

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE AND DE NOVO

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appeal Number: A-5-VEN-15-0038

Applicant: Dunes Development, LLC

Agent: Laurette Healey

Appellants: 1) Coastal Commission Executive Director (Dr. Charles Lester)
 2) James Murez; and 3) Robin Rudisill, James McCullagh,
 Maripaz Maramba, Marie Pabianova, Kimmy Miller, Roxanne
 Brown, and Ilana Marosi

Project Location: 259 Hampton Drive, Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA 2012-1770 approved with conditions for a change of use and addition to an existing 1,658 sq. ft. structure from commercial retail space and take-out restaurant to a 2,831 sq. ft. sit down restaurant, including construction of a new second story with no existing or proposed on-site parking.

IMPORTANT NOTE

The Commission will not take public testimony during the ‘substantial issue’ phase of the appeal hearing unless at least three (3) commissioners request it. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the grounds on which the appeals have been filed for the following reason: the project, as approved by the City of Los Angeles, would prejudice the City’s ability to prepare a certified Local Coastal Program (LCP), and therefore will negatively impact coastal resources. The project, as approved by the City of Los Angeles, may adversely affect the public’s ability to access to the coast because the additional parking demands generated by this project (and others) are not adequately mitigated, thereby resulting in increased competition for the limited supply of public parking. Approval of development that exacerbates the parking shortage in Venice will prejudice the City’s ability to prepare a certified LCP. Staff recommends denial of the Coastal Development Permit application after the De Novo hearing.

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EXHIBITS

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Exhibit 2 – Project Plans

Exhibit 3 – Appeals

Exhibit 4 – Local Coastal Development Permit/DIR -2010-2932-SPP & ZA-2012-1770-CDP

I. MOTION AND RESOLUTION

MOTION: *I move that the Commission determine that Appeal No. A-5-VEN-15-0038 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION:

*The Commission hereby finds that Appeal No. A-5-VEN-15-0038 presents A **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. APPELLANTS' CONTENTIONS

Three appeals have been filed (**EXHIBIT 3**). The appellants contend that the City-approved development may adversely affect public access and could prejudice the City's ability to prepare a Local Coastal Program (LCP). The local coastal development permit (CDP) authorizes an increase in intensity of land use (1,658 sq. ft. of commercial area to 2,831 sq. ft. of commercial area and converting from retail and take-out restaurant to sit-down restaurant) which will significantly increase the demand for parking on the project site by approximately 20 spaces more than provided and the local CDP does not require adequate mitigation for the increased parking demand. The local approval is silent in regards to how the project's parking demands will be met, and the property currently has no on-site parking.

Special Condition 25 of the local CDP requires that the project's parking shall be provided as required by the Venice Coastal Specific Plan (VSP). The VSP allows the applicant to pay an in lieu fee into a city fund rather than provide additional parking that would meet the parking demands of the approved development. The in lieu fee is not adequate for two reasons: 1) the amount paid per parking space (\$18,000) is significantly less than the cost for providing one parking space, and 2) the City does not have a plan to use the collected fees to mitigate the parking impacts of the approved development (e. g., the construction of additional parking). The result of the action is to increase the demand for parking in a coastal area that currently does not have adequate parking supplies to meet the parking demand. The lack of adequate parking reduces the ability of the public to access to shoreline. The proposed project is three blocks inland of Venice Beach. Special Condition 25 also references valet parking, although the City approval does not describe any parking plan or use of valets and off-site parking.

The competition for the limited amount of public parking in the vicinity of the project site has led to numerous requests for restricted "resident only" permit parking. The Commission has denied the City's applications for "resident only" permit parking [Appeal Nos. A-5-VEN-08-340, A-5-VEN-08-

341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344]. The Commission’s denials of the applications for “resident only” parking were based on adverse impacts to public access.

The City’s approval of increased commercial intensity in the coastal zone without mitigating the parking demands (by providing more parking or other means to access the area) will result in cumulative adverse effects to public access.

Additionally, Mr. Murez, Mr. McCullagh, Ms. Maramba, Ms. Pabianova, Ms. Miller, Mr. Brown, Ms. Marosi, and Ms. Rudisill (**EXHIBIT 3**) contend that the City approved plans do not comprehensively reflect the approved additions to the existing structure; that there is no evidence to support the City’s findings that the approved project is consistent with the Coastal Act; that cumulative parking impacts were not considered by the City; that the VSP designates the project location in the Beach Impact Zone (BIZ), which only allows for 50% of the required parking to be substituted with an in lieu parking fee, not 100% as approved by the City; that there is no loading zone or American’s with Disabilities Act (ADA) parking provided for the approved project; and that all of the above mentioned inconsistencies will result in cumulative adverse impacts to public access to the coast.

III. LOCAL GOVERNMENT ACTION

On September 18, 2014, the Zoning Administration held a public hearing for Local CDP No. ZA 2012 – 1770 (Dunes Development, LLC). The Zoning Administration approved the project, which was then appealed by Ms. Ilana Marosi to the West Los Angeles Area Planning Commission (WLAAPC). On April 1, 2015, the West Los Angeles Area Planning Commission held a combined public hearing for Local CDP No. ZA 2012 – 1770 (Dunes Development, LLC) and Specific Plan compliance case DIR 2010-2932 (Richard J. Gottlieb & Dunes, LLC). On May 18, 2015, the WLAAPC issued its determination approving Local CDP No. ZA 2012 – 1770 (ENV 2013 – 2592 – MND) and DIR 2010-2932 (**EXHIBIT 4**). On June 5, 2015, the WLAAPC issued a corrected determination only for ZA 2012-1770.

The City’s Notice of Final Local Action for Local CDP No. ZA 2012-1770 (Dune Development, LLC) was received in the Coastal Commission’s Long Beach Office on June 8, 2015, and the Coastal Commission’s required twenty working-day appeal period was established. On June 29, 2015, Mr. James Murez submitted an appeal to the City’s approval of the Local CDP (**EXHIBIT 3**). On July 6, 2015, Mr. James McCullagh, Ms. Maripaz Maramba, Ms. Marie Pabianova, Ms. Kimmy Miller, Ms. Roxanne Brown, Ms. Ilana Marosi, Ms. Robin Rudisill, and the Executive Director of the Coastal Commission, Dr. Charles Lester, submitted appeals of the City’s local CDP (**EXHIBIT 3**). No other appeals were received prior to the end of the appeal period on July 6, 2015.

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 CDP 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 **substantial issue**. If the Commission decides that the appellants’ 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 CDP 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 (LUP) 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 located within the *Single Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The project site is located on a commercially zoned lot in a mixed residential/commercial neighborhood of North Venice within the City's Single Permit Jurisdiction, approximately three (3) blocks inland of the beach and boardwalk (**EXHIBIT 1**). According to the City's staff report, the site is developed with a single-story, 1,658 square-foot retail and food take-out space on a 1,871 square-foot lot with no existing on-site parking (**EXHIBIT 4**). There is a discrepancy with the project description between the City's staff reports DIR 2010 – 2923 and ZA 2012 – 1770. DIR 2010 – 2932 describes the proposed project as a 1,658 square foot restaurant including 995 square feet of service floor area while ZA 2012 – 1770 describes the proposed project as a new 2,831 square foot restaurant including a 1,173 square foot outdoor patio located on the second floor (pages 3 & 26 of **EXHIBIT 4**, respectively). Additionally, the project plans that the City submitted are difficult to read and do not reflect the comprehensive square footage of the proposed development.

No parking or mitigation for parking has been proposed by the applicant. On page C-1 (page 3 of **EXHIBIT 4**) of the City's staff report (DIR 2010 – 2932), the City recognizes that the applicant will be responsible for providing 21 parking spaces in conjunction with the proposed development. The City gives the applicant credit for seven (7) non-conforming (non-existing) parking spaces because the existing building was built in 1924 with no parking spaces prior to existing parking requirements. For the remaining 14 parking spaces, the City gives the applicant the option to pay an in lieu fee of \$18,000 per parking space, to reduce the proposed service floor area so that no additional parking space would be required, or to installing bicycle parking in lieu of vehicle parking spaces or required or approved by the City. Additionally, the City is requiring the applicant to obtain a valet parking permit to provide valet parking to patrons during all service hours. Despite the City's parking conditions, there is no actual parking plan, valet or otherwise, approved by or provided to the City. Yet the City determined that the proposed addition and change in use is consistent with the Coastal Act and the VSP, an uncertified City ordinance.

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 **a substantial issue exists** with respect to whether the local government action conforms to 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 LCP are the project’s conformity with Chapter 3 policies of the Coastal Act. Any local government Coastal Development Permit issued or denied 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 to the proposed project’s potential adverse impacts on public access to the coast due to the lack of parking provided in relation to the increase in parking demand that would result from the change of use from retail and food take-out uses to a much larger full-service, sit-down restaurant. Additionally, such an approval would prejudice the City’s ability to prepare an LCP because it is inconsistent with the certified LUP. The City cites the VSP for associated parking requirements, however, the VSP is an uncertified City ordinance. While the Coastal Act is the standard of review for this project, the certified LUP, not the VSP, may be used for guidance. The appellants contend that the City approved the expansion and change in use of the building will increase parking demand and requirements, yet there is no actual requirement for physical parking spaces in relation to this project and the suggested mitigation will not alleviate the existing and increase in the demand for physical parking spaces.

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 a substantial issue as to conformity with Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).¹ The Notice of Decision for Local Coastal Development Permit No. 2012-1770 and accompanying Final Staff Report issued by the City of Los Angeles state that the City applied the policies of Chapter 3 of the Coastal Act and concluded, in part, that the development, as proposed and conditioned by the City, would be consistent with Chapter 3 of the Coastal Act and will not prejudice the ability of the City to prepare an LCP for the Venice Coastal Zone (**EXHIBIT 4**).

Section 30210 Access; recreational opportunities; posting

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

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 New development projects

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

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

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In

addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 Maintenance and enhancement of public access

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing 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.*

LUP Policy II.A.1 General

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

LUP Policy II.A.3. Parking Requirements

*The parking requirements outlined in the following table shall apply to all new development, any **addition and/or change of use**. 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.*

Restaurant, Night Club, Bar, and similar establishments and for the sale or consumption of food and beverages on the premises	1 space for each 50 square feet of service floor area (including outdoor service areas).
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LUP Policy II.A.4. Parking Requirements in the Beach Impact Zone.

Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund.

Beach Impact Zone (BIZ) Parking Impact Trust Fund criteria:

*a. Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor. **Up to 50% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces.***

b. Multiple family residential projects on the BIZ shall provide an additional parking space for each 1,000 square feet of floor area of the ground floor for multiple dwelling projects of three units or more. Up to 100% of the total number of these additional parking spaces required in this section may be paid for in lieu of providing the spaces. The recommended rates shall be established based upon the development cost study of the area.

c. All in-lieu fees shall be paid into the Venice Coastal Parking Impact Trust Fund to be administered by the City of Los Angeles Department of Transportation for improvements and development of public parking facilities that support public access to the Venice Coastal Zone.

*d. In no event shall the number of BIZ parking spaces (over and above those spaces required by the parking requirements set forth in Policy II.A.3) required for projects of three or more dwelling units, or commercial or industrial projects, be less than one (1) parking space for residential projects and **two (2) parking spaces for commercial and industrial projects.***

Implementation Strategies

The in lieu fee for a BIZ parking space shall be established in the (LIP) at a rate proportional to the cost of providing a physical parking space.

A substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of the Local Coastal Development Permit No. ZA 2012-1770, because the City-approved project does not include a plan that will mitigate the actual parking impacts of the development. The mitigation suggested in the City's staff report is based on uncertified policies in the VSP and is inconsistent with the parking requirements set forth in the certified LUP. The City is not requiring the applicant to provide a single physical parking space. While the City has grandfathered seven (7) non-existing parking spaces to the establishment, that may be inconsistent with the proposed development because the City refers to it a "new" (page 26 of **EXHIBIT 4**). If there is "new" development occurring, then the establishment will be required to comply with all of the existing regulations and lose the grandfathered parking rights. A comprehensive demolition plan has not been provided and the determination of whether or not the proposed development will result in new development cannot be made at this time. In any case, even

with the grandfathered parking spaces, the parking demand associated with the project, will aggravate an already strained parking supply, and given the project site's proximity to the beach, those parking impacts will adversely affect public access to the coast. This contention raises the coastal access issue of whether the demands of the proposed addition and change in use will adversely impact the public parking supply necessary to support access to Venice Beach.

The proposed project provides no on-site or physical parking spaces or other means of effectual parking mitigation for the proposed 1,658 square foot or new 2,831 square foot, full-service, sit-down restaurant with 995 square feet of service-floor area, including seating for 60 patrons. Using the parking standard for restaurants that is set forth in the certified Venice LUP (one parking space for each 50 square feet of service floor area, including outdoor service areas, and one additional parking space for each 640 square feet of floor area of the ground floor), the proposed restaurant would need to provide 22 – 24 parking spaces for the proposed addition and change in use. The plans approved by the City are unclear as to the floor area for the proposed project, but the estimate is that 2 – 4 parking spaces will be required for BIZ parking. No parking plan or other mitigation was proposed by the applicant or approved by the City and the suggested mitigation is inconsistent with the certified LUP.

The City's staff report, DIR 2010 – 2932 (page F-5, **page 28 of EXHIBIT 28**), recognizes that “[t]he area's demand for parking far exceeds the existing supply and the proposal to expand the existing restaurant, while providing a full line of alcohol beverages, will add to the parking demand and place an additional burden on the existing limited parking supply. The subject property was originally constructed without on-site parking and the absence of on-site required parking for the proposed restaurant will adversely affect the immediate neighborhood.” The APC recognized the parking constraints surrounding the project site and while they determined that the applicant would not be allowed to serve alcoholic beverages, they were silent on how the increased parking demand associated with the expansion and change in use shall be addressed.

The provision of requiring no physical parking and ineffectual mitigation raises a substantial issue in regards to the public access policies of the Coastal Act because the applicant is proposing to significantly increase the intensity of use in an area where adequate public parking already does not exist. The proposed project would increase parking demand and intensify competition for parking in an area already suffering from an insufficient parking supply. A parking plan for commercial use is necessary to mitigate the parking demands of the development so that public parking supplies that support coastal access are not adversely affected by the parking demands of the approved development. The City-approved project does not include a plan that will mitigate the parking impacts of the development. Therefore, a substantial issue exists with respect to the grounds on which the appeals have been filed.

The issue of whether the proposed development can provide adequate parking for its patrons, for the life of the proposed use, without negatively impacting the public beach access parking supply, is an important and substantial issue. Section 30252 of the Coastal Act requires that new development provide adequate parking facilities to maintain and enhance public access to the coast. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities shall be protected.

Public access is an important issue and as such, the Commission has carefully reviewed projects like the proposed development that are located near popular coastal recreational areas. The City's approval of this project and other similar projects, have collectively exacerbated the parking

problems for which Venice is famous. The ongoing competition for limited parking resources has resulted in the City's adoption of resident-only parking permits (overnight parking districts). The City has failed to require provisions of adequate parking, thus creating additional pressure on the existing parking supply, which adversely impacts the public's ability to access the coast.

Only with careful review of the proposed project can the Commission ensure that public access to the coast is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. ZA-2012-1770.

Applying the five factors listed in the prior section clarifies that the appeal raises "a substantial issue" with respect to Chapter 3 of the Coastal Act, and therefore, does meet the substantiality standard of Section 30265(b)(1), because the nature of the proposed project and the local government action are not consistent with policies of Chapter 3 of the Coastal Act.

