

**CALIFORNIA COASTAL COMMISSION**

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Filed: 5/11/2000  
49th Day: 6/29/2000  
180th Day: N/A  
Staff: CP-LB  
Staff Report: 5/24/2000  
Hearing Date: June 15, 2000  
Commission Action:

**RECORD PACKET COPY****Th7a****STAFF REPORT: APPEAL/SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Los Angeles

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-VEN-00-173

**APPLICANT:** Clabe Hartley

**AGENT:** N/A

**PROJECT LOCATION:** 30 Washington Boulevard, Venice, City of Los Angeles.

**PROJECT DESCRIPTION:** Construction, use and maintenance of a two-story, 3,800 square foot restaurant with second story open dining deck (with valet parking service and 120 off-site parking spaces proposed at Westside Leadership Magnet School, Los Angeles Unified School District).

**APPELLANT:** Coastal Commission Executive Director

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles Local Coastal Development Permit No. 99-009.
2. City of Los Angeles Conditional Use Permit, Zone Variance and Project Permit (Case No. ZA 99-0435).
3. Coastal Development Permit Application No. (not yet submitted) (Hartley).

**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 appeal has been filed for the following reason: The proposed project and the local coastal development permit raise significant issues with regards to the protection of the public parking supply necessary to support public access to Venice Beach and Venice Pier and conformance with Section 30252 of the Coastal Act. The motion to carry out the staff recommendation is on page seven.

**I. APPELLANT'S CONTENTIONS**

Local Coastal Development Permit No. 99-009 (Exhibit #4), approved by the Los Angeles Office of Zoning Administration on March 17, 2000, has been appealed by the Executive Director of the Coastal Commission because the proposed project and the local coastal development permit raise significant issues with regards to the protection of the public parking supply necessary to support public access to Venice Beach and Venice Pier, and conformance with Section 30252 of the Coastal Act.

The Executive Director's appeal contends that the City approval does not ensure that the applicant can provide adequate parking to meet the parking demands of the proposed restaurant. No on-site parking is required by the City permit or proposed by the applicant. Therefore, all required parking for the proposed project would be provided off-site. The City approval permits the applicant to implement a valet parking program that would store the parked vehicles at a Los Angeles Unified School District schoolyard located approximately 200 feet southeast of the proposed restaurant (Exhibit #2). The applicant's proposed agreement with the School District would allow valet parking on school grounds when school is not in session, but would prohibit all self-parking (non-valet). Additionally, the City permit requires the applicant to provide valet parking service only after 6:00 p.m.

Specifically, the grounds for the Executive Director's appeal are:

1. The City permit does not address the displacement of public on-street metered parking spaces for the necessary valet parking drop-off/pick-up station. The public on-street metered parking spaces provide beach and pier access parking.
2. The City permit does not identify or require a parking supply to meet the parking demands of the proposed restaurant when the school is not available for vehicle storage by the valets. Therefore, during school hours the proposed restaurant could generate a parking demand that would increase competition for on-street metered parking spaces and in the public beach parking lots that provide beach and pier access parking.
3. The City permit does not require a parking supply to meet the parking demands of the proposed restaurant before the hour of 6:00 p.m. Peak beach use and parking demand occurs prior to 6:00 p.m., especially on weekends. Therefore, prior to 6:00 p.m. the proposed restaurant could generate a parking demand that would increase competition for public parking spaces that support beach and pier access.
4. A City permit condition requires the provision of free validated self-parking for two-hours within 750 feet of the proposed restaurant, but the City permit does not identify the number of spaces or location of any self-parking facilities that would serve the demands of the proposed project.

5. The City permit does not ensure that the proposed off-site parking supply would be available for more than a two-year term. After two years the proposed restaurant may have no parking supply and could be dependent on on-street metered parking spaces and public beach parking lots that provide beach and pier access parking.

## II. LOCAL GOVERNMENT ACTION

On March 17, 2000, City of Los Angeles City Zoning Administrator Sarah Rodgers approved with conditions Local Coastal Development Permit No. 99-009 to permit the construction, use and maintenance of a two-story, 3,800 square foot restaurant with second story open dining deck on a presently vacant lot at 30 Washington Boulevard in North Venice (See Exhibits). The Zoning Administrator's public hearing on the matter was held on February 3, 2000 (Exhibit #4, ps.12-14).

The Zoning Administrator's approval (Case No. ZA 99-0435) also included the issuance of a Conditional Use Permit, Zone Variance and Project Permit (Exhibit #4). The Zone Variance would allow the applicant to provide the required parking for the proposed restaurant off-site within 750 feet of the property, and to secure the off-site parking by lease agreement in lieu of the required recorded covenant and agreement. The Conditional Use Permit would allow the applicant to sell alcoholic beverages at the proposed restaurant. The Project permit is required pursuant to the Venice Specific Plan (City Ordinance No. 172,897).

The City's conditions of approval include the following requirements and restrictions (See Exhibit 4, ps.2-9 for City conditions):

- Seating is limited to a total of 80 indoor and outdoor patron seats (Condition #12).
- Hours of restaurant operation limited to hours between 11:00 a.m. and 2:00 a.m. (Condition #13).
- A minimum of 78 parking spaces shall be maintained for the exclusive use of the restaurant at all times (Condition #29).
- The off-site parking lease shall be for a minimum term of 2 years (Condition #30).
- Valet parking shall be made available to customers from 6:00 p.m. to closing on all days that the restaurant is open for business, and shall not cost more than three dollars (Conditions #32 & 33).

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- Validated self-parking shall be offered free for two hours within 750 feet of the restaurant (Condition #36).
- Off-site parking shall be provided for all employees (Condition #39).
- Maximum building height is 35 feet (Condition #43).
- Water quality protections are required (Condition #51).
- Traffic mitigation fees are required (Condition #62).

The Zoning Administrator found that the proposed project would have no adverse impacts on public access, recreation, the marine environment, or environmentally sensitive habitat areas, and that the proposed development is in conformity with Chapter 3 of the California Coastal Act (Exhibit #4, p.20). The Zoning Administrator also found that the proposed project is consistent with the currently proposed Local Coastal Program (Venice Specific Plan) and Venice Community Plan, and therefore would not prejudice the ability of the City to prepare an LCP that is in conformance with Chapter 3 of the California Coastal Act (Exhibit #4, p.20).

The local appeal period for the Zoning Administrator's March 17, 2000 approval of Local Coastal Development Permit No. 99-009 expired on April 3, 2000 without any appeal being filed with the City. On April 13, 2000, the City Office of Zoning Administration issued the City's Notice of Final Local Action for Local Coastal Development Permit No. 99-009.

The City's Notice of Final Local Action was received in the South Coast District Office in Long Beach on April 17, 2000, and the Commission's required twenty working-day appeal period commenced. The Executive Director's appeal was filed on May 11, 2000. The Commission's twenty working-day appeal period ended on May 15, 2000. No other appeals were filed.

Because the proposed project is located in the City's and Commission's "Dual Permit Jurisdiction" area, the applicant is also required to submit a coastal development permit application to the Commission for the proposed development (See Section IV on page 6). The applicant's "dual permit" application has not yet been submitted.

The public hearings and actions for the de novo portion of this appeal and the necessary "dual permit" application will be combined and scheduled for concurrent action at a future Commission meeting.

### III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program, 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 order to exercise its option to issue coastal development permits in 1978.

Sections 13302-13319 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 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.

After a final local action on a coastal development permit, 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 (Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds substantial issue, the Commission holds a new public hearing to act on the coastal development permit as a de novo matter.

In this case, the City's Notice of Final Local Action was received in the South Coast District Office in Long Beach on April 17, 2000, and the appeal was filed on May 11, 2000. Section 30621 of the Coastal Act states that the appeal hearing must be scheduled within 49 days of the receipt of a valid appeal unless the applicant waives the 49-day requirement. The applicant does not wish to waive the 49-day requirement because he would like to obtain the necessary approvals and finish construction as soon as possible. The 49<sup>th</sup> day after May 11, 2000 is June 29, 2000. Therefore, this substantial issue hearing is within the 49-day requirement set forth by Section 30621 of the Coastal Act.

