provides an entrance that is oriented towards Lincoln Boulevard and accessed through an open outdoor dining courtyard. It also provides an entrance oriented towards Venice Boulevard.
- e. **Standard 12a.** The Guidelines recommend the limited use of fences and walls. The proposed storefront does not have a fence fronting on Lincoln Boulevard or other public streets, and the existing chain link fence along the perimeter of the property will be removed as part of this project.
- f. **Standard 13a, 13c, and 13e.** The Guidelines recommends projects incorporate courtyards, low-water plants, and automatic irrigation systems. The project will create an inviting space on the corner of Lincoln and Venice Boulevard through the use of low growing mostly drought-tolerant plants, as well as incorporating a water feature and screening of unattractive areas such as the surface parking lot, as shown on sheet A1.1 of the Landscape Plan in Exhibit "A".
- g. **Standards 14a and 14b.** The Guidelines recommend enhancing and concealing parking areas. The proposed landscaping plan includes landscaped planters in all open areas not otherwise used for driveways, parking, and entrances. The project will landscape a minimum of 15% of the total project site. It will also provide a minimum of six Sycamore Trees to be planted on the property between the parking lot and adjacent residential use.

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- h. **Standards 16a, 16b, 16c, 16d, 16h, and 16i.** The Q condition limits the amount and size of the signs. The guidelines recommend signs promote the identity of individual businesses through the appropriate placement of wall signs. The project abuts three streets and would be permitted three wall signs; however the project proposes two signs. In addition, the proposed signs are approximately 29 square feet each, with a letter height of two (2) feet. The subject property is a corner lot and permitted signs to have three (3) feet for the composition height of wall signs and 2.5 feet in height for the letters. There are no signs proposed for the portion of the building that faces a residential use.
- i. **Standards 22b and 22c.** The Guidelines recommend incorporating sustainable building elements into the overall form and aesthetic of projects. The project provides north-facing and north-east facing windows, and employs dual, tempered glazing doors and windows with anti-graffiti finish.

22. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and the vicinity.

The proposed project involves the construction of a new single-story restaurant, with outdoor seating and a surface parking lot to the rear of the site. The subject site abuts two state highways Lincoln and Venice Boulevard, and a local street, Harding Avenue. The subject site maintains approximately 150 square feet of frontage on Venice Boulevard, a designated Scenic Highway, and approximately 42 feet of frontage on Lincoln Boulevard. Surrounding properties are developed with mostly commercial uses to the north, east, and northwest, consisting of a car wash, gas station and commercial buildings.

The proposed development is harmonious in scale and design with the land uses in the vicinity. The modern building and site improvements will enhance the areas aesthetic and be harmonious with the scale of existing development along this section of Lincoln Boulevard. The design of the building emphasizes pedestrian orientation through two pedestrian entrances to the building from both Lincoln and Venice Boulevard. As shown on Exhibit "A", the façade of the building enhances the pedestrian environment by incorporating low level landscaping, a water feature and an outdoor eating area. The building includes transparent windows that provide views into the restaurant, and an architectural style that creates visual interest at a major intersection of two state highways. The project will provide a landscape buffer between the surface parking lot and the abutting residential use, which includes one sycamore tree planted every 25 feet, ensuring residential uses are buffered from the subject site consistent with the intent of the CDO.

ADDITIONAL MANDATORY FINDINGS

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23. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
24. On June 13 2013, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2012-2455-MND. On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

Maya E. Zaitzevsky

MAYA E. ZAITZEVSKY
Associate Zoning Administrator
Direct Telephone No. (213) 978-1416