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. The City's CDP findings (page F-1, **page 24 of EXHIBIT 4**) state that "[t]he project [will have] no adverse effects on public access, recreation, public views, or the marine environment [and that] the proposed use will neither interfere [with] nor reduce access to the shoreline." And (page F-2, **page 25 of EXHIBIT 4**) that "[n]o deviations from the standards of the Venice Coastal Specific Plan associated with new development as these relate to a change in use and expansion of an existing restaurant have been requested in this action. As such, no deviations from the Specific Plan have been requested or approved herein." On the same page the City's staff report also states that "[n]o outstanding issues have emerged which would indicate a conflict between this requested conversion and the expansion and any other decision of the Coastal Commission." As stated above in this staff report, the City acknowledges that there is not a sufficient supply of parking in the subject area and that the no parking or mitigation otherwise will be provided or required with the City's approval of the proposed project. The City's findings not only contradict each other, in that the proposed project is not consistent with the LUP because the LUP requires 22 – 24 parking spaces to be required with the approval of the proposed project, but the City also fails to provide evidence supporting its findings that there will be no adverse effects to public access. Additionally, as evidence of recent appeals where the Commission has found a substantial issue (A-5-VEN-15-0025, A-5-VEN-15-0002, and A-5-VEN-15-0003) there *are* "outstanding issues [that] have emerged which would indicate a conflict between this requested conversion and expansion and any other decision of the Coastal Commission." Therefore, the Coastal Commission finds that the City provided an inadequate 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. The existing development is a retail space and food take-out space, which does not provide any parking. The scope of the proposed development is unclear. The applicant is proposing zero on-site or off-site parking spaces despite the requirement of 22 – 24 parking spaces. The applicant does not provide a parking plan, valet or otherwise, to supply any parking spaces or mitigation that is required for the proposed addition and change in use and fails to meet or adequately mitigate the parking requirement for the proposed project. Furthermore, it is unclear what exactly is proposed to be demolished, but it is clear the project will result in a significantly enlarged

and remodeled development, which may not be appropriate to incorporate grandfathered parking rights. Therefore, the proposed development is not consistent with the public access policies of Chapter 3 of the Coastal Act.

The third factor is the significance of the coastal resources affected by the decision. Public parking is explicitly called out in Section 30212.5 of Chapter 3 of the Coastal Act and in the Shoreline Access section of the certified Venice LUP. Many people who visit the coast, and especially Venice Beach, travel long distances and it is not practical for them to walk, ride bikes or take public transit. It is because of this reason that protecting the public parking supply to the coast is of significant importance. The project is located just three (3) blocks from the coast and it is a highly visited area with a very limited parking supply. The proposed project, and others like it, has the potential to negatively and accumulatively impact public beach parking supplies by not provided the required parking for the proposed development. Therefore, the proposed development could significantly and adversely affect coastal resources.

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. Although, the proposed development is consistent with the mass, height and scale of past Commission approvals for this area of Venice, it is not consistent with the parking requirement. The certified Venice LUP sets forth very specific parking requirements for the proposed project, yet the City's staff report is silent on the matter. The proposed project is not providing any physical parking spaces, which contradicts the parking requirements set forth in the certified LUP. This project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues, but without a proper action plan to mitigate against potential negative and cumulative public parking impacts to the coast, it may set a statewide precedence. Venice Beach is one of the most popular visitor destinations in the country making public access to Venice Beach a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

In conclusion, the primary issue for the appeals is potential adverse impacts to public parking that supports coastal access. In this case, the proposed project does not comply with all of the regulations of the certified LUP or the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue as to conformity with Chapter 3 policies.

VII. MOTION AND RESOLUTION – DE NOVO PERMIT

Motion: *I move that the Commission **approve** Coastal Development Permit No. A-5-VEN-15-0038 pursuant to the staff recommendation.*

Staff recommends a **NO** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby denies a Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development would not be in conformity with the California Coastal Act.

VIII. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The project description and location is hereby incorporated by reference from Section VI of the Substantial Issue portion of this staff report on page 6.

B. PUBLIC ACCESS AND RECREATION

Relevant Coastal Act and Certified Venice Land Use Plan Policies are hereby incorporated by reference from Section VI. C. of the Substantial Issue portion of this staff report on pages 8 – 11.

The proposed development is located three blocks from the Venice Beach Boardwalk. The site is developed with a pre-coastal commercial development that was constructed in 1924 with no on-site or otherwise associated vehicular parking. The surrounding neighborhood is a mix of residential and commercial uses. Because the existing development was built prior to the Coastal Act, the City has determined that the development is entitled to grandfathered parking rights and has calculated a parking credit of seven spaces for the development (**page 3 of EXHIBIT 4**). Given the proposed project and the parking requirements set forth in the Venice Specific Plan (VSP), the City determined that the applicant is responsible for providing 21 vehicle parking spaces. Since the existing development has a parking credit of 7 spaces, the City determined that the applicant is required to provide 14 vehicular parking spaces. In lieu of providing actual physical parking spaces, the City determined that it is reasonable for the applicant to pay an in-lieu fee of \$18,000 per parking space and/or to participate in a valet program. The valet program that the City is mandating "...shall provide valet parking services for patrons during all service hours. An off-site parking location shall be identified for this service. This valet parking service shall not park any vehicles on a public street or in a City, County, or State owned parking lot." (**page 4 of EXHIBIT 4**). It is unclear if the City actually collected the in-lieu fee of \$18,000 per parking space from the applicant.

The parking standard that the City used to make this determination is specified in the VSP, which has not been certified by the Commission. The standard of review for the proposed project is the

Coastal Act, however, the Commission has certified an LUP for Venice and the LUP may be used for guidance. The LUP sets forth extensive parking requirements for Venice some of which are outlined in Section VI. C above. Given the parking requirements set forth in the LUP and the proposed project, the applicant would have to provide 22 on-site parking spaces.

Although the LUP does call for a Venice Coastal Parking Impact Trust Fund program into which in-lieu parking fees may be paid, the Commission has not reviewed or certified one. In recent appeals (A-5-VEN-15-0002 & A-5-VEN-15-0003), the Commission has found that a substantial issue does exist with the in-lieu fee of \$18,000 per parking space that the City charges to applicants who do not provide actual parking spaces. The City has not shown that they have analyzed any data relating to the effectiveness of the Venice Coastal Parking Impact Trust Fund. However, a Venice In-Lieu Parking Fee Study released in July 2012 offers evidence that suggests that the \$18,000 per parking space in-lieu fee is considerably inadequate. The study shows that in 2012 a single parking space in similar areas throughout Southern California can cost a developer between \$25,000 - \$80,000 per space, depending on the location and type (above or below ground) of the parking structure. Additionally, because the City has not evaluated the Venice In-Lieu Parking Fee Study program, the City has failed to prove that the program is working and they have not demonstrated that they have plans to actually build more parking spaces with the fees they have collected in impacted areas. Furthermore, BIZ spaces can only substitute 50% of required BIZ parking with an in-lieu fee. Considering the erroneously applied in-lieu fee program under the City's interpretation, the applicant would still be required to provide one actual physical parking space, which they do not. In any case, the City does not have a Local Implementation Plan (LIP) under which to incorporate the in-lieu fee for standard or for BIZ parking spaces as is required by the LUP. It is unclear whether or not the City collected the in-lieu fee for parking from the applicant, but for the reasons stated above, it would not be appropriate.

Public parking is explicitly called out in Section 30212.5 of Chapter 3 of the Coastal Act and in the Shoreline Access section of the certified Venice LUP. In this case, the City's determination of providing no physical parking spaces is not reasonable. Many people who visit the coast, and especially Venice Beach, travel long distances and it is not practical for them to walk, ride bikes or take public transit. It is because of this reason that protecting the public parking supply to the coast is of significant importance. The project is located just three blocks from the beach and is a highly visited area with a very limited parking supply, which the City recognizes (**page 28 of EXHIBIT 4**).

The proposed development would require the applicant to provide 22 additional parking spaces to support the proposed addition and change in use. The provision of required parking is necessary to mitigate the additional vehicle trips generated by the proposed commercial expansion. Without providing the parking needed to meet the new demands generated by the project, additional competition for limited public parking will result. That additional demand for public parking will adversely affect the public's ability to access Venice Beach. Nearby public parking supplies that would be adversely affected are the on-street parking and the public beach parking lot at Main Street and Rose Avenue. The applicant is proposing zero on-site parking spaces and does not provide a plan to supply the additional parking spaces that are required for the proposed addition and change in use. The proposed valet program lacks an enforcement mechanism and will likely use parking that already exists in the parking impacted area. The applicant fails to meet or adequately mitigate the parking requirement for the proposed project.

The existing development was built over 90 years ago, under remarkably different circumstances. The parking supply and demand that existed in Venice Beach in 1924 is very different than what exists today. The parking demand has significantly increased since 1924 and the current supply does not have the capacity to absorb that increase. It is our responsibility to acknowledge the existing circumstances, to protect public access to the coast, and to ensure responsible development within the coastal zone. The applicant has an existing permitted use of the property. Any intensification must include mitigation for additional parking demands. The proposed development is not consistent with the public access policies of Chapter 3 of the Coastal Act and therefore, staff is recommending that the Commission deny the project.

Appendix A

Venice In-Lieu Parking Fee Study, July 2012

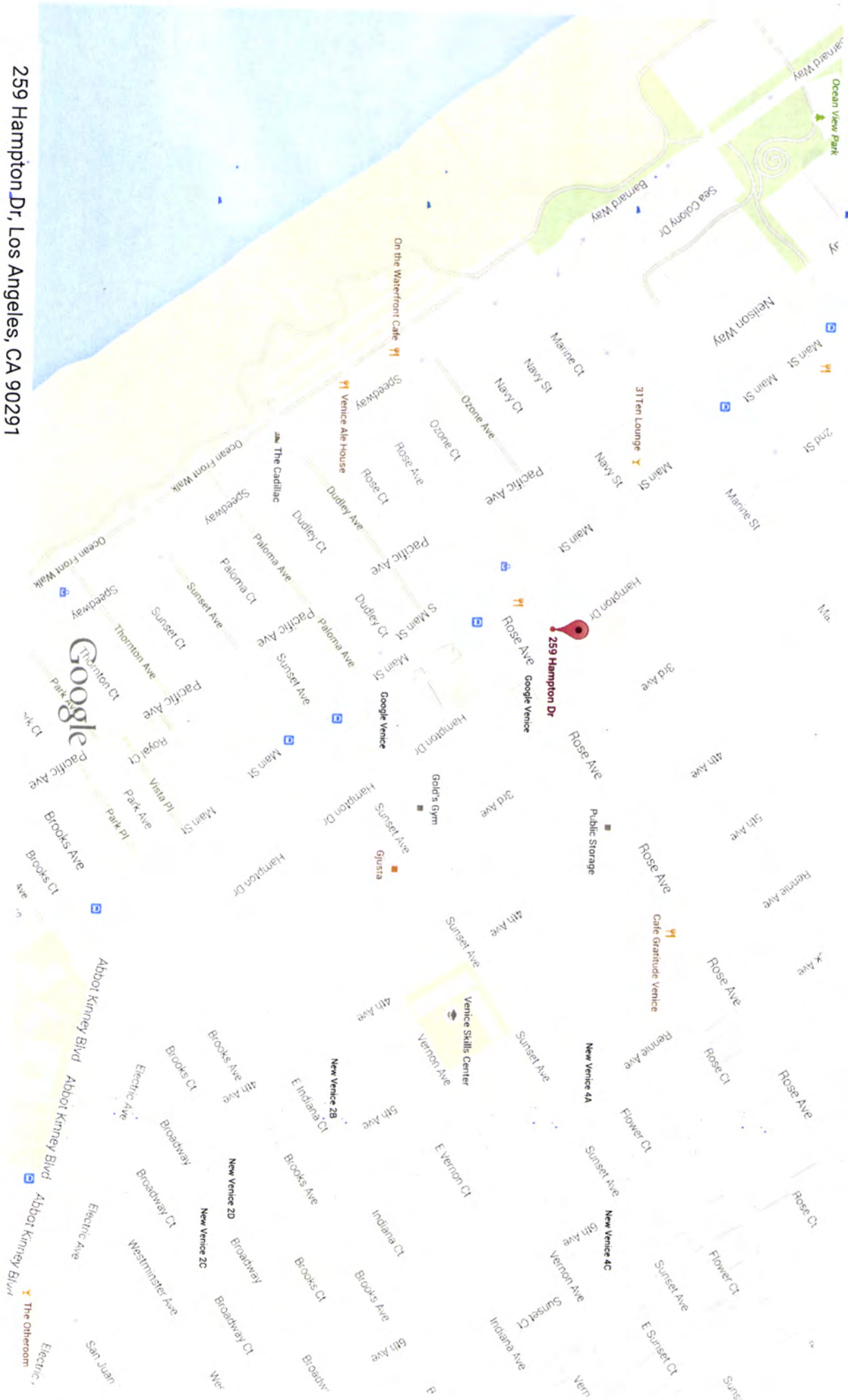


259 Hampton Dr, Los Angeles, CA 90291
Street View · Search nearby

Map data ©2015 Google 2 mi

COASTAL COMMISSION
A-5-VEN-15-0038
EXHIBIT # 1
PAGE 1 OF 3

259 Hampton Dr, Los Angeles, CA 90291
Street View · Search nearby



Map data ©2015 Google 200 ft

COASTAL COMMISSION



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EXHIBIT # 1
 PAGE 3 OF 3

**Exhibit 2a
 Venice Coastal Zone**

Note: Map does not show area of Palms • Del Rey portion of coastal zone that is located inland of Lincoln Boulevard.



EXHIBIT "A"
Page No. 12 of 12
Case No. DIR-2010-4

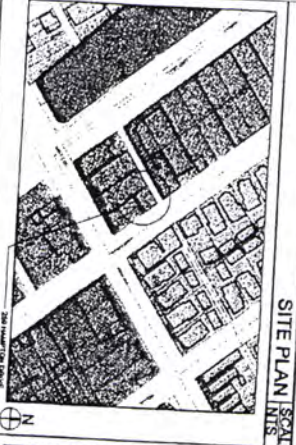
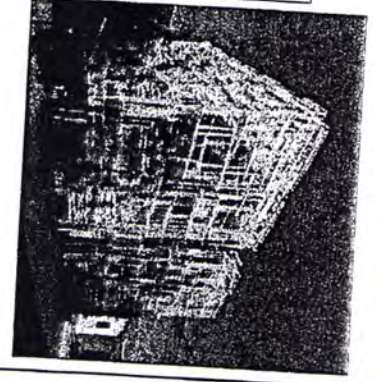
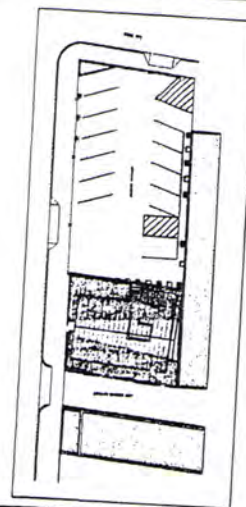
18
932

MAR 18 2015

PLANNING REVIEW
MARCH 16, 2015

marshalls projects
www.marshalls.com

COASTAL COMMISSION
A-S-VEN-15-0038
EXHIBIT # 2
PAGE 1 OF 12



VICINITY MAP SCALE



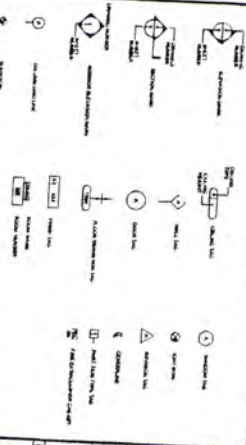
LOCATION MAP SCALE

DESIGNER
MARSHALL PROJECTS
4311 BAYTON PLACE
SUN VALLEY, CA 94134
310.484.2812

OWNER
RICHARD GOTTlieb
431 N BERTHOUD DR
BURNETT HILLS, CA 94710



PROJECT TEAM



SYMBOLS

ADDRESS	CLIENT	SCORE OF WORK	PROJECT NO.
259 HAMPTON DRIVE	LOS ANGELES, CA 90021	PROVIDE CONSULTING	118181
		GENERAL CONTRACTOR	118182
		ARCHITECT	118183
		MECHANICAL ENGINEER	118184
		ELECTRICAL ENGINEER	118185
		PLUMBING ENGINEER	118186
		STRUCTURAL ENGINEER	118187
		ENVIRONMENTAL ENGINEER	118188
		LANDSCAPE ARCHITECT	118189
		INTERIOR DESIGNER	118190
		PROJECT MANAGER	118191
		PROJECT COORDINATOR	118192
		PROJECT ASSISTANT	118193
		PROJECT OFFICE	118194
		PROJECT ARCHIVE	118195

NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMITS	03/18/20
2	ISSUE FOR CONSTRUCTION	03/18/20
3	ISSUE FOR OCCUPANCY	03/18/20
4	ISSUE FOR AS-BUILT	03/18/20

DRAWING LIST

NO.	TITLE	DATE
1	ISSUE FOR PERMITS	03/18/20
2	ISSUE FOR CONSTRUCTION	03/18/20
3	ISSUE FOR OCCUPANCY	03/18/20
4	ISSUE FOR AS-BUILT	03/18/20
5	ISSUE FOR FINAL	03/18/20
6	ISSUE FOR ARCHIVE	03/18/20
7	ISSUE FOR PROJECT OFFICE	03/18/20
8	ISSUE FOR PROJECT ARCHIVE	03/18/20
9	ISSUE FOR PROJECT ASSISTANT	03/18/20
10	ISSUE FOR PROJECT COORDINATOR	03/18/20

PROJECT INFORMATION

259 HAMPTON DRIVE
LOS ANGELES, CA 90021

ARCHITECT
MARSHALL PROJECTS
4311 BAYTON PLACE
SUN VALLEY, CA 94134
310.484.2812

DATE
03/18/20

SHEET NO.
2 OF 12

EXHIBIT # 2

PAGE 2 OF 13

GOASTAR CONMISSION

A-0-00

INDEX SHEET

PROJECT # 038

DRAWING TITLE

DATE

marshallprojects
4311 BAYTON PLACE, SUN VALLEY, CA 94134
310.484.2812

259 Hampton Drive
Los Angeles, CA 90021

To beach

ROSE AVE

HAMPTON DRIVE

Parking lot - Not a part of project site.