At this point, the Commission may decide that the appellant's contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands, or the Commission may find that a substantial issue exists with the action of the local government if it finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976. If the Commission finds substantial issue, then the hearing will be continued as a de novo permit request. Section 13321 specifies that de novo actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations.

#### IV. DUAL PERMIT AREA

The proposed development involves two separate types of coastal development permit jurisdictions. Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development which constitutes a major public works project or a major energy facility.

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 the development which receives a local coastal development permit also obtain a coastal development permit from the Coastal Commission. For projects in other areas, such as the Single Permit Jurisdiction area, the City of Los Angeles local coastal development permit is the only coastal development permit required.

The site of the proposed restaurant is located within three hundred feet of the inland extent of the beach. Furthermore, the proposed parking supply is located within three hundred feet of the mean high tide line of the Grand Canal, which is part of the sea (Exhibit #2). Therefore, the proposed project is located within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "Dual Permit Jurisdiction" area pursuant to Section 13307 of the California Code of Regulations.

In this case, if the Commission finds that a substantial issue exists in regards to the City's approval of the Local Coastal Development Permit No. 99-009, the subsequent de novo action for the proposed project will combine both the required local coastal development permit decision and the required Coastal Commission coastal development permit decision. The matter will not be referred back to the local government.

On the other hand, if the Commission finds that no substantial issue exists in regards to the City's approval of the local coastal development permit, then the Commission will act only on the required Coastal Commission coastal development permit as a separate agenda item. The applicant's "dual permit" application has not yet been submitted to the South Coast District office.

#### **V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a substantial issue exists with respect to the approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

**MOTION:** Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-VEN-00-173 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

#### **VI. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description**

The applicant proposes to construct a two-story, 3,800 square foot restaurant with second story open dining deck on a vacant 1,890 square foot lot in North Venice (See Exhibits). No on-site parking is proposed. Instead the applicant proposes to lease space from the Los Angeles Unified School District for a proposed valet parking program to park approximately 120 cars at the Westside Leadership Magnet School located approximately 200 feet southeast of the proposed restaurant (Exhibit #2).

The C2-1-0 zoned lot is situated on the south side of Washington Boulevard about one block inland from the Venice Pier (Exhibit #2). Washington Boulevard is a commercially zoned street lined with one and two-story restaurants, shops and cafes which cater to local residents and the thousands of coastal visitors who are attracted to Venice Beach. Both sides Washington Boulevard, where the proposed restaurant is located, are lined with metered diagonal public parking spaces. The Venice Pier public parking lot, administered by the Los Angeles County Department of Beaches and Harbors, is located on the south side of the pier at the end of Washington Boulevard (Exhibit #2).

**B. Factors to be Considered in Substantial Issue Analysis**

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has 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 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 does exist for the reasons set forth below.

**C. Substantial Issue Analysis**

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit 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. In this case, staff has recommended that a substantial issue does exist.

The Executive Director's appeal contends that the proposed project and the local coastal development permit raise significant issues with regards to the protection of the public parking supply necessary to support public access to Venice Beach and Venice Pier



because the City approval does not ensure that the applicant can provide adequate parking to meet the parking demands of the proposed restaurant.

Section 30252 of the Coastal Act states:

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

Specifically, 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. 99-009 because:

1. The City permit does not address the displacement of public on-street metered parking spaces for the necessary valet parking drop-off/pick-up station. The public on-street metered parking spaces provide beach and pier access parking.
2. The City permit does not identify or require a parking supply to meet the parking demands of the proposed restaurant when the school is not available for vehicle storage by the valets. Therefore, during school hours the proposed restaurant could generate a parking demand that would increase competition for on-street metered parking spaces and in the public beach parking lots that provide beach and pier access parking.
3. The City permit does not require a parking supply to meet the parking demands of the proposed restaurant before the hour of 6:00 p.m. Peak beach use and parking demand occurs prior to 6:00 p.m., especially on weekends. Therefore, prior to 6:00 p.m. the proposed restaurant could generate a parking demand that would increase competition for public parking spaces that support beach and pier access.
4. A City permit condition requires the provision of free validated self-parking for two-hours within 750 feet of the proposed restaurant, but the City permit

does not identify the number of spaces or location of any self-parking facilities that would serve the demands of the proposed project.

5. The City permit does not ensure that the proposed off-site parking supply would be available for more than a two-year term. After two years the proposed restaurant may have no parking supply and could be dependent on on-street metered parking spaces and public beach parking lots that provide beach and pier access parking.

The applicant's possible dependence on on-street metered parking spaces and public beach parking lots to meet the parking demands of the proposed restaurant would not be consistent with the Coastal Act requirements to protect public access to the lower-cost and free recreational opportunities provided by Venice Beach and Venice Pier.

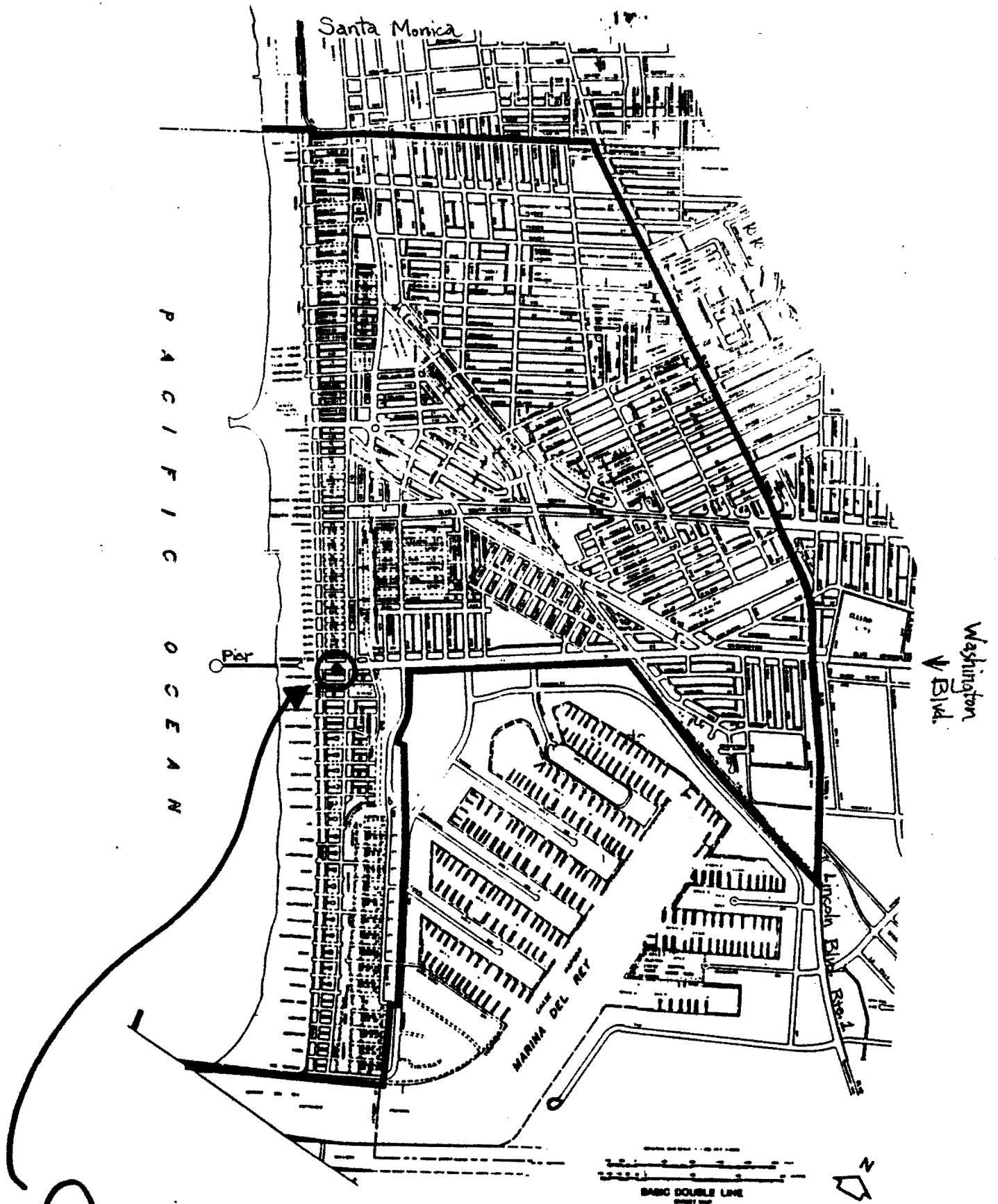
Section 30213 of the Coastal Act states:

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

The issue of whether the proposed restaurant can provide adequate parking for its patrons, for the life of the proposed use, without negatively impacting the public beach and pier access parking supply, is a very 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.