MEZ:lmc

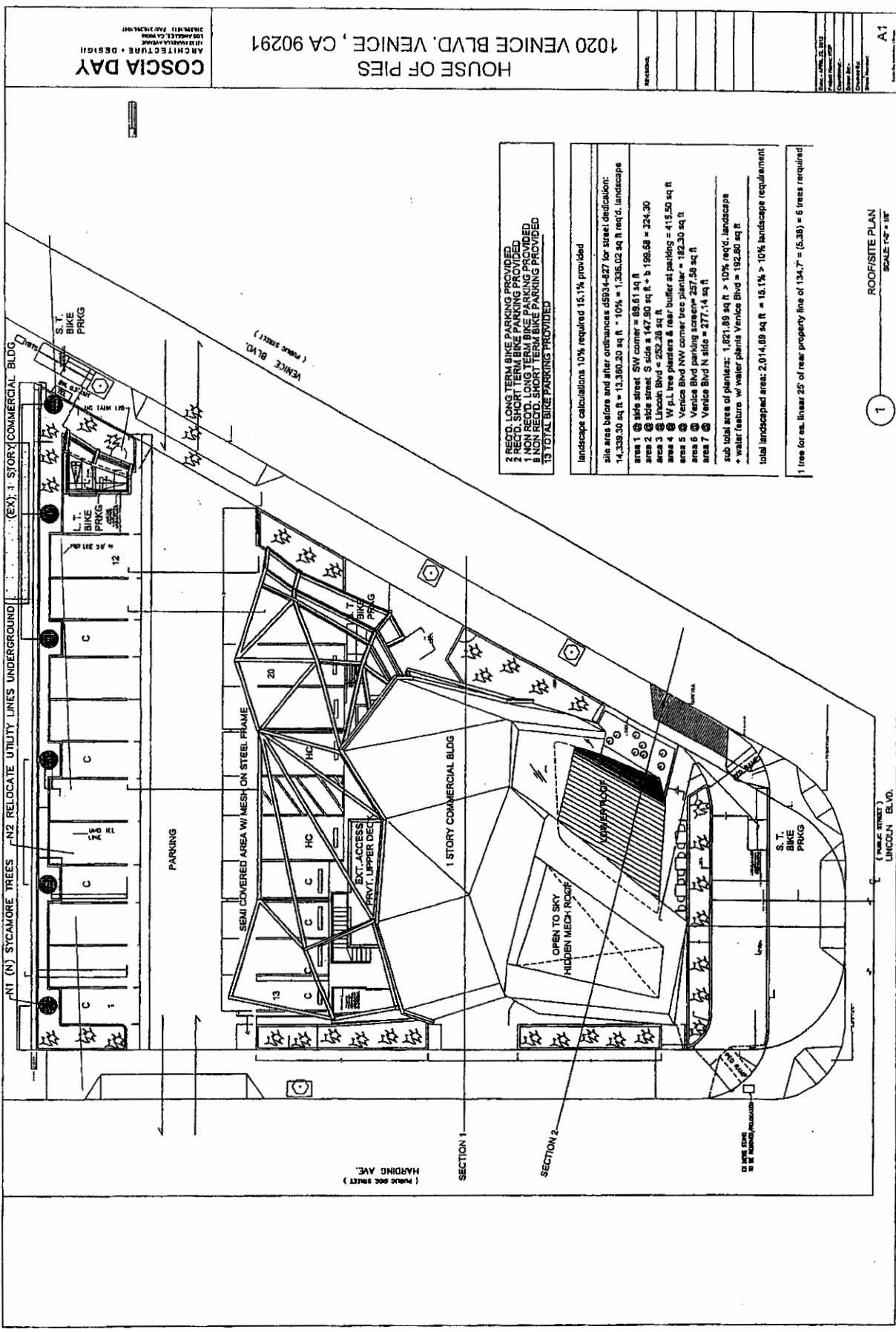
cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

COASTAL COMMISSION

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COSCIA DAY
ARCHITECTURE + DESIGN
105 MADRID ST. SUITE 200
SAN FRANCISCO, CA 94102
(415) 774-1010

HOUSE OF PIES
1020 VENICE BLVD, VENICE, CA 90291

2 RECD. LONG TERM BIKE PARKING PROVIDED
2 RECD. SHORT TERM BIKE PARKING PROVIDED
1 NON RECD. LONG TERM BIKE PARKING PROVIDED
1 NON RECD. SHORT TERM BIKE PARKING PROVIDED
10 TOTAL BIKE PARKING PROVIDED

landscape calculations 10% required 15.1% provided

Site area before and after ordinance 45934-827 for street dedication:
14,339.30 sq ft = 13,806.20 sq ft * 10% = 1,335.02 sq ft req'd. landscape

area 1 @ side street SW corner = 89.61 sq ft
area 2 @ side street S side = 147.90 sq ft * 5 = 195.59 = 324.30
area 3 @ Lincoln Blvd = 252.28 sq ft
area 4 @ W.P.L. tree planters & rear buffer at parking = 415.50 sq ft
area 5 @ Venice Blvd NW corner tree planter = 182.30 sq ft
area 6 @ Venice Blvd parking canopy = 257.50 sq ft
area 7 @ Venice Blvd N side = 277.14 sq ft

sub total area of planters: 1,821.89 sq ft > 10% req'd. landscape
+ water feature w/ water plants Venice Blvd = 192.80 sq ft
total landscaped area: 2,014.69 sq ft = 15.1% > 10% landscape requirement

1 tree for ea. linear 25' of rear property line of 134.7' = (5.38) = 6 trees required

1
ROOF/SITE PLAN
SCALE 1/4" = 10'

A1

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South Coast Region

A.S. Ven-14-0011

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

MAR 05 2014



CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: William V. O'Connor

Mailing Address: 936 Harding Ave

City: Venice

Zip Code: 90291

Phone: 310 292 2271

SECTION II. Decision Being Appealed

1. Name of local/port government:

West Los Angeles Area Planning Commission

2. Brief description of development being appealed:

A restaurant Case No. ZA 2012-2454

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1020 East Venice Blvd, Venice 90291 (corner of Venice & Lincoln).

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	_____
DATE FILED:	_____
DISTRICT:	_____

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The proposed restaurant site is a 14,000 sq. ft lot, has a 3,717 sq. ft. building and reports a serving area of 987 sq. ft. and 20 parking spaces (one space per 50 sq. ft. of serving area). City of Los Angeles planning EXCLUDES path of travel/serving aisles from the serving area. If the path of travel/serving aisles is added back into the serving area there would be a requirement for additional parking spaces. If the path of travel/serving area is an additional 360 sq.t., then there would be a requirement for 7 additional parking spaces.

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