ASPHALTIC CONCRETE ALLEY

Project Site

COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 13

259 Hampton Drive

MAR 18 2012

EXHIBIT "A"
Page No. 3 of 13
Case No. DIR-2010-

SITE PLAN SCALE 1/8" = 1'-0"

A-0-40

marshallprojects

4341 SATYRN PLACE WAREHO CA 90266
TEL: (310) 970-1747

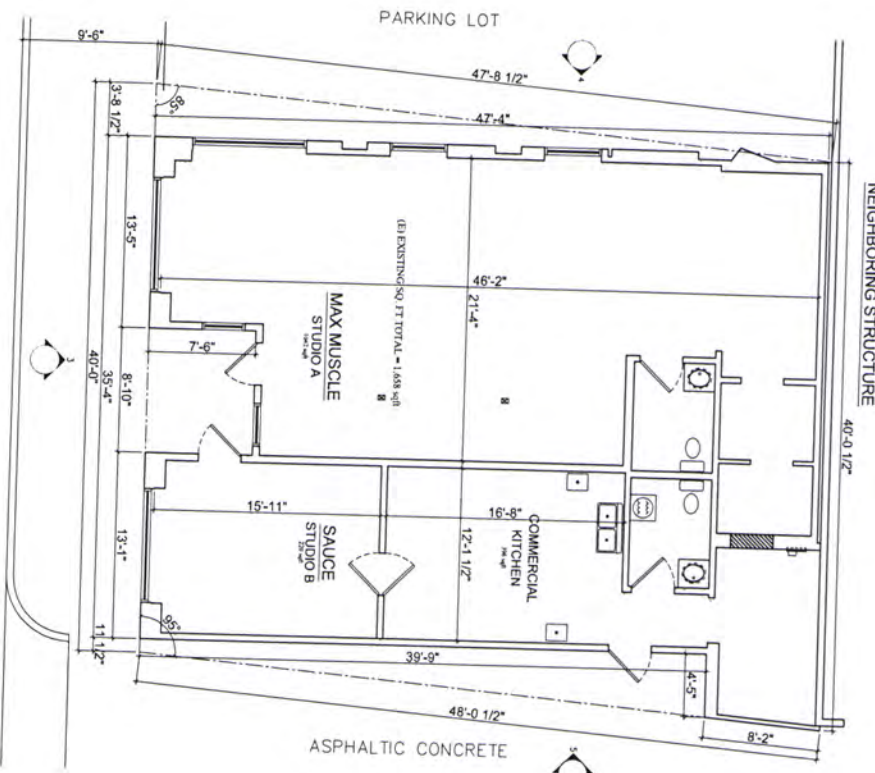
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DATE

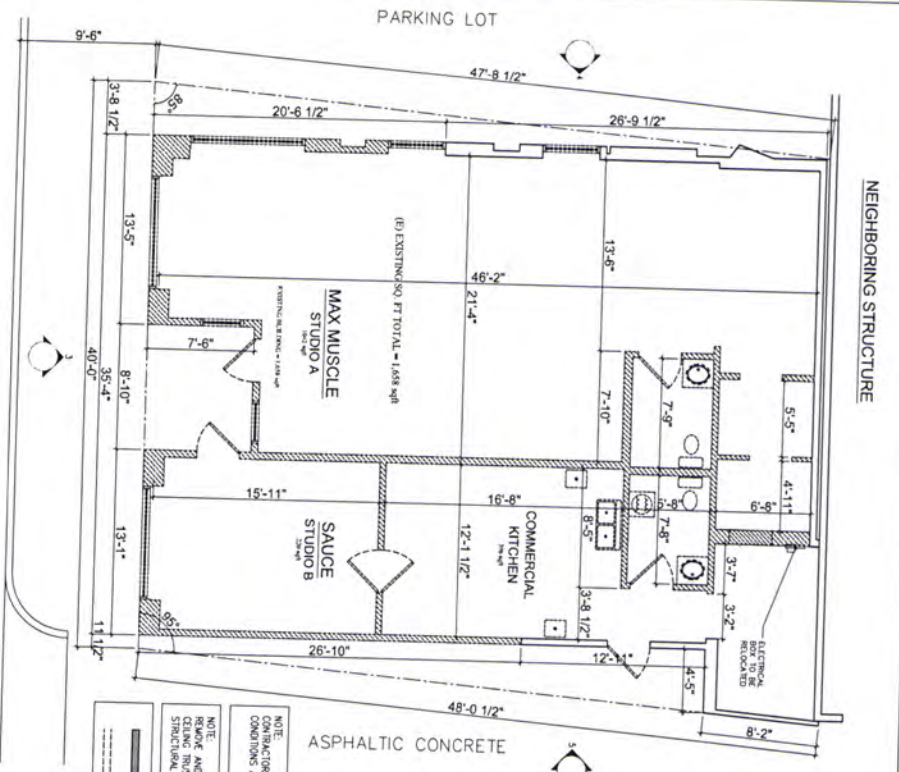
REVISIONS

NOT TO BE USED FOR ANY OTHER PROJECTS
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AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM
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PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE
AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION
OF MARSHALL PROJECTS.

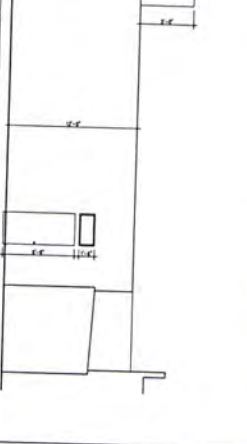
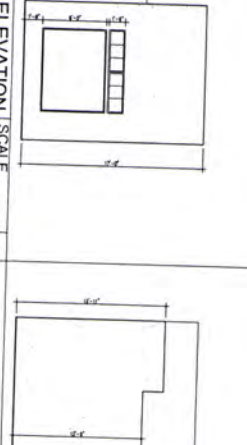
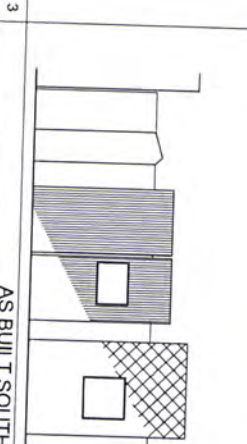
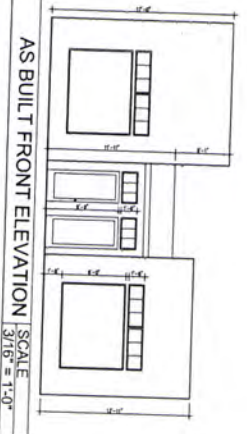
PROJECT # 038
DRAWING TITLE
PROPOSED SITE
PLAN
932



AS BUILT FLOOR PLAN SCALE 1/4" = 1'-0"



DEMO PLAN SCALE 1/4" = 1'-0"



NOTE:
CONTRACTOR TO VERIFY ALL EXISTING
CONDITIONS AND DIMENSIONS

NOTE:
REMOVE AND REPLACE EXISTING
CEILING TRUSS SYSTEM AS PER
STRUCTURAL DRAWINGS

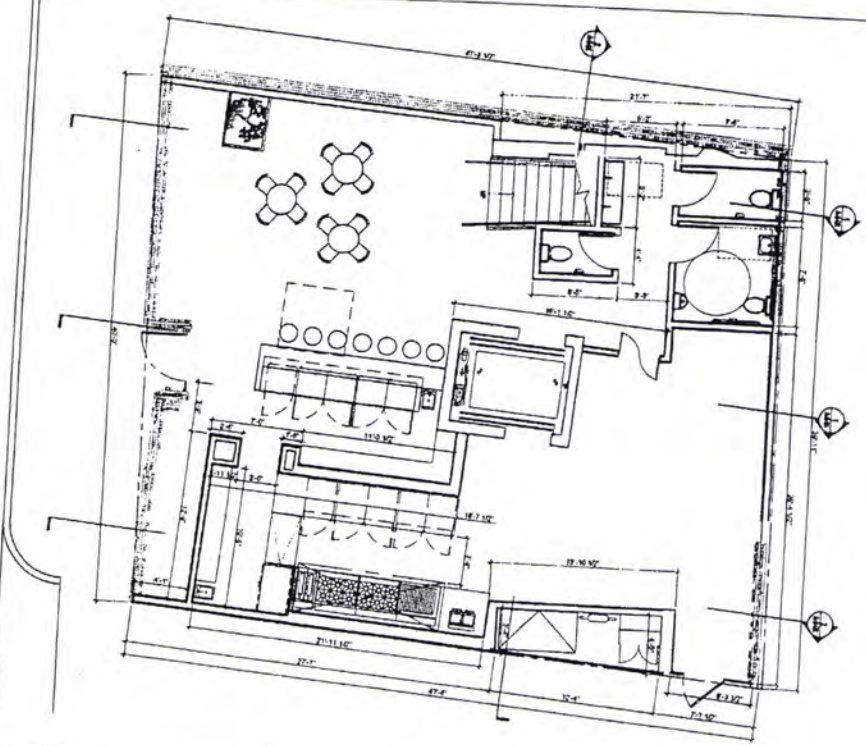
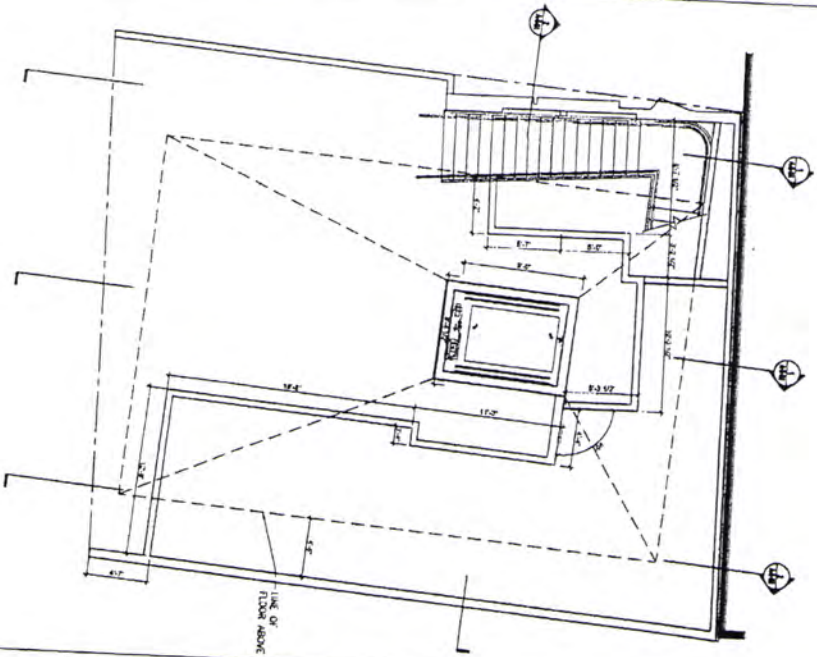
EXISTING WALLS
EXISTING CEILING TRUSS SYSTEM
TO BE DAMAGED

marshallagrium studio
1425 AUBURN KINNEY BLVD. VENICE, CALIFORNIA 90291
• (310) 684-1102 • (310) 684-1405

HAMPTON RESTAURANT

NO.	DATE	REVISION

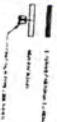
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Drawing No. A-0-06



CONSTRUCTION PLAN NOTES

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2. SEE
3. SEE
4. SEE
5. SEE

LEGEND



MAR 18 2015
PROJECT # 038
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Case No. DIR-20110
COASTAL COMM. 2011

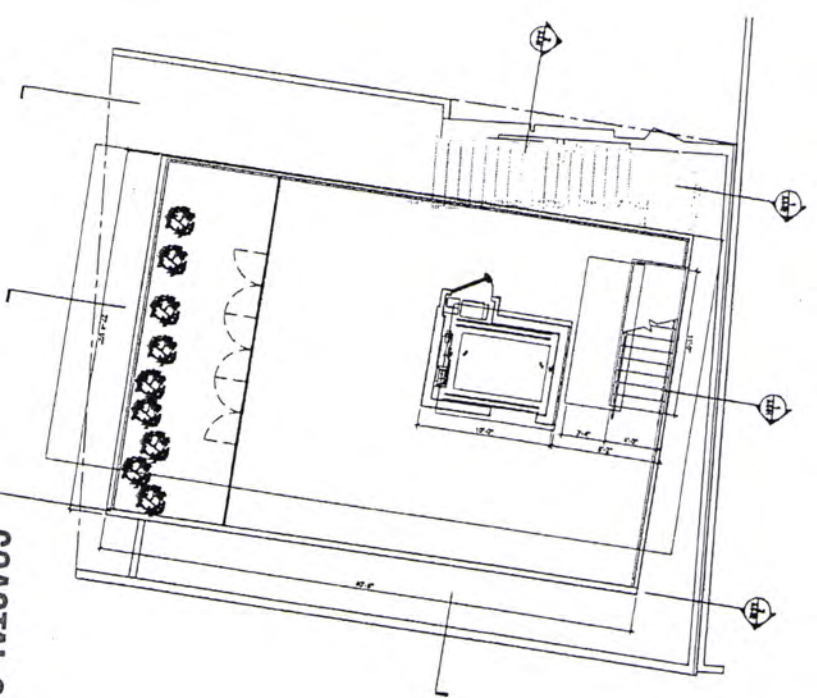
marshallprojects
8801 GAYTON PLACE, SUITE 100, VAN NUYS, CA 91411
(818) 470-7842

259 Hampton Drive
Los Angeles, CA 90291

EXHIBIT # 2
PAGE 6 OF 13

COASTAL COMMISSION

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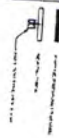