Because of the importance of the public access issue, the Commission has carefully reviewed projects like the proposed restaurant located one block from a popular coastal recreation area. 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 and the concurrent hearing for the necessary dual coastal development permit.

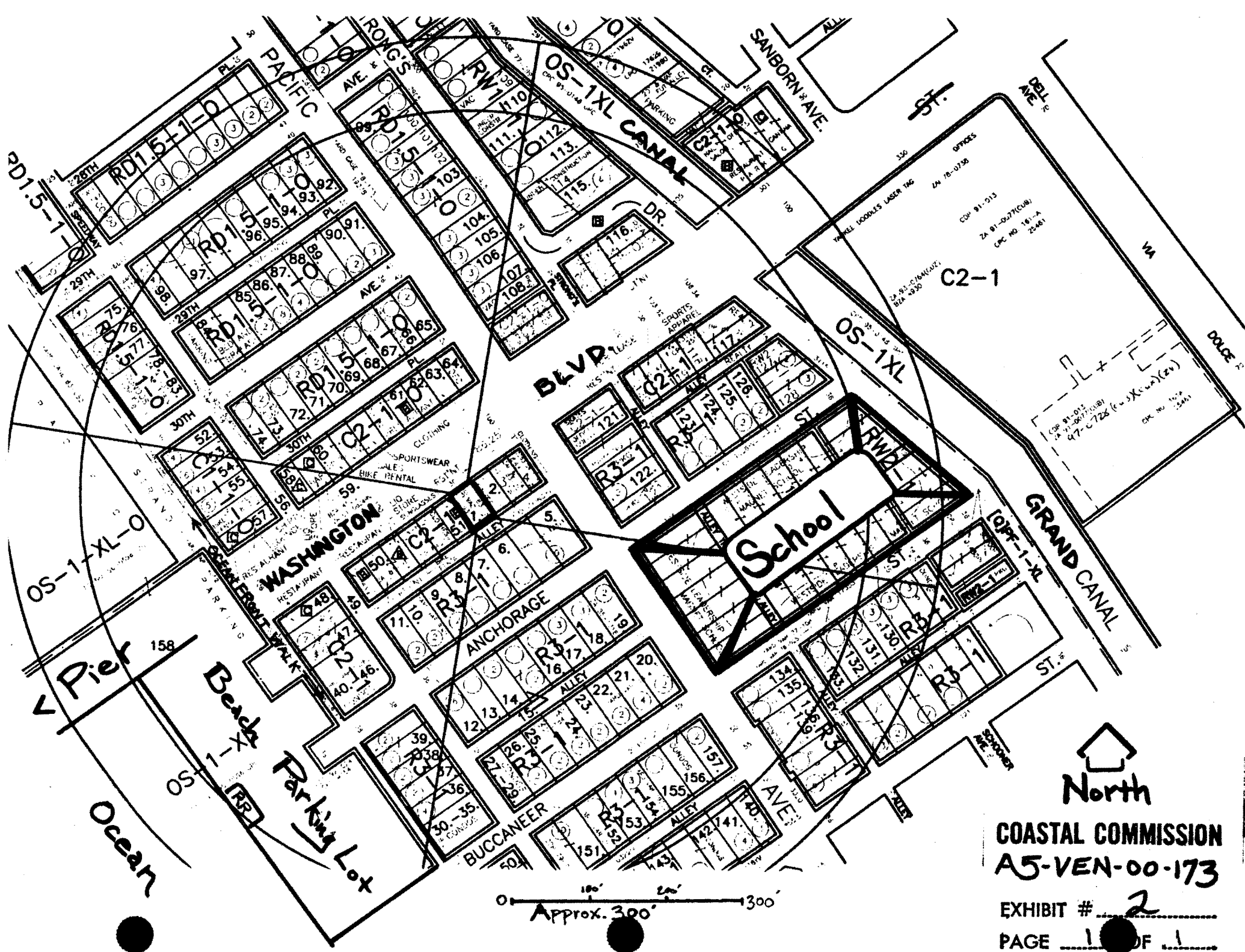
Therefore, the Commission finds that a substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit No. 99-009.



Site  
30 Washington Blvd.

VENICE COASTAL ZONE COASTAL COMMISSION  
A5-VEN-00-173

EXHIBIT # 1  
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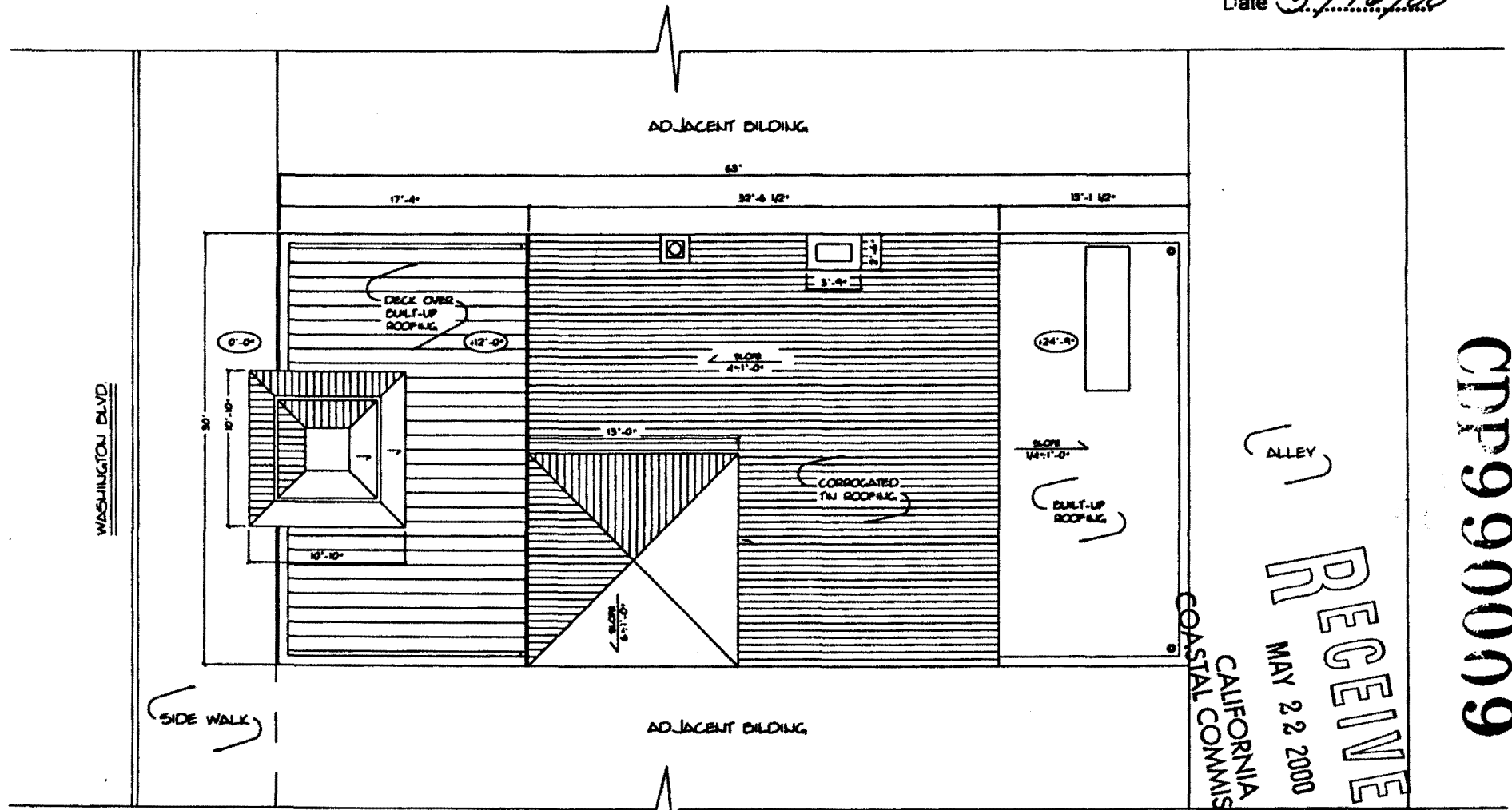
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EXHIBIT # 2  
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30 WASHINGTON BLVD.  
VENICE