SECOND LEVEL FLOOR PLAN SCALE 1/4" = 1'-0" 1

CONSTRUCTION PLAN NOTES

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2	SEE
3	SEE
4	SEE

LEGEND

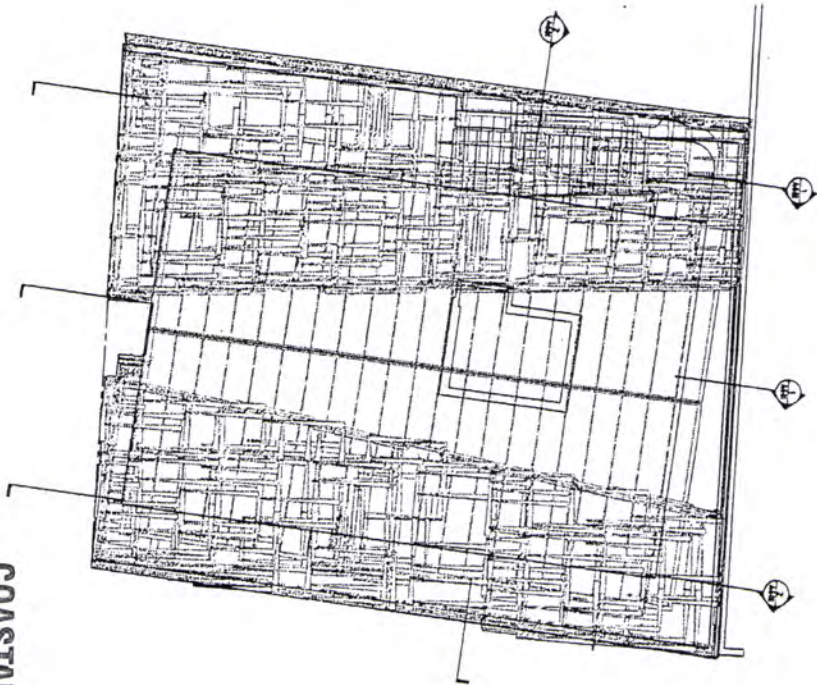


MAR 19 2010
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 Page No. 7 of 13
 Case No. DIR-2010-
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marshallprojects
 134 GAYTON PLACE SUITE 200
 LOS ANGELES, CA 90015
 TEL: 213-475-1111
 FAX: 213-475-1112

259 Hampton Drive
 Los Angeles, CA 90291

DATE	
REVISION	



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ROOF PLAN | SCALE | 1/4" = 1'-0"

MAR 18 2010

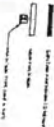
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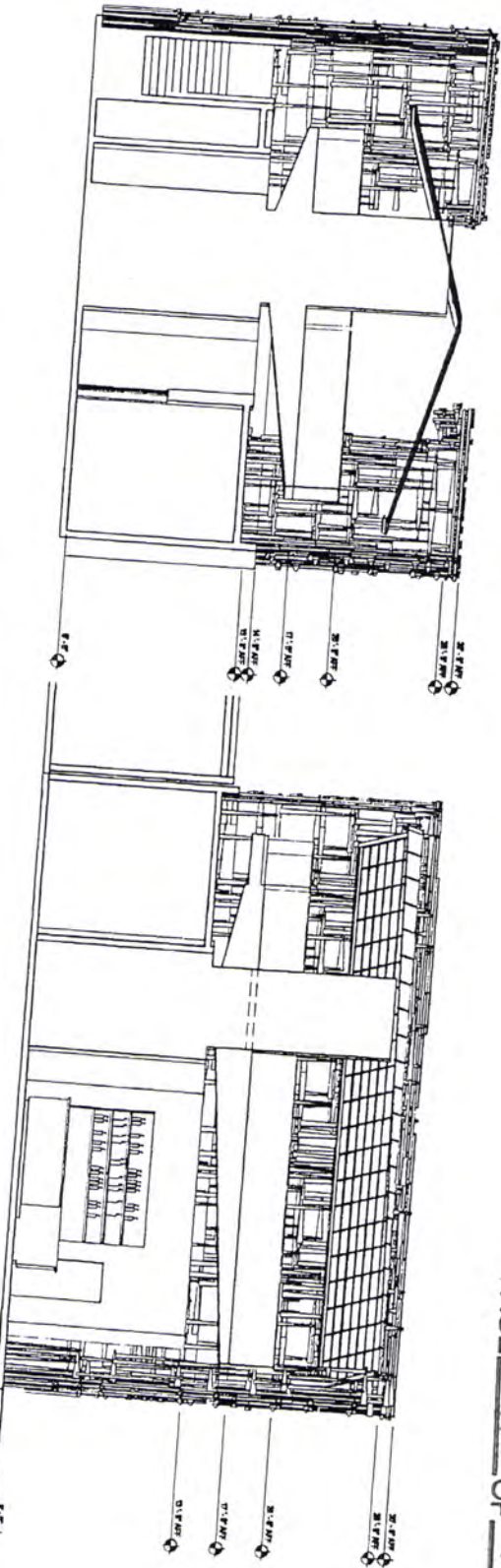
marshallprojects
 8341 GAYTON PLACE, VAN Nuys, CA 91411
 TEL: (818) 704-7847

259 Hampton Drive
 Los Angeles, CA 90291

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EXHIBIT # 2
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BUILDING SECTION

SCALE
1/4" = 1'-0"

2

MAR 18 2014
EXHIBIT # A 39

Page No. 11 of 12

Case No.

BUILDING SECTION

SCALE
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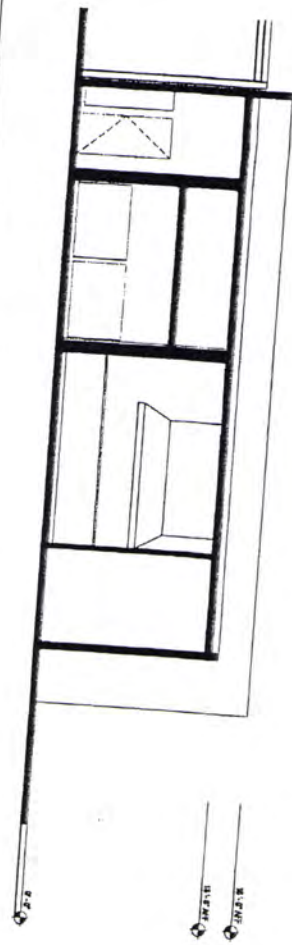
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marshallprojects
4341 GAYTON PLACE WAREHOUSING & DESIGN
LOS ANGELES, CA 90024
(310) 470-7547

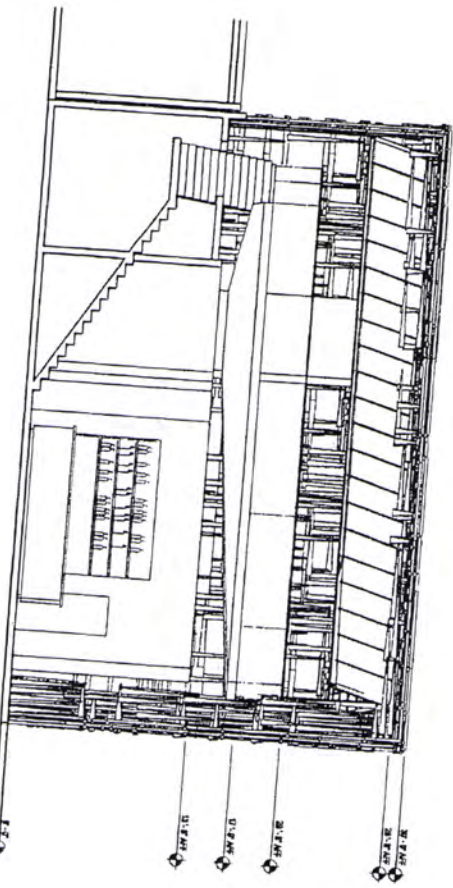
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Los Angeles, CA 90291

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REVISIONS



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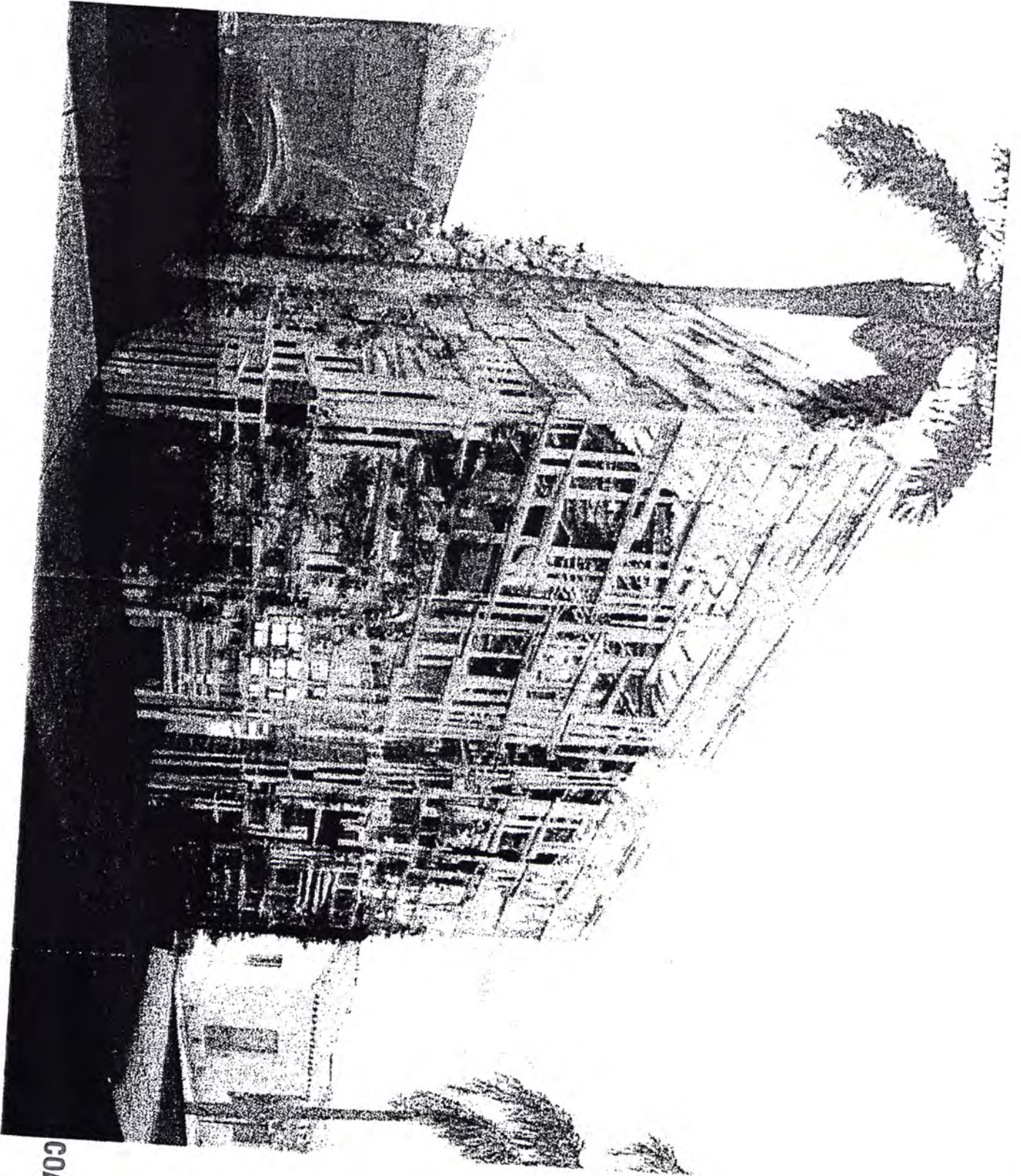
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MAR 18 2013
 EXHIBIT "A"
 Page No. 12 of 12
 Case No. DR-2010-2
 BUILDING SECTIONS
 CONSTATE COMMISSION

marshallprojects
 8361 BAYVIEW PLACE MALIBU CA 90261
 (310) 474-1232

259 Hampton Drive
 Los Angeles, CA 90029

DATE	REVISIONS



COASTAL COMMISSION

EXHIBIT #

2

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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

RECEIVED
South Coast Region

JUL 06 2015

CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Coastal Commission Executive Director, Charles Lester
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles
2. Brief description of development being appealed: Conversion of an existing one-story retail commercial structure into a two-story restaurant with no on-site parking.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 259 Hampton Drive, Venice, City of Los Angeles.
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX
 - c. 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.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-VEN-15-0038

DATE FILED: July 6, 2015

DISTRICT: South Coast

COASTAL COMMISSION
A-5-VEN-15-0038
EXHIBIT # 3
PAGE 1 OF 17

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: _____
 - b. City Council/Board of Supervisors: _____
 - c. Planning Commission: XX _____
 - d. Other: _____
6. Date of local government's decision: April 1, 2015
7. Local government's file number: ZA-2012-1770 (CDP)

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.
(Use additional paper as necessary.)

1. Name and mailing address of permit applicant:

Richard Gottlieb, Dunes Development LLC
439 North Bedford Drive
Beverly Hills, CA 90210

2. Name and mailing address of permit applicant's agent:

Stephen Vitalich, Architect
1301 Abbot Kinney Boulevard
Venice, CA 90291

2. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

a. James Murez Murez@Venice.net
804 Main Street
Venice, CA 90292

b. Robin Rudisill

c. _____

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 17

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page. Please 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.

- 1) The City-approved development may adversely affect public access and could prejudice the City's ability to prepare an Local Coastal Program (LCP).
- 2) The existing 1,658 square foot building would be converted into a 2,831 square foot restaurant. The local coastal development permit authorizes an increase in intensity of land use that will significantly increase the parking demand on the project site (approximately 20-30 more parking spaces than currently provided), and the local coastal development permit does not require adequate mitigation for the increased parking demand. The local approval is silent in regards to how the project's parking demands will be met, and the property has no on-site parking.
- 3) Special Condition 25 requires states that the project's parking shall be provided as required by the Venice Coastal Specific Plan. The Venice Coastal Specific Plan allows the applicant to pay an lieu fee into a city fund rather than provide additional parking that would meet the parking demands of the approved development. The in lieu fee is not adequate mitigation for two reasons: 1) the amount paid per parking space (\$18,000) is significantly less than the cost for providing one parking space, and 2) the City does not have a plan to use the collected fees to mitigate the parking impacts of the approved development (e.g., construct addition parking). The result of the action is to increase the demand for parking in a coastal area that currently does not have adequate parking supplies to meet the parking demand. The lack of adequate parking reduces the ability of the public to access the shoreline. The proposed project is three blocks inland of Venice Beach.
- 4) Special Condition 25 also references valet parking, although the City approval does not describe any parking plan or use of valets and off-site parking.
- 5) The competition for the limited amount of public parking in the vicinity of the project has lead to numerous requests for restricted "resident only" permit parking. The Commission has denied the City's applications for "resident only" permit parking [Appeal Nos. A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344]. The Commission's denials of the applications for "resident only" permit parking were based on adverse impacts to public access.
- 6) The City's approval of increased commercial intensity in the coastal zone without mitigating the parking demands (by providing more parking or other means to access the area) will result in cumulative adverse effects to public access.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Jeresa Henry
Signature of Appellant(s) or Authorized Agent

July 6, 2015
Date **COASTAL COMMISSION**

EXHIBIT # 3
PAGE 3 OF 17

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 Venice Coastal Zone Land Use Plan (LUP) (Certified 6-13-2001) set forth several Coastal Act requirements for the City to conform when issuing a development permit. It is my belief that several of these conditions have been violated and the approval of the project was made in error. I have listed below the primary reasons for this statement and attached a more in depth narrative summary for your review.

1. First, the LUP under the section titled Parking, Policy II. A. 1, sets the basic principal which requires a new or major remodel to provide parking at a ratio in scale with the development. The policy addresses visitor access to the beach and refers to several points that encourage projects to develop parking and transportation to help reach this goal. The policy allows a development to purchase in-lieu spaces and the funds to be placed into a trust fund. The trust fund is described to create and counteract the shortage of parking created by purchasing In-Lieu spaces. This Trust Fund was created in 1988 as a part of the Venice ICO. To this date, the books show that his account has received well over a million dollars and spent nearly all of it, yet over the same period the City has NOT created a single new parking space with these funds.
2. Before the City can mitigate the parking In-Lieu deficit they have already allowed through receiving these funds on other projects, they will have to locate and purchase the land where the lot(s) can be created. In a Request for Proposal the City published in 2014, of the six sites under consideration none were within a mile of this project location. When recently questioned if the City had any plans to build a lot in this area, they responded nothing at present is being considered. Any increase on the parking short fall in this projects area will be greatly felt by the residents, other businesses and visitors and will only serve to further impact access to the coast.
3. The City established the \$18,000 fee for In-Lieu parking in 1988. The fee as described in the LUP is not a fixed amount but rather refers to it as "a rate proportional to the cost of providing a physical parking space". In 2012 the City Department of Transportation hired a consulting firm to evaluate the In-Lieu Parking policy as described in the LUP. They studies five local Cities besides Los Angeles who all have similar plans in place. They determined that a program that charged \$50,000.00 per space plus land cost would be more in line with today's costs to create a successful In-Lieu program. The City has the fixed rate in the Municipal Code and therefore cannot legally charge the going rate.
4. The LUP requires this project to provide Beach Impact Zone parking spaces. The LUP allows a maximum of 50% of said BIZ parking spaces to be purchased through the in-lieu policy. The City approved this project to buy 100% of the required BIZ spaces although the code requires 50% to be physically provided. These spaces are required for any Change of Use.
5. No commercial Loading Zone is being provided nor any ADA Handicap Parking. The City is allowing this since the site has NO on-site parking and the seven spaces they are claiming are credits (grandfathered), not actual spaces.
6. The City's approval of increased commercial intensity in the coastal zone without mitigating the parking demands (by providing more parking or other means to access the area) will result in cumulative adverse effects to public access. In the immediate area around this site NONE of the properties conform to the minimum parking requirements and many are in violation of their current Certificate of Occupancy Use permits as they relate to parking.