SCALE  $\frac{3}{32}'' = 1'-0''$

PLANS APPROVED  
as required by

Case No. CDP 99-009/24  
Sarah E. Rodgers  
Sarah Rodgers  
ZONING ADMINISTRATOR  
CITY OF LOS ANGELES  
Date 5/16/00



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Site Plan  
30 Washington Blvd.

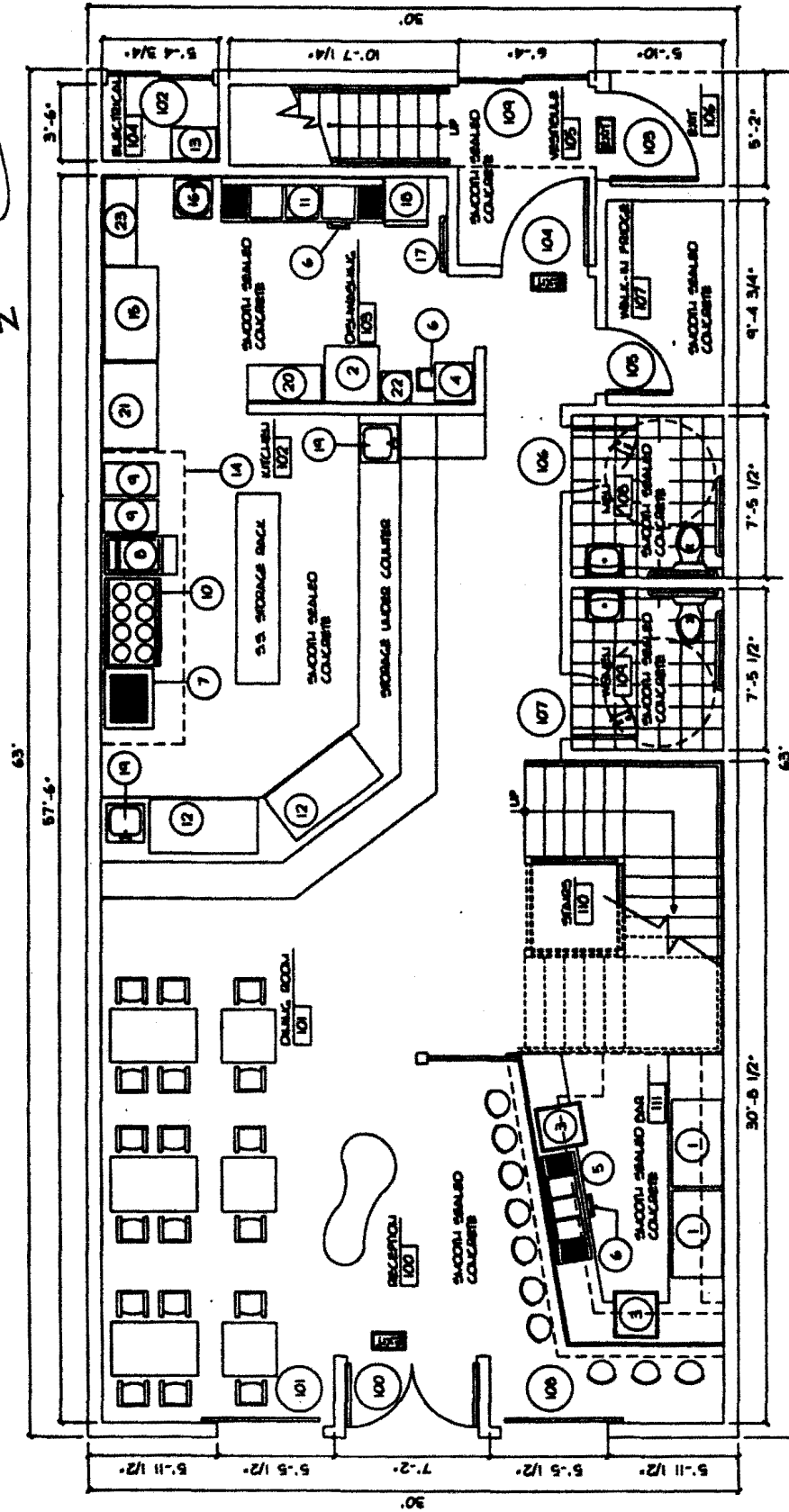
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EXHIBIT # 3  
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CAYENNE  
30 WASHINGTON BLVD.  
VENICE

GROUND FLOOR PLAN  
SCALE - 1" = 1'-0"

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MAY 22 2000

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A5-VEN-00-173  
EXHIBIT # 3  
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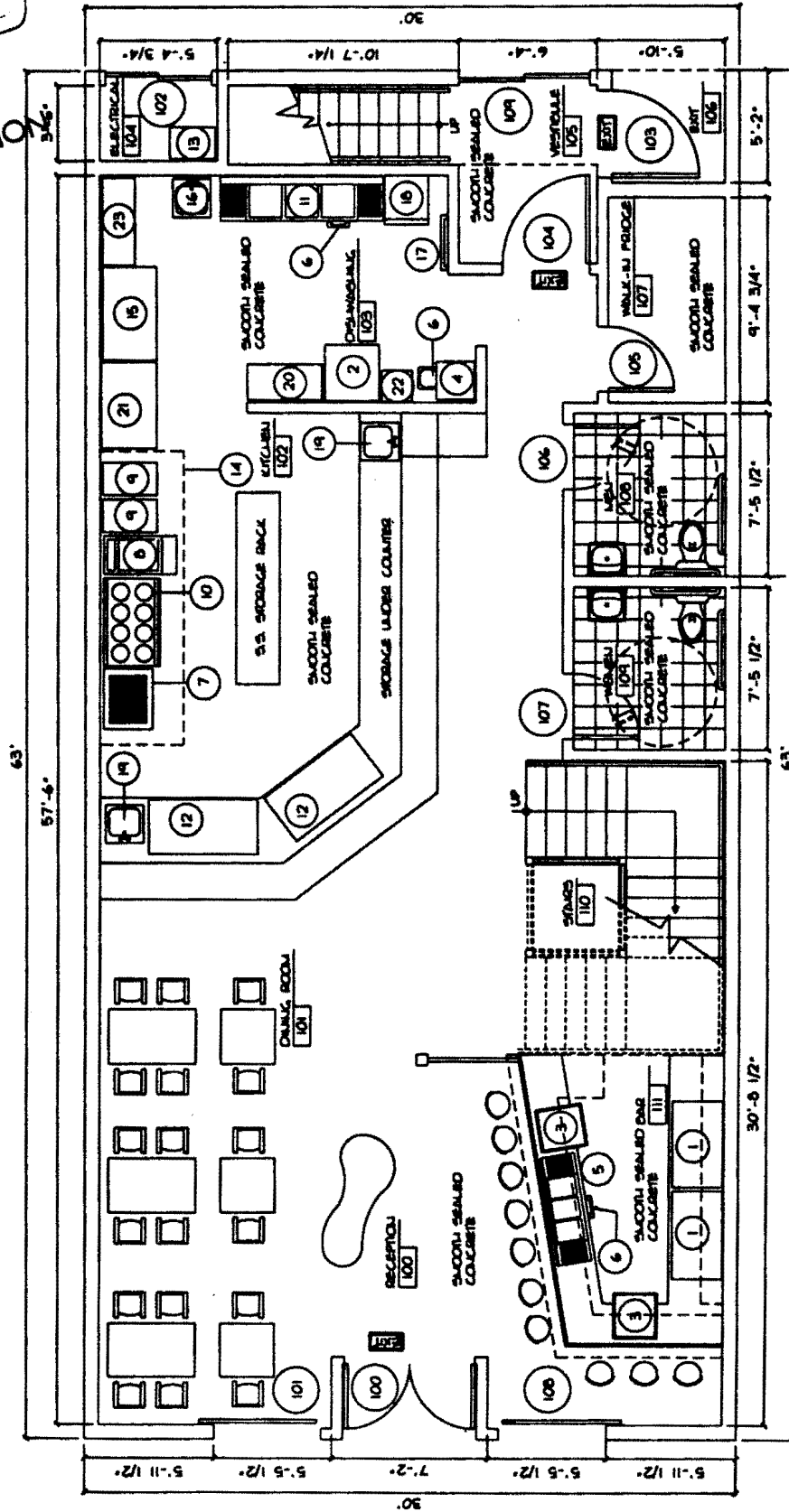
Ground Floor

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2<sup>nd</sup> Floor



CITY OF LOS ANGELES  
CALIFORNIA



DEPARTMENT OF  
CITY PLANNING  
CON HOWE  
DIRECTOR

FRANKLIN P. EBERHARD  
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MAYOR

APR 17 2000

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AS-VEN-00-173

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Bruno Bondanelli (R)  
6380 Wilshire Boulevard, #1110  
Los Angeles, CA 90048

Department of Building and Safety

CASE NOS. CDP 99-009 and  
ZA 99-0435(CUB)(ZV)(PP)  
COASTAL DEVELOPMENT PERMIT  
CONDITIONAL USE, ZONE VARIANCE  
AND PROJECT PERMIT  
30 Washington Boulevard  
Venice Planning Area  
Zone : C2-1  
D. M. : 103.5A145  
C. D. : 6  
CEQA : MND 99-0221-CUZ(SPE)(PP)  
(ZV)(CDP)  
Fish and Game: Exempt  
Legal Description: Lot 21, Block 25,  
Short Line Beach Tract

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

a Coastal Development Permit authorizing construction, use and maintenance of  
a two-story, 3,800 square-foot restaurant with second story open dining deck in  
the dual permit jurisdiction of the California Coastal Zone; and

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

a Project Permit pursuant to the provisions of Ordinance No. 172,897 (Venice  
Specific Plan); and

Pursuant to Los Angeles Municipal Code Section 12.24-C,42, I hereby APPROVE:

a conditional use to permit the sale and dispensing of alcoholic beverages for  
on-site consumption in conjunction with the proposed restaurant on the site; and

Pursuant to Los Angeles City Charter Section 98 and Municipal Code Section 12.27-  
B,1, I hereby APPROVE:

a variance from Section 12.26-E,5 to permit required parking for the restaurant to  
be located off-site within 750 feet of the property by lease agreement in lieu of  
the required recorded covenant and agreement,

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

EXHIBIT # 4

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upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. Any graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter subsequent to the Zoning Administrator's signature on the Planning Department sign-off form and mount it on the inside of the window of the subject site facing the street. The decal shall be visible at all times and mounted before the privileges granted herein are utilized.
6. No dancing or dance floor is permitted.
7. No separate bar or lounge is permitted.
8. Coin operated game machines, pool tables or similar game activities or equipment are not permitted.
9. Live entertainment is not permitted. No music shall be permitted on the outside deck area. None amplified background music may be provided on the interior of the facility strictly for the enjoyment of sit down meal service customers. Music and noise from inside the facility shall not be audible beyond the premises.
10. The premises shall be maintained as a bonafide eating place (restaurant) with an operational kitchen, and shall provide a menu containing an assortment of foods normally offered in such establishments. Food service shall be available at all times during normal operating hours.
11. The kitchen of the restaurant shall comply with the definition in Section 91.0403 of the Los Angeles Municipal Code.
12. Seating shall be limited to 80 patron seats in the interior dining area and on the outdoor deck.

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13. Hours of operation shall be limited to 11 a.m. to 2 a.m., daily.
14. No customers may be seated after the kitchen is closed.
15. The sale of alcoholic beverages is limited to a full line of alcoholic beverages. "Fortified" wine shall not be sold. [Volunteered by Applicant]
16. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of staff of the City Department of Building and Safety, Los Angeles Police Department and the Alcoholic Beverage Control Board (ABC) Department. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein and shall implement them as required.
17. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant. [Volunteered by applicant]
18. Within 180 days from the issuance or transfer of an ABC license to the subject location, the applicant shall contact the Central Traffic Division of the LAPD and schedule Designated Driver Program training for all employees who manage, supervise or dispense alcoholic beverages to patrons. This training shall be conducted for all new hires within 60 days of their employment. Confirmation of the initial training shall be submitted to the Zoning Administrator.
19. The premises shall not be used for private parties in which the general public is excluded.
20. The applicant shall not allow "Happy Hours" during which periods alcoholic beverages are sold on the premises at a discounted price. [Volunteered by applicant]
21. The applicant shall not sublet the premises for nightclub activity.
22. Signs shall be prominently posted in English that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
23. All outside trash containers on the property shall be enclosed and located so as to not result in noise or odor impacts on adjacent or nearby residential uses. Trash containers shall be equipped with rubber or plastic lids and rubber or plastic gaskets. Trash containers shall remain locked when the restaurant is not open to the public.
24. All trash containers and dumpsters shall be located on the subject property and under no circumstances shall trash containers or dumpsters be located within the abutting public sidewalks, street or alley.

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25. Trash pick-up and deliveries to the property shall occur only between the hours of 9 a.m. and 5 p.m., Monday through Friday, and 10 a.m. and 4 p.m., Saturday. There shall be no trash pick-up or deliveries to the site on Sunday or on legal holidays.
26. On-site signs shall be limited to the minimum necessary to identify the name of the business, multiple signs in the store windows and along the building walls are not permitted.
27. With the exception of a posted menu, there shall be no sign on the outside of the facility advertising the availability of alcoholic beverages [Volunteered by Applicant].
28. The exterior of the proposed building is to be constructed of high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces. [Envl]
29. The minimum of 78 parking spaces shall be maintained for the exclusive use of the subject facility at all times. Evidence of said exclusive agreement shall be provided by the applicant to the satisfaction of the Zoning Administrator.
30. The parking lease shall be for a term period of at least two (2) years. The lease agreement shall describe the nature of the parking facilities, the allocation of parking spaces and shall document that the required parking is available during the hours specified herein.
31. Any proposed termination or modification of the number of leased parking spaces relative to the above agreement shall be noticed to the Zoning Administrator at least 60 days prior to the effectuation of said modification or termination so that the Zoning Administrator can determine if parking is adequate to meet the conditions contained herein.
32. Valet parking service shall be made available to customers of the subject facility from at least from 6 p.m. to closing, on all days the restaurant is open for business.
33. Valet parking fees shall not be in excess of \$3.00 per vehicle and may increase not more than 10 percent annually.
34. A valet service agreement shall be maintained to the satisfaction of the Zoning Administrator. Such agreement shall indicate the location of the valet parking site(s) and the hours the valet service will be in effect.
35. No vehicles being valet parked shall be transported along the interior residential streets. A valet parking pick-up and route plan shall be executed and maintained to the satisfaction of the Zoning Administrator and the City Department of Transportation.