COASTAL COMMISSION

EXHIBIT # 3
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Narrative to Appeal
259 Hampton Ave., Venice Ca 90291
By James Murez
6/2/2015

WLA Area Planning Commission Approval of Planning Permits
Case No.'s ZA 2012-1770-CDP-CUB-1A, DIR 2010-2932-SPP-1A, ENV-2013-2592-MMD

Narrative reasoning of why I believe the City erred in approving this project and why it will jeopardize their ability to implement a Local Coastal Program without prejudice.

This project is located in an area of Venice which is already heavily impacted by a lack of parking opportunities. There are two public lots in the area. The one at the beach on Rose Av. is about 1300 feet from this site and requires crossing two major traffic light intersections. It has space for about 100 cars. The second public lot is located at Rose Av. and Main St. and can accommodate about 40 cars. The next closest public parking lot is over a mile south, at Venice Blvd. Essentially, there is no visitor parking in the North Venice area where this project exists.

Private parking in this area is also very limited. Besides many of the older residential multi-unit properties not having any parking, many businesses have received change of use permits lacking required parking over the years or are operating without proper use permits, adding a tremendous burden on what little street parking exists.

The City in 2014 released a Request for Proposals to create additional parking opportunities in Venice. None of the specified sites where the City already owns the land were within one mile of this site. More recently, when asked if the City had any intentions to provide any new parking solutions for the Rose Av. business corridor, they responded that there is nothing being considered or talked about at present.

As part of the CCC Certified Land Use Plan (LUP) for Venice, a policy is described that allows a developer to purchase parking spaces in-lieu of providing the physical spaces. This policy is tied into several concepts in the LUP and does not stand out as an island all on its own. The implementation strategy describes the concept of adapting the community's historic structures for reuse in more modern ways. For example, taking a 100 year old craftsman house on a business street and converting it to a retail store. But the policy also described the creation of new parking lots, along with creating and maintaining a shuttle bus solution to help manage visitor access.

The City seems to be stuck with a poorly written Venice Coastal Zone Specific Plan (VSP) which has become part of the Municipal Code. It does not contain the details about implementing the policies of the LUP and, even worse, in the summary of In-Lieu parking opportunities, left out the wording that allowed the fee to remain current with actual costs to replace the parking space that was being purchased. So the VSP, which is based on the Venice Interim Control Ordinance, a document that went into effect in 1988 and specified the cost of a parking space at \$18,000, has never been revised. The City finally in 2012 had a study prepared and published that the real cost is currently about \$50,000 per

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EXHIBIT # 3

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to be taken for this project, it is the City's responsibility to identify where and when replacement parking will exist. Or they need to demonstrate how an accumulation of sites like what is proposed here will be able to operate without impacting access to the beach. Think of this in another way: ten projects similar in size with requests similar to this request would reduce the parking in this area by 210 parking spaces – that is 25% more than all the combined public parking lots in the North Venice Subarea! And, with the Rose Av business district from the beach to Lincoln Blvd taking off with new shops and development projects daily, how will the City provide for the shortcoming that already exists, much less allow for further deficit approvals? As proposed, this project is required to provide twenty-one parking spaces, of which the City approved seven credits (grandfathered, not physical spaces), and allowed fourteen more to be purchased in-lieu.

Where will the required Commercial Loading zone for this project be located? This is a good question. Because there is an alley, the loading zone by LAMC is required to be off the alley. However, the City is allowing this project to be approved without any loading zone, suggesting that public parking on the street in front of the site will be converted into a restricted commercial loading zone.

The proposed project is located in an industrial zoned M1 area of North Venice. This property is currently operating as a restaurant. The use permit states that about fifty percent of the site is a Retail Store and the other half is a take-out food service only counter. It was cited about five years ago, but the City process, being what it is, has allowed them to continue to operate until they have received a determination from this pending permit. They have also been cited for sidewalk dining, but seem to have total disregard for the rules.

LUP ... "Implementation Strategies"

"The in lieu fee for a BIZ parking space shall be established in the (LIP) at a rate proportional to the cost of providing a physical parking space." Too bad the City has dropped the ball on the LIP!

The City should not be allowed to approve CDP's with parking issues until they live up to their prior commitments, and not be allowed to further prejudice their ability to produce a Coastal Development Plan. Please help preserve our coastal community and deny this project.

####

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Appeal From

Hana Marosi, Robin Rudisill, Kimmie Miller, Rotanne Brown
James McCullagh, Mari Paz Haramba, & Marie Pabianova

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 13)

SECTION IV. Reasons Supporting This Appeal

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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.

We are seriously concerned that the Coastal Commission's review process and related "Notification of Deficient Notice" form did not result in this CDP being returned to the City in order for them to, at a minimum, provide a clear Project Description and clear, legible plans, that conform to the instructions and are complete. See attached Exhibit A for details on the deficiencies and the requirements. This is one of the few controls that the Coastal Commission has in place and to find that it has no integrity is devastating.

The determinations at issue, ZA-2012-1770-CDP-CUB-1A and DIR-2010-2932-SPP-1A, took almost two months from hearing to issuance. This is very unusual for the determinations to be dangling out there unissued for that long, and should be explained. Also, our detailed review of these determinations has revealed numerous errors and differences compared to what was approved in the West L.A. Area Planning Commission (APC) hearing. We are very concerned that there has been such an erroneous preparation of these determinations and that there has not been adequate review by the Area Planning Commission prior to issuance (it may even be that City Planning themselves is preparing these determinations, with NO review by the APC, and we are fairly certain that the City Attorney as well as the Applicant and their lawyer(s) are also involved). In addition, the APC determinations are normally marked to show ALL changes, not just deletions, but there are no markings on these particular determinations in order to show what has been added or changed. This is concerning and even suspicious in and of itself. It is also not clear whether the Exhibit A plans reflect the text of the determinations, which has been one of the big concerns of the community and the Commissioners.

One major issue is that the determinations do not reflect the expansion and additional square footage of the building resulting from the addition of the fully enclosed second floor that was approved by the APC. The impact of this expansion seems to be ignored. The expansion must be consistently (and correctly) noted and its impact factored in and tracked in each aspect of each of the determinations. The parking calculation is materially affected, and must be redone due to the increase in square footage.

Also significant is that the updated Findings are not consistently applied, but must be consistently applied; for example, CUB Finding 10, on page F-5 with respect to Coastal Access, one of the Findings causing the CUB to be denied, must be consistently applied to CDP Finding 1: with respect to Coastal Access, and the result is that Finding 1. cannot be made.

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Another material problem is for Finding 2., for which consideration of the Finding only "on an individual basis" is not acceptable, as cumulative impact MUST also be considered for all projects. Materially changing the required Finding itself is obviously not acceptable.

In general, the Findings are conclusory – no supporting evidence is offered.

In addition, the use of the in lieu fee and not providing actual parking is clearly resulting in a cumulative adverse impact on parking and traffic in this area, which is a beach tourist area and coastal access area, as no parking is provided and funds that are woefully inadequate in representing the value of the parking have been going into a City fund that has not been used to create any parking. CEQA requires a review when the cumulative impact of successive projects of the same type in the same place may be significant (City of L.A. Environmental Quality Act Guidelines, page 26), which is clearly the case here and cumulative impact of use of this in lieu fee as opposed to providing real parking must be evaluated.

The Councilmember for the district has submitted a Motion to City Council indicating that he will amend the Venice Coastal Zone Specific Plan to increase this fee to a more representative amount, reflecting the fair value of the parking, and that it will include an index for COLA type increases (which should have been done years ago) but, as he knows, this will take a very long time to do this and he is not putting a hold on use of the in lieu parking fee in the meantime, which is often what is done in such a situation. Thus, he is allowing for developers to try to take full advantage of Venice by using the current, lower, in lieu fee to pay for parking for their projects, creating a one-time, gigantic windfall for these owners/developers, with a corresponding detrimental adverse, gigantic impact to Venice and our visitors.

If there is inadequate parking available for the commercial businesses, perhaps projects should be delayed or contingent on the parking becoming constructed or otherwise available via shuttle buses, etc. Other options for parking MUST be considered, as use of the in lieu parking fee is creating a cumulative adverse impact that cannot and should not be tolerated. The City has proven that they will not address this, thus we request that the Coastal Commission does so.

Perhaps the Abbot Kinney area should be looked at for use by the Artcraft population, as it is a preferred use as per the Venice Land Use Plan.

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Exhibit A

"Posner, Chuck@Coastal" <Chuck.Posner@coastal.ca.gov>

June 16, 2015 4:03 PM

To: "Robin Rudisill" <wldrudi@me.com>

Cc: "Chris Robertson (chris.robertson@lacity.org)" <chris.robertson@lacity.org>, "Henry, Teresa@Coastal" <Teresa.Henry@coastal.ca.gov>

RE: Determination Letters West Los Angeles APC--259 Hampton Drive

*Preced together from Conditions & Findings and
STILL NOT CORRECT*

1 Attachment, 1.2 MB

This is what the cdp says:

Sit-down restaurant. See Cond. 8 on page C-1 ("60 seats"). See Findings 7 on page F-2 ("2,831 sq. ft. restaurant.... with seating for 60 patrons").

From: Robin Rudisill [mailto:wldrudi@me.com]

Sent: Tuesday, June 16, 2015 2:15 PM

To: Posner, Chuck@Coastal

Subject: Fwd: Determination Letters West Los Angeles APC--259 Hampton Drive

WRONG

As per the City of Los Angeles Code of Ethics, please be sure that you are acting in the Public's interest at all times, and that you are EVER CONSCIOUS that Public Service is a Public Trust. Also, please be ever cognizant that you are required to fulfill your moral obligation of your position by disclosing improper governmental activities within your knowledge, to the extent not expressly prohibited by law.

What document do you have that says "2,831 square foot restaurant with a maximum of 60 seats at 259 Hampton Drive in Venice (ZA-2012-1770-CDP)"
Can you please send that to me and then call me?

Thanks.

Cheers,

Citizen Robin Best

Leaders

Of

Venice

Everlasting

CELL: (310) 721-2848

OFFICE PH/FAX: (310) 745-3240

Viva the Venice Vibe!

Begin forwarded message:

From: Robin Rudisill <wldrudi@me.com>

Subject: Re: Determination Letters West Los Angeles APC--259 Hampton Drive

Date: June 16, 2015 12:46:41 PM PDT

To: "Posner, Chuck@Coastal" <Chuck.Posner@coastal.ca.gov>

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PAGE 9 OF 17



NOTIFICATION OF DEFICIENT NOTICE

DATE: May 26, 2015
TO: West Los Angeles Area Planning Commission
200 North Spring Street, Room 272, Los Angeles Ca. 90012
FROM: Charles Posner
RE: Local Permit No. ZA-2012-1770 CDP-CUB-1A (Commission File No. S-VEN-15-0022)

Incorrect Decision

Please be advised of the following deficiency(ies) in the notice of local action you have received for Local Permit No. pursuant to 14 Cal. Admin. Code Section 13571 or 13332.

Applicant(s): Richard J. Gottlieb, Dunes Development LLC

Description: UNCLEAR

Location: 259 Hampton Drive, Venice

Still not

Deficiency noted by check mark below:

- 1. Project description not included or not clear.
- 2. Conditions for approval and written findings not included.
- 3. Procedures for appeal of the decision to the Coastal Commission not included.
- 4. Notice not given to those who requested it.
- 5. Notice does not indicate if local government action is appealable to Coastal Commission.
- 6. Final Local Action Notice not sent by that time.
- 7. Exhibit "A" not attached.

As a result of the deficiency(ies) noted above:

Post-Certification LCP Permits:

The effective date of the local government action has been suspended, and the 10 working-day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

Post-Certification LUP Permits:

The effective date of the local government action has been suspended, and the 20 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

If you have any questions, please contact Charles Posner at the South Coast District Office.

cc: Richard J. Gottlieb

Condition #8 reference

Not my note. Ref should be to Condition #2

Why Post

Should be this box checked

Error

Error

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Plans deficient.
Must be legible.
See attached COP
Instructions

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EXHIBIT "A"
Page No. DIR-2010-932
Case No. MAR 18 2015

PLANNING REVIEW
MARCH 16, 2015

member projects

COASTAL COMMISSION

EXHIBIT # 3
PAGE 11 OF 17

Instructions.

COASTAL DEVELOPMENT PERMIT

ZONE CODE SECTIONS 12.20.2 prior to LCP certification.

~~The MASTER LAND USE APPLICATION INSTRUCTION SHEET - 500' RADIUS should also be followed, except that a 100-foot radius map is required, and 5 copies of the site plan are required. The 100-foot radius starts across the street from the subject property.~~

See attached

• dual permit area

• single permit area

1. **CERTIFICATE OF POSTING.** When the Coastal application is accepted for filing, the applicant must post within 24 hours a **NOTICE OF INTENT** sign (sample attached) at a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development. The notice shall indicate that an application for a permit for the proposed development has been submitted to the City Planning Department. The form to be used for the posting, as well as a statement of Certificate of Posting to be submitted after notice of intent is posted is attached. If the applicant fails to post the completed notice of intent form and sign the Certificate of Posting, the Department will withdraw the application and all processing will stop.

2. **GEOLOGY REPORT.** If the property is in a Hillside area, submit a certified Geology Report.

3. **PREVIOUS ACTIONS**

Has this property ever had an application submitted to the State Coastal Commission or the City of Los Angeles for Coastal approvals? Yes _____ No _____

If yes, state the previous application number(s) _____

Describe on a separate page the facts (dates and determinations) of each of these applications.