36. Validated self-parking shall also be offered free for a two-hour period within 750 feet of the subject facility.
37. Legible, readily visible notice of the availability and location of the validated off-site parking shall be noted on all restaurant menus, at the cash register and in all restaurant advertising.
38. Signs shall be conspicuously posted both inside and outside the subject facility advising patrons of the availability and location of off-site parking, to the satisfaction of the Zoning Administrator
39. Off-site parking shall be provided for all employees.
40. There shall be no employee or valet parking on any residential streets in the area and there shall be no valet vehicle stacking on any adjacent street or in the alleyways.
41. The applicant shall ensure that no car alarms are set on vehicles parked on the remote school parking lot.
42. The restaurant operator shall take appropriate actions to prevent and discourage loitering on the restaurant property and on the off-site parking area at either location.
43. The two-story building on the site shall not exceed a maximum height of 35 feet as measured from the centerline of the street and alley at midpoint of the lot frontage.
44. The project shall comply with all applicable Commercial Design Standards stipulated in Section 9 of the adopted Venice Specific Plan (Ordinance No. 172,897).
45. The applicant shall secure all required review and permits from the California Coastal Commission.
46. The applicant shall install air filtrations system(s) to reduce the diminished air quality effect on occupants of the project. [Envl]
47. Odor control measures such as filtered exhaust vents and stocks shall be used. [Envl]
48. No window openings are permitted along those sides of the buildings facing residential uses [Envl]
49. Prior to review of any plans and permits by the Zoning Administrator, building and floor plans shall be submitted to the Los Angeles City Fire Department for review and approval. All recommended fire prevention measures, including but

- not limited to interior fire sprinklers and fire alarms and access, shall be incorporated into building design and construction. [Envl]
50. An Emergency Response Plan shall be prepared to the satisfaction of the City Planning Department and the Fire Department. The Plan shall include but not be limited to mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals and fire departments. [Envl]
51. In order to address impacts which may result from the release of toxins into the stormwater drainage channels during the routine operation of the restaurant, the project shall at all times comply with Ordinance No. 172,176 to provide for Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMP's), including the following measures for food handling, storage and disposal:
- a. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
  - b. Cleaning of oily vents and equipment shall be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer's specifications.
  - c. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area properly connected sanitary sewer.
  - d. Reduce and recycle wastes, including oil and grease.
  - e. Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, or dikes. Use drip pans or absorbent materials whenever grease containers are emptied.
52. The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 154,405, unless a waiver from the provisions of the Plan is secured. [Envl]
53. No outdoor address or paging systems is permitted on the property. [Envl]
54. Lighting at the entrance of the facility and in the adjacent rear alley shall be sufficient to make easily discernable the conduct and appearance and to provide safety and security to any persons located therein. All exterior lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to

shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.

55. Street dedications and improvements and street lighting shall be provided to the satisfaction of the Bureau of Engineering.
56. Construction of tree wells and planting of street trees and parkway landscaping shall be provided to the satisfaction of the Bureau of Engineering.
57. Sewer and storm water drainage facilities shall be completed to the satisfaction of the City Engineer.
58. In order to mitigate potential grading and air quality impacts during project construction, the following shall be complied with:
  - a. During construction, exposed earth surfaces should be sprayed with water at least twice per day by the contractor to minimize dust generation.
  - b. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust by wind.
  - c. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
  - d. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - e. One flag person(s) shall be required at the job site at all times to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook".
59. To mitigate potential impacts from the generation of dust during excavation, grading and construction activities, construction areas shall be wetted at least twice per day, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403, and shall also include the following:
  - a. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 miles per hour), so as to prevent excessive amounts of dust.
  - b. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
  - c. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

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60. No construction crew vehicles or construction vehicles shall be parked in the alley. During all loading or unloading activities, the driver shall remain with the vehicles to move it if necessary.
61. In order to mitigate impacts from noise generated by construction equipment during grading and construction activities, the following measures shall be implemented:
  - a. 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.
  - b. Construction shall be restricted to the hours of 8 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 5 p.m. on Saturday.
  - c. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
  - d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
  - e. The project sponsor must comply with Noise Insulation Standards of title 24 of the California Code regulations which insure an acceptable interior noise environment.
62. In order to mitigate potential environmental impacts which may result from project implementation due to additional traffic generated in an area with an inadequate circulation system, the applicant shall comply with the following:
  - a. The applicant shall pay a trip fee, as required by the Department of Transportation (DOT) to a DOT fund for financing regional and local transportation improvements.
  - b. The project shall comply with the Coastal Transportation Corridor Specific Plan, Ordinance No. 168,199, to the satisfaction of the Department of Transportation. [Envl]
63. Prior to any project or permit review by the Zoning Administrator, the applicant shall secure review and approval of a parking and driveway plan that incorporates design features that reduce accidents and provides for emergency access to the satisfaction of the Bureau of Engineering and the Department of Transportation.
64. In order to mitigate potential environmental impacts from increased creation of additional solid waste as a result of project implementation, the applicant shall complete the following to the satisfaction of the Zoning Administrator:

- a. Institute a recycling program to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 50 percent reduction in the amount of waste going to landfills by the year 2000.
  - b. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material.
65. Page 1 of this grant and all conditions of approval shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety.
66. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a 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 - TIME EXTENSION**

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**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 that you advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.24-J,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of



this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor 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 such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. THE ZONING ADMINISTRATOR'S DETERMINATION IN THIS MATTER WILL BECOME EFFECTIVE AFTER APRIL 3, 2000, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. IT IS STRONGLY ADVISED THAT APPEALS BE FILED EARLY DURING THE APPEAL PERIOD AND IN PERSON SO THAT IMPERFECTIONS/ INCOMPLETENESS MAY BE CORRECTED BEFORE THE APPEAL PERIOD EXPIRES. ANY APPEAL MUST BE FILED ON THE PRESCRIBED FORMS, ACCOMPANIED BY THE REQUIRED FEE, A COPY OF THE ZONING ADMINISTRATOR'S ACTION, AND RECEIVED AND RECEIPTED AT A PUBLIC OFFICE OF THE DEPARTMENT OF CITY PLANNING ON OR BEFORE THE ABOVE DATE OR THE APPEAL WILL NOT BE ACCEPTED. SUCH OFFICES ARE LOCATED AT:

Figueroa Plaza  
201 North Figueroa Street; #300  
Los Angeles, CA 90012  
(213) 977-6083

6251 Van Nuys Boulevard  
First Floor  
Van Nuys, CA 91401  
(818) 756-8596

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

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

**NOTICE**

THE APPLICANT IS FURTHER ADVISED THAT ALL SUBSEQUENT CONTACT WITH THIS OFFICE REGARDING THIS DETERMINATION MUST BE WITH THE ZONING ADMINISTRATOR WHO ACTED ON THE CASE. THIS WOULD INCLUDE

CLARIFICATION, VERIFICATION OF CONDITION COMPLIANCE AND PLANS OR BUILDING PERMIT APPLICATIONS, ETC., AND SHALL BE ACCOMPLISHED BY APPOINTMENT ONLY, IN ORDER TO ASSURE THAT YOU RECEIVE SERVICE WITH A MINIMUM AMOUNT OF WAITING. YOU SHOULD ADVISE ANY CONSULTANT REPRESENTING YOU OF THIS REQUIREMENT AS WELL.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on February 3, 2000, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

### BACKGROUND

The subject property is a level, rectangular-shaped, interior, record lot, having a frontage of 30 feet on the south side of Washington Boulevard and a uniform depth of 63 feet. The subject site is vacant land.

Properties to the north across Washington Boulevard are zoned C2-1-0 and are developed with one-story commercial buildings occupied by a liquor store, a bar, a bike shop, a clothes store and restaurants.

Properties to the south across the alley are zoned R3-1 and are developed with two-story apartments.

Adjoining properties to the east of the subject property are zoned C2-1 and are developed with a two-story commercial building occupied by The Cow's End, a café and a clothes store selling Tee shirts.