4. **EXISTING CONDITIONS**

a. Existing use of land _____

b. Number, type and approximate age of structures to be removed/demolished as a result of the project _____

c. If residential units are being removed or demolished, indicate the number of units and monthly rent _____

d. Is there any similar housing at this price range available in the area? Where? _____

5. **TREES:** Number of existing trees more than 6 inches in diameter (show on plot plan) _____

6. **TREES:** Number, size and type of trees being removed (show on plot plan) _____

7. **SLOPE:** State percent of property: _____

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EXHIBIT # 3
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MASTER LAND USE APPLICATION INSTRUCTIONS

Page 1 of 5

City of Los Angeles – Department of City Planning

1. The **MASTER LAND USE APPLICATION FORM** must be filled out completely. It is recommended that you use the interactive online form available under the Forms & Processes section at planning.lacity.org. The application must be signed and notarized by the property owner/owners, lessee, authorized agent of the owner or officers of a corporation.
Note: A lessee may not sign the Master Land Use Application for an application involving a plan amendment and/or zone change.
- a. **PROOF OF OWNERSHIP.** In order to accept any application submitted to City Planning, the property owner is required to have given consent to file said application on their property. Proof of Ownership can be provided as necessary:
- i. An **Ownership Disclosure** is required *if* the property is owned by an LLC, corporation, partnership or trust. The disclosure must reveal the agent for service of process or an officer of the ownership entity. The disclosure must list the names and addresses of the principal owners (25% interest or greater) and attach a copy of the current corporate articles, partnership agreement, or trust document, as applicable.
 - ii. The **Grant Deed** is required *if* the ownership does not match City Records. Ownership on the deed must correspond **EXACTLY** with the ownership listed on the application.
 - iii. A notarized **Letter of Authorization (LOA)** is required from the property owner *if* anyone *other than the owner signs and* notarizes the application. The authorized person on the LOA must correspond with the signatory listed on the application.
 - iv. A **Lease Agreement** is required when the applicant is the lessee of the entire site and signs/notarizes the application.
- b. **SIGNATURES** of adjacent property owners who support your request may be included on a supplemental sheet. The Signature Sheet is the third page of the Master Land Use Application available under the Forms & Processes section at planning.lacity.org
2. **FINDINGS/JUSTIFICATIONS** are required for each entitlement that is requested. Most entitlements require specialized findings (such as Conditional Use Permits, Over-Height Fence cases, Zone Variances, etc...) that are available at the Public Counters or under the Forms & Processes section at planning.lacity.org.
3. **CITYWIDE DESIGN GUIDELINES CHECKLIST:** A completed copy of the applicable checklist is required if the project meets the following criteria:
- A discretionary Planning Department application that requires a building permit, and
 - Building or structure that is visible from the public right-of-way, and
 - The project involves the construction of, addition to, or exterior alteration of any building or structure.
- Single family dwellings are exempt. Small lot subdivisions will be exempt when the Small Lot Design Guidelines are issued.
4. **RELATED DOCUMENTS:**
- a. **Community Planning Referral Form.** These forms are required if the project site is located in a Specific Plan or overlay zone (i.e., HPOZ/CDO/PDD/NOD/SN, etc...), requires a Design Review Board approval, or is utilizing affordable housing incentives pursuant to the procedures in Section 12.22 A 25 of the Zoning Code (aka Density Bonus ordinance). The form is required to be filled out and signed by the planner designated for that area. The Department current assignment list is available at planning.lacity.org.
- b. **Bureau of Engineering – Planning Case Referral Form (PCRF).** Required if the project is any of the following:
- New construction, or floor area additions to buildings used for commercial or industrial purposes in any zone. Including mixed use projects with a commercial or industrial component, and associated building/surface parking facilities in any zone, or;

CP-7810 -- Master Land Use Application Instructions [01.09.2014]

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EXHIBIT # 3
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7. PUBLIC NOTICING:

- a. The **Abutting Property Owners' List** includes those properties adjacent, across a street/alley, to the rear or having a common corner with the subject property. Names and addresses of owners shall be secured from the City Clerk's Land Records Division, 201 N Figueroa St, Suite 730. Four (4) sets of the list are required: two (2) on self-adhesive labels, plus two (2) photocopies. All of the labels must be typewritten and prepared according to the *Mailing Procedures* handout.
- b. **500 FOOT NOTIFICATION.** Several entitlements require notification to extend up to 500' from the subject property. If the entitlements that you are requesting require such notification, provide the following in addition to the Abutting Property Owners' List:
 - i. A **Radius Map + 7 copies**, with a minimum size of 18"x24" prepared according to the *Radius Map Requirements* document available at the Public Counters.
 - ii. A list of the **Property Owners' & Occupants** within 500' corresponding to the Radius Map. Names and addresses of owners shall be secured from the City Clerk's Land Records Division, 201 N Figueroa St, Suite 730. Two (2) sets of the list are required: one on self-adhesive labels (for BTC purposes), plus a photocopy. The labels must be typewritten and prepared according to the *Mailing Procedures* handout.

The Radius Map and Property Owners & Occupants List can be prepared by a number of professionals in the industry. A *Map Makers List* is available under the Forms & Processes section at planning.lacity.org.

- c. The **Owner's, Applicant's and Representative's Names** must be included as an individual label in both the Property Owners/Occupants List as well as the Abutting Property Owners list.
- d. A **Penalty of Perjury Statement** certifying the lists' accuracy is required and is attached to the *Mailing Procedures* handout.
- e. A copy of the **BTC Receipt**, which verifies that the self-adhesive labels on the owners/occupants lists have been submitted to BTC, is required at filing. BTC is the Department's contractor for the mailing of public hearing notices. Refer to the *Mailing Procedures* handout for BTC's location, fees and hours.
- f. A **County Assessor's Map or City Clerk's District Map or ZIMAS Map** indicating which property belongs to which owner, keyed by numbers next to each name on the Abutting Property Owners' List is required. The City Clerk's District Map can be obtained from the City Clerk's Land Records Division, 201 N Figueroa St, Suite 730.
- g. The property owner and occupant data must be dated within 90 days of submittal.

The *Mailing Procedures* handout is also available under the Forms & Processes section at planning.lacity.org.

8. PLANS REQUIRED:

- a. **TYPE.** Provide the following types of plans as necessary:
 - i. **Plot Plan** must be submitted for all cases. *(See Plot Plan Instructions)*
 - ii. **Floor Plans** should be submitted if the request involves the interior lay-out of a project. Floor Plans are required for all projects in Hillside Areas, involving alcohol—with seats numbered and alcohol storage areas identified, and where the CPC/APC is the decision-maker. *(See Floor Plan Instructions)*
 - iii. **Elevations** must be submitted if the request involves issues regarding height, aesthetics or design elements. For CPC/APC cases, color elevations are mandatory if anything is constructed. *(See Elevation Instructions)*
 - iv. **Color Renderings** are highly recommended for all cases to assist in evaluating a proposed project and are mandatory for cases where the City Planning Commission is the decision maker.
 - v. **Sections** should be submitted if the project involves multiple levels or subterranean/basement floors which can only be shown through a section cut of the property.
 - vi. **Landscape, Hardscape, and Open Space Plans** must be submitted for certain projects. *(See Landscape Plan Instructions)*

attached attached

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EXHIBIT # 3

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PLOT PLAN INSTRUCTIONS

City of Los Angeles – City Planning Department

Page 1 of 4

Plot Plans submitted to City Planning Department shall comply with the following specifications. Additional materials or information may be required according to each type of application. Application forms are available under the Forms & Processes section at www.planning.lacity.org and at the Public Counters, located at 201 N. Figueroa Street, 4th Floor, Los Angeles, CA 90012 (phone: 213-482-7077) and at 6262 Van Nuys Boulevard, Room 251, Van Nuys, CA 91401 (phone: 818-374-5050).

NOTE: An Illegible or Inadequate Plot Plan cannot be accepted. When reducing full-sized plans, font sizes and dimensions shall be made large enough so they can be read at the reduced size (see "Size and Number of Copies" in the Master Land Use Instructions). Include only information necessary to depict the project and its setting (do not include mechanical or structural drawings).

1. Summary Table:

The Plot Plan shall include a Summary Table that identifies relevant information to the proposed project. Depending on the application, categories should include:

- square footage
 - parking spaces required and provided
 - number of seats indoor and outdoor
 - heights of buildings
 - open space required and provided
 - landscaping required and provided
 - existing and proposed number of units
 - other relevant data...
- See exhibits for examples.

2. Boundaries:

The Plot Plan shall include all property in the project site or ownership, whichever is larger, unless permission has been obtained from a Public Counter staff supervisor to include an area less than the entire site or ownership. If the project is located on only a portion of a larger site, indicate those portions of the site that are not a part of the project.

3. Technical Requirements:

a. Scale:

- 1) All plans shall indicate a scale and display a graphic scale.
- 2) Plot Plan shall be accurate to within 1/16".
- 3) Full size plans shall be at a scale of 1/8"=1' or larger (if not possible, see 3. a. 4 below).
- 4) Full size plans for large sites (over 2 acres) may be provided at a scale smaller than 1/16"=1', provided, additional plans of key areas are provided at 1/8"=1' scale.
- 5) Reduced plans at 11"x17" or 8.5"x11" size shall be drawn to scale and legible.

b. **North Arrow:** North shall be shown and oriented towards the top of the page. True north shall be indicated.

c. **Location:** The site address(es), legal description(s) including Arb number(s) and names of abutting streets.

d. **Boundary Line:** The boundaries of the property shall be shown by a heavy-broken line and clearly labeled.

e. **Dimensions:** Dimensions shall be provided for all important measurements, including:

- 1) Property lines, yards, setbacks, building or structure height, building footprints, other key features (as applicable to the request).
- 2) If there is more than one zone classification on the subject property, the zone boundary and dimensions shall be indicated.

g. **Area Calculations:** Square-footage calculations for all notable areas (e.g., main and accessory structures, landscape area, common and private open space, lot coverage, etc...).

h. **Floor Area Ratio (FAR)** calculations.

4. **Plot Plan** must clearly and completely show the intent of the project and its uses and their locations on the site. Clearly label, identify and differentiate the following features (and include dimensions for important distances):

a. Location and uses of all buildings and structures (including walls and fences):

- 1) Existing structures to be demolished and existing structures to remain.
- 2) Existing structures or walls that will be demolished to be shown with dashed or shadowed lines.
- 3) Proposed structures to be constructed or added.

CP-7752 (5/04/10)

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EXHIBIT # 3

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FLOOR PLAN INSTRUCTIONS

Page 1 of 2

City of Los Angeles – City Planning Department

Floor Plans submitted to City Planning Department shall comply with the following specifications. Additional materials or information may be required according to each type of application. Application forms are available under the Forms & Processes section at www.planning.lacity.org and at the Public Counters, located at 201 N. Figueroa Street, 4th Floor, Los Angeles, CA 90012 (phone: 213-482-7077) and at 6262 Van Nuys Boulevard, Room 251, Van Nuys, CA 91401 (phone: 818-374-5050).

NOTE: An illegible or inadequate Floor Plan cannot be accepted. When reducing full-sized plans, font sizes and dimensions shall be made large enough so they can be read at the reduced size (see "Size and Number of Copies" in the Master Land Use Instructions). Include only information necessary to depict the project and its setting (do not include mechanical or structural drawings).

1. **Boundaries:**

Floor Plans shall include the entire building or premises subject to the approval.

2. **Technical Requirements:**

- a. Walls - Shown as double lines. Walls that will be demolished to be shown as dashed or shadowed lines.
- b. Scale - No less than 1/16" to equal 1'.
- c. North Arrow.
- d. Street Address of project.
- e. All dimensions of the premises.
- f. Area calculations in square feet for all notable areas.
- g. Locations of all seats, bars and tables for restaurants. Seats to be individually numbered.
- h. Total number of seats.
- i. Floor Plans must include any outdoor areas if they are to be used as part of the project.
- j. Label individual areas, features, rooms, uses and major items of equipment (e.g. living room, auditorium, entry, freezers, stoves, etc...)
- k. For CUB and CUE filings, include location of all alcohol storage and display areas.

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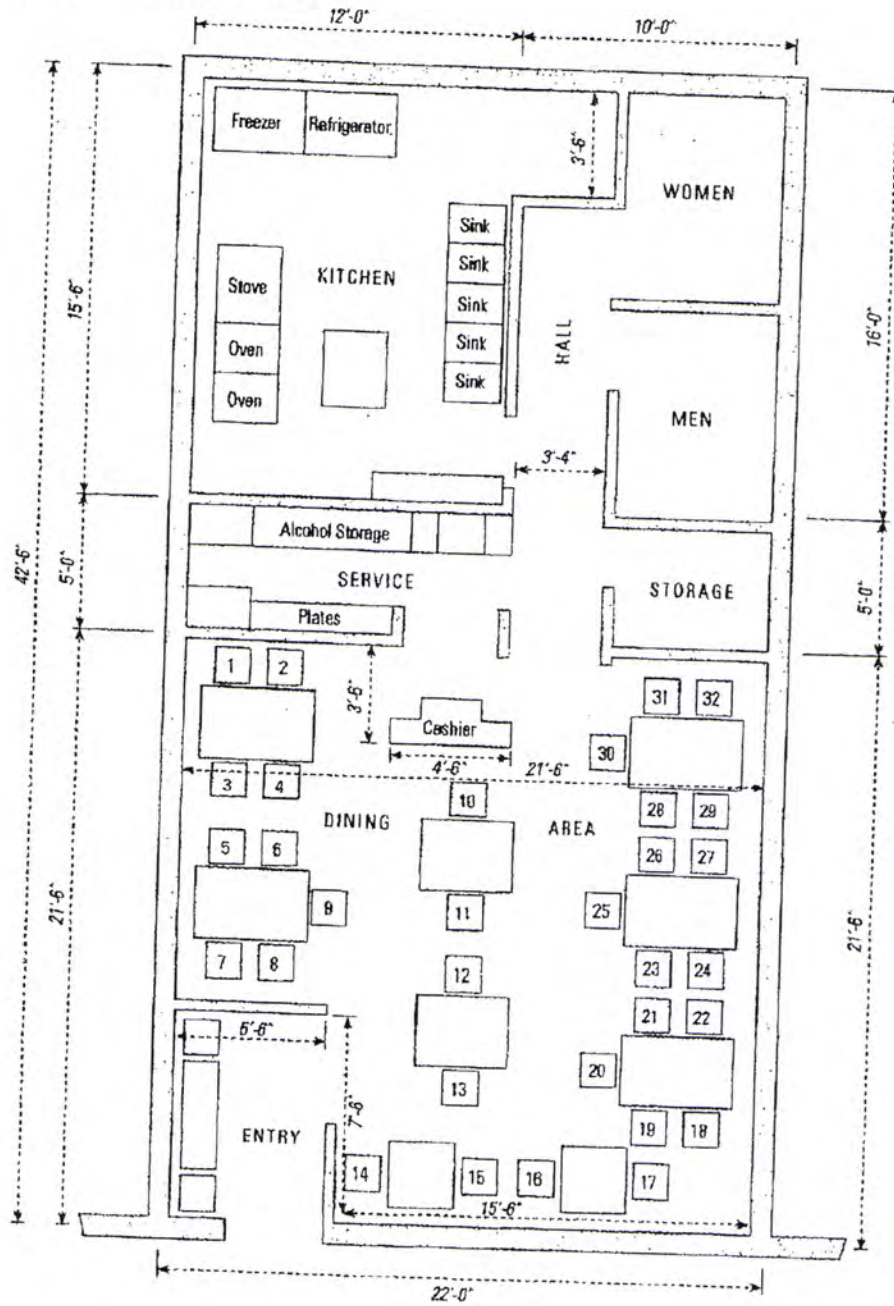
CALIFORNIA
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CP-7751 (5/04/10)

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EXHIBIT # 3
PAGE 16 OF 17

Interior Floor Plan



Scale: 3/16" = 1'0"

CP-7751 (5/04/10)

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EXHIBIT # 3
PAGE 17 OF 17



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: MAY 18 2015

CASE NO.: **DIR-2010-2932-SPP-1A**
Related Case: **ZA-2012-1770-CDP-CUB-1A**
CEQA: **ENV-2013-2592-MND**

Location: 259 South Hampton Drive
Council District: 11
Plan Area: Venice
Zone: M1-1

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MAY 21 2015

APPLICANT: Richard J. Gottlieb, Dunes Development LLC

APPELLANT: Ilana Marosi

CALIFORNIA
COASTAL COMMISSION

At its meeting on **April 1, 2015**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Adopted the Findings.
2. Granted the appeal in part.
3. Sustained the Determination of the Director of Planning and Approved:
 - a. Specific Plan Project Permit Compliance Review changing the use of a building containing 1,042 square feet of retail store area and 616 square feet of fast food (take-out) only restaurant area to a 1,658 square foot full service sit-down restaurant, subject to modified Conditions of Approval.
4. Adopted Mitigated Negative Declaration ENV-2013-2592-MND.

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 Donovan
 Seconded: Commissioner Margulies
 Ayes: Commissioner Halper
 Nay: Commissioners Merritt and Waltz Morocco

Vote: 3 - 0

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

COASTAL COMMISSION

A-5-VEN-15-0038

EXHIBIT # 4

PAGE 1 OF 30

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: Modified Conditions of Approval and Findings

cc: Notification List
Kevin Jones

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 30

CONDITIONS OF APPROVAL

NOTE: This Specific Plan Project Permit Compliance is only applicable to the provisions of the Venice Coastal Zone Specific Plan relative to use, height, and parking. Whenever the Venice Coastal Zone Specific Plan is silent, all other relevant provisions of the Los Angeles Municipal Code (LAMC) shall apply.