Adjoining properties to the west of the subject property are zoned C2-1 and are developed with one- and two-story commercial buildings occupied by restaurants.

Washington Boulevard, adjoining the subject property to the north, is a designated Major Highway dedicated to a width of 100 feet and improved with curb, gutter and sidewalk.

Speedway, adjoining the subject property to the rear, is a through alley dedicated to a width of 20 feet and improved with asphalt pavement and concrete gutter in a poor state of repair.

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

Subject Property:

There are no relevant ZA or CPC cases on the subject property.

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Surrounding Properties:

Case No. ZA 98-0790(CUB) - On February 2, 1999, the Zoning Administrator approved a conditional use at 12 Washington Boulevard to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption.

Case No. ZA 98-0812(CUE) - On February 18, 1999, the Zoning Administrator approved a conditional use at 14-16 Washington Boulevard to permit the sale and dispensing of beer and wine for on-site consumption, in conjunction with an existing restaurant accommodating approximately 72 persons and having hours of operation from 7:30 a.m. to 11:30 p.m., seven days a week.

Case No. ZAI 83-011E - On February 22, 1983, the Zoning Administrator approved an exception at 14 and 16 Washington Boulevard to permit the sale of alcoholic beverages incidental to meal service.

Case No. ZAI 83-22E - On September 2, 1983, the Zoning Administrator approved an exception at 31 Washington Boulevard to permit the sale of alcoholic beverages incidental to meal service.

Case No. CDP 90-039 - On May 29, 1991, the Zoning Administrator approved a coastal development permit at 19, 21 and 23 Washington Boulevard to permit the renovation of two existing buildings.

Case No. ZA 91-0824(RV) - On November 14, 1991, the Zoning Administrator added additional conditions to the operation of a bar at 15 Washington Boulevard. Appealed to the Board of Zoning Appeals under BZA 4526. Denied February 5, 1992.

Case No. ZA 97-0364(CUB) - On August 13, 1997, the Zoning Administrator approved a conditional use at 123 Washington Boulevard to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,848 square-foot restaurant accommodating 60 persons in the C2-1-0 Zone.

Case No. CUX 82-287 - On December 1982, the Zoning Administrator denied a request to permit a game arcade with 75 machines at 34 Washington Boulevard.

The Zoning Administrator's public hearing on the matter was held on February 3, 2000. Nine persons provided testimony during the hearing, two being the applicant and property owner and the project architect and two representing the District Council Office. One business owner also spoke, expressing support for the project and several area residents expressed reservations or outlined issues related to the project.

Speaking in support of the project, the applicant indicated that he has been a resident and manager of a restaurant and coffee house on an adjacent property for more than 30 years, noting that the business was on the ground floor and that he and his family maintained a residence above. He spoke of his involvement with the local business

community and indicated that the proposed new restaurant will comprise a two-story structure with open deck overlooking Washington Boulevard and Venice Beach and would be unique to the area, specializing in Asian Fusion Cuisine. He indicated that he had reached an agreement with the administrators of the nearby Westside Leadership Magnet School located approximately 200 feet to the southeast to provide approximately 120 parking spaces on the school site during hours when classes are not in session to accommodate valet parking for patrons of his and other nearby businesses.

The project architect presented plans and a scale model of the project noting that the project height and scale would be compatible with surrounding development and with the provisions of the Venice Specific Plan, and that building materials and colors represent the spirit of the proposed cuisine and would be understated in nature. He also pointed to those design features such as an open stairwell and fixed windows along the southerly wall of the building which would aid in reducing any impacts of light and noise to occupants of the residential properties cross the 20-foot wide alley to the rear.

The owner of property directly adjacent to the applicant's existing restaurant testified that he had been on this segment of Washington Boulevard for approximately 27 years. He noted that through the efforts of the applicant, the Washington Boulevard Merchants Association had been started at approximately that time and that the applicant had been instrumental in bringing a number of improvements to the area since that time. He indicated that the involved property has been vacant for a substantial period of time and that the merchants are happy that the property is to be developed with a quality restaurant which would increase property values and add to the area as a regional attraction.

Representatives of the District Council Office also spoke in support of the applicant and the project. They noted that the project had been reviewed by the Venice Community Plan Advisory Committee (CPAC) as far back as 1997 and had received unanimous support at that time. They indicated that the project on a currently vacant and unkept parcel of land would be an improvement to the area and that the applicant's successful negotiations with the nearby public school would go far in relieving traffic and congestion in the area and provide much needed parking to serve the surrounding community.

A resident of property fronting Anchorage Street across the alley to the south of the subject property testified that although she was not opposed to the project in concept, she would ask that a number of conditions be imposed to address existing and anticipated issues concerning the development including:

- Conflicts between traffic and vehicles entering and exiting the garages on the residential properties and traffic generated by deliveries and parking for the new restaurant.
- The alley between the restaurant and her property is not currently maintained. The new restaurant would generate more trash and waste

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and residential properties would be impacted by odors and smells from the trash dumpster.

- The applicant's current restaurant dumpster is many times left well into the alleyway, bringing the odors closer to the residents and blocking access to residential garages.
- Lack of adequate lighting in the alley.
- Use of the alley by the applicant's valets to return to the site from the nearby parking area on the school property.

She also noted a number of potential impacts from noise and equipment during project construction.

Another resident of property on Anchorage who noted that he has lived at the location for approximately 18 months expressed concerns that employees of the applicant's existing restaurant dump liquids from the facility into the alley, turning it into a cesspool. He noted too the inadequate drainage in the alley behind the restaurant, unsanitary conditions which result from the dumping and also remarked that the dumpsters from the applicant's existing facility are many times left in the public portion of the alley. He urged the Zoning Administrator to limit hours of operation for the facility as well as the hours for deliveries to the property.

An occupant of residential property on Buccaneer Street opposite the school site expressed concern about the noise generated by 120 cars on the school property and from related car alarms going off in the late night or early morning hours. He also noted potential environmental impacts from vehicle oil and other contaminants to students utilizing the playing field during school hours.

In rebuttal to the testimony and concerns expressed in opposition to the project, the applicant again pointed to design features which will be incorporated into the project to address the impacts of noise and congestion on surrounding properties. He also reminded the Zoning Administrator that the 120 spaces being provided off-site are far in excess of those required for the subject facility and noted that the excess parking would benefit the operators of other retail establishments in the area as well as minimize on-street parking in the abutting residential community. He outlined the details of the valet service agreement and routes, indicating that the parking area would be accessed via Washington Boulevard to Strongs Drive round trip.

One letter in opposition to the request was faxed to the Zoning Administrator from a 15 year resident of the area who noted that the area is already impacted with restaurants serving alcoholic beverages and that it cannot handle 60 to 120 more intoxicated persons exiting the subject facility at 2 a.m. each morning.

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### **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-C of the Los Angeles Municipal Code. In order for a particular request to be authorized, certain designated findings have to be made. In certain cases, there are specific conditional use categories which have additional or unique findings only applicable to that specific use in lieu of the four standard findings for other conditional use categories.

### **CONDITIONAL USE FINDINGS**

In order for a conditional use, variance and coastal development permit to be approved the mandated findings delineated in Municipal Code Sections 12.24-C, 12.27-B and 12.20.2 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The proposed location will be desirable to the public convenience or welfare. The location is proper in relation to adjacent uses or the development of the community.**

The subject property is a level, vacant parcel of land located on the south side of Washington Boulevard between Pacific Avenue and the Ocean. Washington Boulevard in the involved area is a street of restaurants, cafes and coffee shops much patronized by local residents and by the thousands of visitors each day who are attracted to Venice Beach. The applicant, who has been a resident of the area and has owned and operated a restaurant on an adjacent parcel for approximately 30 years, proposes to develop the subject, substandard, infill parcel with a two-story restaurant with an open, second story dining deck overlooking the Washington Boulevard frontage.