NOTE: Building and Safety will determine if the proposed rooftop dining is permitted per Zoning Administrator Interpretation 1808.

Specific Plan Compliance Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans/floor plan and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Floor Area and Use.** The use of the subject property shall be limited to a 1,658 square foot restaurant use with a maximum of 1,000 square feet of Service Floor Area (SFA). Roof top areas as shown on Exhibit A dated March 16, 2015 may be used for servicing of equipment or emergency access but shall not be used in any other manner by patrons of the site.
3. **Service Floor Area.** The restaurant's total Service Floor Area (SFA) shall be limited to a maximum of 1,000 square feet of area (downstairs and upstairs) as shown on the floor plan of Exhibit A. The path of travel to the restrooms and required exits mandated by the Americans with Disabilities Act (ADA) are not included in calculating the Service Floor Area. The path of travel shall conform to the floor plan contained in the file, and shall not be used as Service Floor Area. Service floor areas shall be fully enclosed within exterior walls.
4. **Height.** The project shall maintain its existing height which is below 30 feet.
5. **Parking.** Two (2) Beach Impact Parking Spaces are required for a change of use that results in an intensification of use (increased vehicle trips). Pursuant to LAMC Section 12.23 B 8 (non-conforming parking) the project maintains a seven (7) space parking credit. The project shall provide 14 additional parking spaces based on the approved SFA and the required Beach Impact Parking, either on or off-site (as provided by Section 12.26 E 5 of the Los Angeles Municipal Code). Alternatively, the applicant can either use one or all of the following:
 - a. Pay an in-lieu fee of \$18,000 per parking space, payable to the Department of Transportation, for the required parking spaces that cannot be provided. Proof of payment is required prior to clearance by the Department of City Planning.
 - b. Reduce the Service Floor Area to match the amount of parking being supplied and reflect that change on the floor plans.

EXHIBIT # 4PAGE 3 OF 30

- c. Reduce the required 14 parking spaces by utilizing the new bicycle parking ordinance standards for a change of use.

Prior to the issuance of a Building Permit, the applicant shall obtain a valet parking permit and shall provide valet parking services for patrons during all serving hours. An off-site parking location shall be identified for this service. This valet parking service shall not park any vehicle on a public street or in a City, County, or State owned parking lot.

6. One year after the issuance of a Certificate of Occupancy, the applicant shall have a Noise Impact Study prepared by a third party to analyze noise impacts from the operation of the restaurant to demonstrate compliance with the provisions of the Los Angeles Municipal Code and the mitigation measures of this approval. Any recommendations from that impact study that indicate additional noise attenuation methods are required shall be fully implemented within 90 days of the receipt of the noise study by the Department of City Planning.

Environmental Conditions

7. **Aesthetics - Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code. Except that the signage program approved as part of the zone variance request are permitted. The comprehensive sign program shall reflect and enhance the Art Deco typeface and general style. Multiple temporary signs in store windows and along building walls are not permitted.
8. **Aesthetics - Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
9. **Aesthetics - Vandalism.** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
10. **Aesthetics -Light.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
11. **Objectionable Odors - Commercial Trash Receptacles.**
- Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
12. **Objectionable Odors** -No window openings or exhaust vents shall be permitted on the building facade which abuts a residential use or zone.

13. **Explosion/Release (Existing Toxic/Hazardous Construction Materials)**
Due to the age of the building being demolished, toxic and/or hazardous construction materials may be located in the structure. Exposure to such materials during demolition or construction activities could be hazardous to the health of the demolition workers, as well as area residents, employees, and future occupants. However, these impacts can be mitigated to a less than significant level by the following measure:
- (Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
 - (Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
 - (Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB.
14. **Increased Noise Levels -Retail Markets, Bars, Entertainment.** No window openings shall be permitted along the residential sides of the building. A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists. The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
15. **Increased Noise Levels (Demolition, Grading, and Construction Activities)**
- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
 - Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
16. **Public Services –Police.** Building plans shall incorporate design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if

needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

17. Utilities -Local Water Supplies - Restaurant, Bar, or Nightclub.

- a. Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- b. Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. Install/retrofit and utilize only restroom faucets of a self-closing design.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

- 18. Utilities -Solid Waste Recycling.** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

Administrative Conditions

- 19. Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by the Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
- 20. Notation on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.

21. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
22. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
23. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
24. **Indemnification.** 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 relating to or 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.

PROJECT PERMIT COMPLIANCE FINDINGS

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

The property is bounded by residential properties to the north and east and commercial and industrial developed properties to the south and west. The subject property is zoned M1-1 and is currently developed with a 1,658 square foot commercial building that encompasses the majority of the 1,871 square foot property. The project will change use of the existing permitted 1,042 square foot retail portion and 616 square foot take-out only portion into a sit-down restaurant for a total size of 1,658 square feet. A second floor dining area that will be enclosed within exterior walls and windows is being added to the building. The restaurant's total Service Floor Area (SFA) is proposed to be limited to a maximum of 1,000 square feet of area (downstairs and upstairs) as shown on the floor plan of Exhibit A. Building and Safety will determine if the proposed rooftop dining is permitted per Zoning Administrator Interpretation 1808.

A. Section 8.C. Findings

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

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

The subject property and the adjoining properties to the south and west are zoned M1-1 and are developed with a mix of office, retail, and industrial uses and restaurant uses. The adjoining properties to the north and east are zoned RD1.5-1-O and developed with a mix of single-family and multi-family residential uses. An existing church that is being proposed to be converted to an office use is located on the east side of the subject property directly across the street.

Owing to the nature and characteristics of the existing commercial uses and activities in the surrounding area, the resulting legalization of the existing sit down restaurant and the addition of an enclosed second floor dining area will further the continued revitalization of the Venice area. The Venice Specific Plan supports this type and scale of development in the North Venice subarea. This project will create a pedestrian friendly commercial use that will attract customers from the surrounding businesses, homes and visitors to the area. As further conditioned, the project is not anticipated to be detrimental to the adjoining properties or the immediate area.

The second floor dining area will be fully enclosed within exterior walls and windows to address the testimony from the APCW meeting regarding the reconsideration of the appeal. A noise analysis is required one year after the issuance of a Certificate of Occupancy for the proposed use to demonstrate that the operation fully complies with the Los Angeles Municipal Code and the mitigation measures of this approval.

2. *The Venice Coastal Development Project is in Conformity with the Certified Venice Local Coastal Program.*

The subject property is designated Limited Manufacturing in the Venice Local Coastal Program Land Use Plan and is zoned M1-1. The proposed project is

consistent with the zoning and the intent of the Land Use Plan and the Specific Plan, which are parts of the Venice Coastal Program by continuing to provide visitor and resident serving restaurant uses. As stated above the project complies with all applicable development requirements of the Venice Coastal Specific Plan.

3. *The applicant has guaranteed to keep the rent levels of any Replacement Affordable Units at an affordable level for the life of the proposed project and to register the Replacement Affordable Unit with the Los Angeles Housing Department.*

The proposed project is a commercial project and therefore, not subject to the affordable housing provisions of the State Mello Act.

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

The proposed project is a commercial project and therefore, not subject to the Inclusionary housing requirement of the Mello Act.

In addition to the requisite findings set forth in Section 8.C of the Specific Plan, the project also complies with all applicable provisions of the Specific Plan, as set forth below:

A. *Section 10 – Land Use and Development Regulations for North Venice*

The project involves the legalization of an existing sit-down restaurant with an increased Service Floor Area of no more than 1,000 square feet. The development standards in Section 10.F pertain to the construction of new structures and additions. The existing building footprint will remain and an enclosed second floor dining area will be added. The subject project is an allowed use in the Limited Manufacturing Land Use Designation.

B. *Section 11- Commercial and Industrial Design Standards in Section 11*

The Commercial and Industrial Design Standards in Section 11 pertain to projects, which are new buildings or additions therefore this Section does not apply to the project.

C. *Section 13.- Parking*

Pursuant to Section 13.D of the Specific Plan one parking space for every 50 square feet of Service Floor Area (SFA) is required. When calculating the total number of parking spaces that will be required, a "parking credit" is assigned pursuant to LAMC 12.23.B.8, (addressing non-conforming parking spaces) which states that existing parking must be maintained and that additional parking spaces shall be provided equal to the difference between the number of required parking spaces for the existing use (retail and take-out), and the number of required parking spaces based on the SFA for the new use (sit-down restaurant).

Both the retail and take-out have the same parking ratio per the Specific Plan. The parking credits are calculated as follows: 1,658 square foot of general retail (1,658/225 retail parking per Specific Plan) is a 7.36 space credit or 7 spaces. The seven space

parking credit will allow a maximum SFA of 375 square feet at one parking space for every 50 square feet of Service Floor Area.

The project is proposing a maximum SFA of 1,000 square feet (located both upstairs and downstairs). Once the seven parking space credit of 735 square feet of SFA is subtracted from the proposed 1,000 square feet of SFA, at least 12 additional parking spaces will be required. In addition, the change of use will require two Beach Impact Parking Spaces to be provided. The parking credit can be utilized to supply the Beach Parking Spaces. The proposed project has been conditioned to provide the 12 additional parking spaces based on the approved SFA, either on or off-site parking (as provided by Section 12.26 E 5 of the Los Angeles Municipal Code. Alternatively, the applicant can either use one or all of the following:

- a. Pay an in-lieu fee of \$18,000 per parking space, payable to the Department of Transportation, for the required parking space that cannot be provided. Proof of payment is required prior to clearance by the Department of City Planning.
- b. Reduce the SFA to match the amount of parking being supplied and reflect that change on the floor plans.
- c. Reduce the required 14 parking spaces by utilizing the new bicycle parking ordinance standards for a change of use.

The West Los Angeles Area Planning Commission (APCW) considered a proposal from the applicant to provide valet parking services during serving hours. The Commission found that valet service for the proposed use could have some impact on the surrounding residential streets based on the testimony from the meeting reconsidering the appeal of the SPP. To minimize this potential impact the recommended that prior to the issuance of any Building Permit the applicant shall obtain a valet parking permit and that an off-site parking location shall be identified for this service. The APCW prohibited the use of public-street or government owned parking lots for the valet parking service.

2. **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-2013-1298-MND was prepared for the proposed project. 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 (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached 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 Planning Department in Room 750, 200 North Spring Street.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination 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 that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

FINAL PLAN SIGN OFF AND APPROVAL

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the San Fernando Valley. In order to assure that you receive services without waiting, applicants are encouraged to schedule an appointment with the Development Services Center by calling (213) 482-7077 (Figueroa Plaza) or (818) 374-5050 (Marvin Braude Building) San Fernando Valley or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement.



West Los Angeles Area Planning Commission

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

Website: <http://www.lacity.org/pln/index.htm>

TO: California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

Mailing Date: JUN 05 2015
Case No.: ZA-2012-1770-CDP-CUB-1A
Address: 259 Hampton Drive
Plan Area: Venice
Council District: 11

RECEIVED
South Coast Region

JUN 8 2015

FROM: West Los Angeles Area Planning Commission

CALIFORNIA
COASTAL COMMISSION

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE

Applicant name/address

Richard J. Gottlieb
Dunes Development, LLC
439 North Bedford Drive
Beverly Hills, CA 90210

Representative name/address

Stephen Vitalich
Stephen Vitalich Architects
1301 Abbot Kinney Boulevard
Venice, CA 90291

JUN 05 2015

The above-referenced Coastal Development Permit was **approved** effective _____, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **April 1, 2015**. An appeal was not filed with the City Council during the mandatory appeal period or no appeal to City Council was permitted from the Commission's action; whichever is indicated in the Commission's Determination Report.

Appeals must be filed within a 20 working-day appeal period, to be determined by the South Coast District Office of the Coastal Commission in accordance with said Commission's procedures.

- () The proposed development **is in the dual permit jurisdiction area**, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20-working-day appeal period.
- (X) The proposed development **is in the single permit jurisdiction area**, and if the application is not appealed within the 20-working-day period the applicant may proceed with the subject project.

Attachments: Coastal Development Permit / Commission Determination Report
Zoning Administrator's Determination
Miscellaneous relevant documents

cc: Applicant and Applicant's Representative (Notice, Coastal Permit/APC Determination)
APC Determination Report mailing list (Notice & Coastal Permit/APC Determination)

EXHIBIT # 4
PAGE 12 OF 30



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

JUN 05 2015

Corrected Determination Mailing Date: _____

Correction: Project description

CASE NO: ZA-2012-1770-CDP-CUB-1A
Related Case: DIR-2010-2932-SPP-1A
CEQA: ENV-2013-2592-MND

Location: 259 South Hampton Drive
Council District: 11
Plan Area: Venice
Zone: M1-1

RECEIVED
South Coast Region

APPLICANT: Richard J. Gottlieb, Dunes Development LLC
Representative: Stephen Vitalich, Stephen Vitalich Architects

JUN 8 2015

APPELLANT: Ilana Marosi

CALIFORNIA
COASTAL COMMISSION

At its meeting on **April 1, 2015** the following action was taken by the West Los Angeles Area Planning Commission:

1. Adopted the revised Findings, granted the appeal in part, overturned the Zoning Administrator's decision and denied the Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant in the M1-1 Zone.

This action was taken by the following vote:

Moved: Commissioner Margulies
Seconded: Commissioner Donovan
Ayes: Commissioner Halper
Absent: Commissioners Merritt and Waltz Morocco

Vote: 3 - 0

2. Adopted the revised Findings, granted the appeal in part, sustained the Zoning Administrator's decision and approved the Coastal Development Permit authorizing the conversion, construction, use and maintenance of a take-out restaurant and retail establishment into a sit-down restaurant located within the single jurisdiction of the California Zone, subject to modified Conditions of Approval, and adopted Mitigated Negative Declaration ENV-2013-2592-MND.

This action was taken by the following vote:

Moved: Commissioner Donovan
Seconded: Commissioner Margulies
Ayes: Commissioner Halper
Absent: Commissioners Merritt and Waltz Morocco

Vote: 3 - 0

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

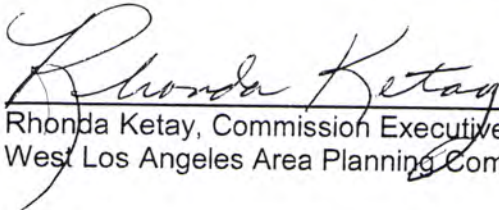
EXHIBIT # 4
PAGE 13 OF 30

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

The Coastal Development Permit is effective at the City level on the mailing date of this determination. The Coastal Development Permit is not further appealable at the City level, but appealable only to the California Coastal Commission – South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this determination, will establish the start of the 20-day appeal period.

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: Modified Conditions of Approval, revised Findings, and Exhibit A

cc: Notification List
Theodore Irving
Linda Clarke

EXHIBIT # 4
PAGE 14 OF 20

Conditions of Approval

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 proceedings against the City or its agents, officers, or employees relating to or 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 the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,831 square-foot restaurant (1,658 square feet indoors and 1,173 square feet outdoors on the second floor, with a total of 60 seats (24 indoor and 36 outdoor) and daily hours of operation from 7 a.m. to 10 p.m. (Sunday through Thursday) and 7 a.m. to 11 p.m. (Friday and Saturday). The hours of operation for the proposed 2,831 square-foot restaurant shall be limited to 7:00 a.m. to 10:00 p.m. daily. Patron access to the 2nd floor outside area shall be prohibited.~~
8. This grant shall not extend to any seating on such public right-of-way unless a revocable permit is obtained and the floor plan in Exhibit "A" is modified to reflect any seat count on the sidewalk, provided that the maximum seat count remains at 60 seats, inclusive of any public right-of-way sidewalk seating. Proof of a revocable permit approval and a revised floor plan shall be submitted to the Zoning Administrator prior to any use of this grant on any sidewalk.

- ~~9. The authorization granted herein for the on-site sale and dispensing of a full line of alcoholic beverages for a period of **five (5)** years from the effective date of this grant. Thereafter, a new authorization to allow the on-site sale and dispensing of a full line of alcoholic beverages will be required.~~
10. ~~Approval of Plans Review: The applicant shall file a Plan Approval no sooner than 21 months and no later than 24 months from the effective date of this determination. The operational date of this determination shall be identified and confirmed by the Planning Department's Condition Compliance Unit. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of the Conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.~~
11. The premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food as defined by Section 91.0403 of the Los Angeles Municipal Code, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times the facility is open for business.
12. Amplified music inside the restaurant shall be kept at a low volume for background music such that any music playing shall not be audible beyond the subject premises. No amplified music shall be permitted on the outdoor second-story patio.
13. No pay phone shall be maintained on the exterior of the premise.
14. There shall be no dancing permitted on the premises at any time.
15. There shall be no pool tables, coin-operated game machines, video, or mechanical amusement devices permitted on the premises at any time.
16. There shall be no adult entertainment of any type pursuant to Section 12.70 of the Los Angeles Municipal Code (LAMC).
17. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
- ~~18. 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 who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.~~

- ~~19. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises. Additionally, the licensee(s) shall not provide, permit or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.~~
- ~~20. No cover charge or any after-hours use of any of the restaurant shall be permitted.~~
21. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. The premises shall not be used for private parties in which the general public is excluded nor will the applicant sublet the premises for nightclub activity.
23. The property under control of the applicant and the area immediately adjacent shall be kept free of litter.
24. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
25. No deviation from required parking has been requested or granted herein. Parking shall be provided as required in the Venice Coastal Zone Specific Plan and shall comply with the requirements of Case No. DIR 2010-2932(SPP). Prior to the issuance of a Building Permit, the applicant shall show proof of an agreement with a Certificate Valet Parking Service provider. Valet parking on the public streets shall be prohibited.
26. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music or by a live band shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort.

The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.

27. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the

phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:

- posted at the entry, and the cashier or customer service desk,
 - responded to within 24 hours of any complaints/inquiries received on this hot line, and
 - the applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning Administrator upon request.
28. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
29. The applicant, owner, and on-site managers shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject.
30. All of the mitigation measures identified in Environmental Case No. ENV 2013-2592-MND shall be complied with as a part this instant action.
- a. Aesthetics (Vandalism)
- 1) Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
 - 2) The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.
- b. Aesthetics (Signage)
- 1) On-site signs shall be limited to the maximum allowable under the Municipal Code.
 - 2) Multiple temporary signs in store windows and along building walls are not permitted.
- c. Aesthetics (Light)
- Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
- d. Aesthetics (Glare)
- The exterior of the proposed structure shall be constructed of materials, such as, but not limited to, high-performance and/or non-reflective glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall

surfaces to minimize glare and reflected heat.

e. Objectionable Odors (Commercial Trash Receptacles)

- 1) Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
- 2) Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.

f. Objectionable Odors

No window openings or exhaust vents shall be permitted on the building façade which abuts a residential use or zone.

g. Explosion/Release (Existing Toxic/Hazardous Construction Materials)

- 1) (Asbestos) Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.
- 2) (Lead Paint) Prior to the issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- 3) (Polychlorinated Biphenyl - Commercial and Industrial Buildings) Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulations governing PCB removal and disposal.

h. Increased Noise Levels (Demolition, Grading and Construction Activities)

- 1) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- 2) Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
- 3) Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which

causes high noise levels.

- 4) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- i. Increased Noise Levels (Retail Markets, Bars, Entertainment etc...)
- 1) No window openings shall be permitted along the residential sides of the building, and
 - 2) The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
 - 3) Within one year of the Certificate of Occupancy, the applicant shall submit to the Zoning Administrator's Office the results of a sound analysis completed by a licensed sound engineer.
- j. Public Services (Police)
- 1) The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design out Crime Guidelines: Crime Prevention Through Environmental Design" published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 West 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
- k. Utilities (Local Water Supplies - Restaurant, Bar, or Nightclub)
- 1) Install/retrofit high -efficiency toilets (maximum 1.28 gpf), including dual-flush water closets and high-efficiency urinals (maximum 0.5 gpf), including no -flush or waterless urinals, in all restrooms as appropriate.
 - 2) Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
 - 3) Install/retrofit and utilize only restroom faucets of a self-closing design.
 - 4) Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be

incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

- 5) Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g., vacuum pump, ice machines, bypassing the water through equipment and discharging the heated water to the sanitary wastewater system.

I. Utilities (Solid Waste)

- 1) (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
 - 2) (Construction/Demolition) Prior to the issuance of any demotion or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
 - 3) (Construction/Demolition) To facilitate on-site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
31. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.
32. 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 carried on diligently to completion, the authorization shall terminate and become void.

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.

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 provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the~~

Zoning Administrator.

- ~~No cocktail lounge shall be maintained on the premises separate from the dining area.~~
- ~~No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.~~
- ~~No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.~~
- ~~The sale of alcohol for consumption off the premises is prohibited.~~
- ~~There shall be no exterior advertising or signs of any type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. This condition is not meant to preclude an interior display of alcoholic beverage containers within the interior of the restaurant space. The only exception to this restriction is the posting of a single menu on the outside wall.~~
- ~~The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.~~
- ~~All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.~~
- ~~The single unit sales of malt liquors and/or malt based products shall be prohibited.~~
- ~~The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premise.~~
- ~~All personnel selling, dispensing and serving the alcoholic beverages must be 21 years old or older.~~
- ~~Any alcohol sold or dispensed for consideration shall only be for consumption on the premises, within the subject restaurant, and shall be served at tables or sit-down counters by employees of the restaurant.~~
- ~~Alcohol sales shall be incidental to the sale of food. Food service shall be available at all times the facility is open for business.~~

COASTAL DEVELOPMENT 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.**

Chapter 3 of the Coastal Act contains the various policy provisions of such legislation. Pertinent to the instant request are the policies with respect to Development.

The Coastal Act's Section 30250 and Section 30252 provide in part that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation. The proposed project does not consist of new ground-up construction. However, since it involves a change of use from retail and take-out restaurant to an expanded sit-down restaurant, it triggers a Coastal Development Permit. The project's location within an already developed area does not change.

The project has no adverse effects on public access, recreation, public views, or the marine environment. The proposed use will neither interfere nor reduce access to the shoreline. There will be no dredging, filling, or diking of coastal waters or wetlands associated with the request or with any sensitive habitat areas, archeological or paleontological resources identified on the site. The proposed use will not block any designated public access views.

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

Currently there is no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone. Therefore, the adopted Venice Community Plan and the Venice Specific Plan serve as the functional equivalent plan. The Community Plan designates the subject property for Limited Industrial Land uses with 4

corresponding zones of CM, MR1, M1, and Height District No. 1. The basic use 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.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:**

Such Guidelines are designed to provide direction to decision makes in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. No deviations from the standards of the Venice Coastal Specific Plan associated with new development as these relate to a change of use and expansion of an existing restaurant have been requested in this action. As such, no deviations from the Specific Plan have been requested or approved herein.

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

No outstanding issues have emerged which would indicate a conflict between this requested conversion and expansion and any other decision of the Coastal Commission.

5. **The development is/is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is/is not in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The project site is not so located.

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

On September 30, 2013, the Department of City Planning issued Mitigated Negative Declaration No. ENV 2013-2592-MND and determined that by imposing conditions, project-related impacts could be reduced to less than significant levels (Section 15074, State CEQA Guidelines).

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it

has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

7. **The project will not enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject project entails a request for the sale of a full line of alcoholic beverages for on-site consumption, in conjunction with a new 2,831 square-foot sit-down restaurant inclusive of a 1,173 square-foot outdoor patio located on the second floor with seating for 60 patrons total – 24 patrons first floor, interior and 36 patrons second floor, outdoor.

The area serves a mixture of commercial uses, which includes a number of coffee shops, retail uses, and offices. The proposal restaurant is in keeping with the nature of the development in the area which caters to a variety of needs and provides alternative choices in dining. As such, the use restaurant will serve a function and provide a service that will be beneficial to the community, which in conjunction with the imposition of a number of conditions addressing operational measures will result in the enhancement of the built environment.

However, the sale and dispensing of a full line of alcoholic beverages will not benefit the community. As stated by the Los Angeles Police Department, the immediate area has a high concentration of alcohol establishments and allowing another alcohol establishment would adversely impact the surrounding neighborhood. Also, testimony was supplied that highlighted the correlation between alcohol sales and crime, and other nuisances such as noise, traffic, and parking.

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 Any grant authorized herein incorporates a number of conditions. These conditions are intended to insure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. However, testimony was provided that highlight the correlation between alcohol sales correlation between alcohol sales and crime, and other nuisances such as noise, traffic, and parking, which suggest that the alcohol establishment will adversely affect adjacent and neighboring properties. The Los Angeles Police

Department testimony supported the statements offered by the community.

The conditions will make the proposed restaurant use more compatible with other uses in the surrounding community. ~~Conditions include but are not limited to alcohol service training for employees, prohibition of the use of the restaurant after hours and no live entertainment.~~ The hours proposed are reasonable, and in line with other restaurants along the nearby Rose Avenue and Main Street commercial corridor. The facility, as proposed, reflects a bona fide neighborhood-serving restaurant, but the sales and dispensing of alcohol beverages will not be compatible with and will adversely affect adjacent properties and the surrounding neighborhood's welfare and safety.

~~The subject grant is authorized for a term of **five (5) years** after which time the applicant will need to apply for a new authorization to continue any alcohol sales. The term grant allows the City an opportunity to review the operation of the restaurant anew. If the operation has been conducted appropriately and without creating problems for the neighborhood, then a subsequent decision on a new authorization may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not allow alcohol sales and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus, as conditioned, the use is anticipated to not degrade adjacent areas, properties, or the neighborhood.~~

9. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Venice Community Plan designates the property for Limited Industrial land uses with the corresponding zones of CM, MR1, M1, and Height District No. 1.

The property is within the area of the Los Angeles Coastal Transportation Corridor Specific Plan and the Venice Coastal Zone Specific Plan – Subarea: North Venice, Venice Canals Part I.

The subject property is planned and zoned for industrial uses, which allows for limited commercial uses including restaurant use. The conditional use authorization for the sale of a full line of alcoholic beverages for on-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have not been made herein.

The issue of alcoholic beverage sales is not specifically addressed in the Community Plan or Specific Plan text. In such cases, the Zoning Administrator must interpret the intent of the Plan. The use restaurant is in conformance with the plan objectives to encourage and maintain the vitality of local businesses within the community with respect to other properties, residents, and stakeholders in the area.

Given the scope of the conditions and limitations established herein in response to concerns raised by residents, the surrounding land uses will not be significantly impacted by the operation of the restaurant. The subject property is planned and zoned for light industrial and commercial uses. The project has been conditioned to limit their hours of operation from 7 a.m. to 10 p.m. (Sunday through Thursday) and 7 a.m. to 11 p.m. (Friday and Saturday).

ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

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

Main Street and Rose Avenue are home to many restaurants and entertainment venues that sell alcohol. An eight-unit apartment complex abuts the subject site to the north across the alleyway within the M1-1 Zone.

The applicant has proposed new hours of operation from 9 a.m. to 11 p.m. (Sunday through Thursday) and 9 a.m. to 1 a.m. (Friday and Saturday) to 7 a.m. to 10 p.m. (Sunday through Thursday) and 7 a.m. to 11 p.m. (Friday and Saturday). Additionally, the applicant has reduced the seating from 90 patrons to 60 patrons. The reduced hours and seating will lessen the burden on the surrounding property. Furthermore as part of the mitigation measures identified in ENV-2013-2592-MND, the applicant is required to incorporate noise attenuating features designed by a licensed acoustical sound engineer to assure that operation sounds shall be inaudible beyond the property line. Based upon the public testimony, amplified music has been restricted to the first floor of the establishment only.

~~This grant has placed numerous conditions on the request and not authorized uses of the property, which might create potential nuisances for the surrounding area. Such imposition of conditions, as well as the imposition of a five year term grant, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.~~

However, the sale and dispensing of a full line of alcoholic beverages will not benefit the community. As stated by Los Angeles Police Department, the immediate area has a high concentration of alcohol establishments and that granting another alcohol use would adversely impact the surrounding neighborhood. Also, testimony was supplied that highlighted the correlation between alcohol sales and crime.

The area's demand for parking far exceed the existing supply and the proposal to expand the existing restaurant, while providing a full line of alcohol beverages, will add to the parking demand and place an additional burden on the existing limited parking supply. The subject property was originally constructed without on-site parking and the absence of on-site required parking for the proposed restaurant will adversely affect the immediate neighborhood.

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**

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initiated for any use in the area.

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 2 on-sale and 2 off-sale licenses are allocated to Census Tract No. 2734.02. There are currently 12 on-site and 3 off-site licenses in this Census Tract.

The subject request for a new license will result in a license count above the allocated threshold. ~~However, this grant is approved for a limited term of five years which allows for a review of the grant in its entirety at the end of such term and of an evaluation of any impacts associated with any future potential increase in licenses within this census tract.~~

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 1412, which has jurisdiction over the subject property, a total of 539 crimes were reported in 2012, compared to the citywide average of 146 crimes and the high crime reporting district average of 176 crimes for the same period.

The crime rate numbers are higher than those rates identified for the citywide average and the district average. ~~A number of specific conditions have been incorporated into this action, which are targeted at safeguarding the community and providing for a reasonable operation. The requirement for the term grant will additionally insure that oversight is maintained if the applicant wants to obtain an approval to continue such sales upon the expiration of the term grant. The sale and dispensing of a full line of alcoholic beverages will not provide a benefit to the community. As stated by Los Angeles Police Department, the immediate area has a high concentration of alcohol establishments and allowing another alcohol establishment would not reduce the crime rate in the immediate neighborhood. Also, testimony was supplied that highlighted the correlation between alcohol sales and crime.~~

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 subject site:

- Multi-family residences
- Single-family residences
- St Clements Catholic Church
- Mishkon Tephilo Synagogue

The applicant understands the character of the neighborhood and is committed to help preserve such character through responsible service of alcohol in conjunction with the operation of the restaurant. The applicant has reduced the proposed hours of operation from 9 a.m. to 11 p.m. (Sunday through Thursday) and 9 a.m. to 1 a.m. (Friday and Saturday) to 7 a.m. to 10 p.m. (Sunday through Thursday) and 7 a.m. to 11 p.m. (Friday and Saturday). Additionally, the

applicant has reduced the seating from 90 patrons to 60 patrons. The reduced hours and seating will lessen the burden on the surrounding property. Furthermore as part of the mitigation measures identified in ENV-2013-2592-MND, the applicant is required to incorporate noise attenuating features designed by a license acoustical sound engineer to assure that operation sounds shall be inaudible beyond the property line. Based upon the public testimony, amplified music has been restricted to the first floor of the establishment only.

The site is located in a commercial area central to the active area of Venice where diversity amongst the uses is not uncommon. Overall, the subject location is situated in an area that is characterized by a mix of uses, including large multi-family buildings, retail/restaurant uses, auto uses, offices and light industrial uses. ~~This grant has placed numerous conditions on the proposed project. Such imposition of conditions, will make the use a more compatible and accountable neighbor to the surrounding and on-site uses than would otherwise be the case.~~ The sale and dispensing of a full line of alcoholic beverages will not benefit the community. As stated by Los Angeles Police Department, the immediate area has a high concentration of alcohol establishments and allowing another alcohol use could adversely impact the surrounding neighborhood. Also, testimony was supplied that highlighted the correlation between alcohol sales and crime. Therefore, the sale of a full line of alcoholic beverages for on-site consumption will ~~not~~ detrimentally affect the neighboring residential properties or other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

13. 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.
14. On September 30, 2013, a Mitigated Negative Declaration (ENV 2013-2592-MND) was prepared for the proposed project. 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 (and identified in this determination), 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 Planning Department in Room 750, 200 North Spring Street.

Inquiries regarding this matter shall be directed to Theodore L. Irving, Planning Staff for the Office of Zoning Administration at (213) 978-1366.