According to information contained in the application and testimony during the Zoning Administrator's public hearing on the matter, the restaurant, to be named ZaZen, will specialize in Asian fusion cuisine and will provide a unique dining experience in this regional tourist area already populated with numerous oceanside cafes and dining establishments. The proposed building is two stories and approximately 33 feet in height as measured from the center line of the adjacent frontage street and is in keeping with other development in the immediate area.

As proposed, the proposed project will provide patrons and employees of nearby office and retail establishments, the many tourists and visitors to this popular beach community, as well as occupants of the surrounding single- and multi-family community with a more diverse choice of restaurants and eating establishments. Additionally, the site is located along a major commercial corridor surrounded by other retail uses. The restaurant itself is confined to a small, shallow commercial frontage along Washington Boulevard. In order to

provide sufficient parking to serve the proposed and other existing uses in the area, the applicant has entered into a parking lease agreement with the Administration of the nearby Westside Leadership Magnet School located east of Pacific Avenue between Anchorage and Buccaneer Streets. The lease agreement provides a minimum of 120 parking spaces to serve the patrons of the proposed and adjacent uses and the off-site parking will be reserved for valet staff only with no self-parking allowed.

According to the California Alcoholic Beverage Control licensing criteria, six on-site and five off-site licenses are allocated to the subject Census Tract No. 2742 and there are currently five on-site and one off-site license issued. Within 600 feet of the property there are seven on- and one off-site existing license. The proposed small restaurant offering alcoholic beverages to complement meal service, located along a major commercial corridor improved with similar and like facilities has the support of local elected officials and the business community and, in these circumstances, the use is deemed appropriate in this location.

**2. The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

As previously noted, the subject facility is located along a major commercial corridor improved with similar establishments. The nearest residential uses are located on Anchorage Street, to the south, behind an intervening alley. The restaurant entrance and all valet activities are oriented toward Washington Boulevard and away from the residences. Several persons residing in the area expressed concerns regarding various aspects of the proposed project during the public hearing. All raised issues relating to noise and congestion. Those residing on Anchorage Street closest to the subject property also raised issues regarding access to both sides of the common alley dividing the properties, lighting and security, as well as potential impacts during the construction phase of the project. A resident of Buccaneer Street noted noise impacts would be evident to residents living adjacent to the proposed off-site parking area bounded by Pacific Avenue, Anchorage Street, Buccaneer Street and Strongs Drive who would be impacted by late night noise from car engines, horns, beepers, alarms and tire squealing.

Conditions imposed by the Zoning Administrator or volunteered by the applicant prohibits live entertainment, dancing and any bar or lounge associated with the subject establishment. Such conditions should substantially minimize any potential for the character of the facility to be anything other than a bonafide restaurant. The service of alcoholic beverages would be strictly in association with the primary restaurant operation. Other conditions of approval have been imposed in order to mitigate construction impacts on the surrounding area and ensure site maintenance upon completion of the project. The Police Department, in a telephone conversation with the Planning Department Zoning Analyst indicated that they have no objection to the facility, the hours of operation or the service of alcoholic beverages.

Off-site parking will be provided on the grounds of an existing public school located approximately 200 feet southeasterly of the property in sufficient numbers to serve the subject facility and to provide additional parking to other businesses in this impacted area. Under the terms of approval, the applicant is further required to participate in the existing beach impact parking program established in the overall area.

3. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Venice Plans designate the subject property for Community Commercial uses corresponding to those permitted in the CR, C1.5, C2, C4, P and PB Zones. The issue of alcoholic beverage sales is not specifically addressed in the Plan Text. Given the content of the conditions and limitations imposed by the Zoning Administrator, it is consistent policy to grant the request as surrounding properties are reasonably protected from the predictable and plausible impacts.

The project also lies within the boundaries of the California Coastal Zone and the adopted Venice Specific Plan. Appropriate review under these legislative actions is also required under the conditions of approval.

4. **The location will not adversely affect the economic welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages.**

Based upon testimony during the public hearing and upon communications and documentation attached to the file, the proposed project will permit an infill development on a long-vacant, substandard property with an upscale facility affording a more diverse choice of restaurants and eating establishments to employees and patrons of existing businesses in the area, as well as to beach visitors and the occupants of the surrounding single- and multi-family residential community and would only contribute to the vitality of the surrounding district. I further find that the sale and dispensing of alcoholic beverages incidental to the primary use of the site as a restaurant would not detrimental affect the economic welfare of the surrounding community, nor would it result in an undue (detrimental) concentration of such uses.

#### **VARIANCE FINDINGS**

5. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The vast majority of the properties in the area were developed prior to enactment of current parking requirements and most remain substandard under today's code provisions. Additionally, the



subject property is one of the few remaining undeveloped parcels in the area and its substandard size, 30 feet wide by 63 feet in depth, make it difficult to develop the site with adequate open space to provide off-street parking to meet the existing requirements under the Municipal Code and the Coastal Guidelines applicable to the area. The applicant has made provisions through a lease agreement with a local public school to provide off-street parking during evening and weekend hours. The minimum 120 parking spaces being provided are far in excess of that required for the proposed development and the applicant has agreed to make any excess parking available to the abutting businesses, thus serving the applicant's needs and improving circulation and congestion in the general area by reducing the amount of on-street parking along busy Washington Boulevard and on nearby residential streets.

The parking is located one block to the southeast, within 200 feet of the site. Under the terms and conditions of this approval, the applicant is required to employ a valet service to facilitate the movement of vehicles from the restaurant to the offsite parking area throughout the dinner and nighttime hours that the facility is open for business. Self parking on the school property is strictly prohibited and the valet pick-up and drop-off area as well as the route is subject to review and approval by the Zoning Administrator and the City Department of Transportation. Conditions have been imposed to ensure the continued availability of the off-site parking and the applicant is required to notify the Zoning Administrator of any change or modification of the parking agreement.

In these circumstances, it would appear that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. All of the commercial properties along this segment of Washington Boulevard are substandard based upon current parking requirements and the applicant has entered into a lease agreement to provide more than twice the number of legally required parking spaces to serve the restaurant, an action which will also tend to relieve some of the congestion and on-street parking which was a major concern to the homeowners and residents during the public hearing. To require the property owner and applicant to accommodate the required number of parking spaces on the subject, substandard site would present an unnecessary hardship inconsistent with the purpose and intent of the zoning regulations, would eliminate all possibility to develop the involved long-vacant parcel and would prevent/impair the applicant from providing the types of services that are clearly in demand in the area in a manner similar to other properties along the Washington Boulevard commercial corridor.

6. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

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There are special circumstances applicable to the subject property that do not apply generally to other property in the same zone and throughout the City.

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These circumstances include its location and surroundings, within walking distance of one of the most popular beaches in the region, the pattern of development in the area with a lack of available open land to accommodate the required parking and the substandard size of the parcel, all of which make the request logical in that it would permit development of the subject long-vacant parcel with a development similar to others in the same zone and vicinity.

7. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but is denied to the subject property because of the practical difficulties and unnecessary hardships enumerated in Finding Nos. 5 and 6 above. Many of the properties along Washington Boulevard in the vicinity of the subject property are commercial zoned and developed in a manner similar to that of the proposed project. The City has previously allowed off-site parking to be provided by lease agreement where it is not possible to secure a covenant. The terms of the applicant's lease agreement with an adjacent public school guarantees provision of 120 parking spaces for the use of the patrons of the development on the subject site and conditions herein imposed require the applicant to post signs such availability.

8. **The granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The Zoning Code permits required parking to be provided off-site, within 750 feet by recorded agreement. In the instant case, the applicant will provide parking in excess of Code requirements by lease agreement on an adjacent property across Anchorage Street just southeasterly of the subject site. The parking will be facilitated by the applicant's valet along an approved route, thereby eliminating the need for patrons and employees of the facility on the applicant site to disturb the surrounding residential neighborhood. Conditions of this grant provide that in the event the off-site parking becomes unavailable, the applicant shall provide replacement parking to the satisfaction of the Zoning Administrator. Approval of the requested variance will permit the development of a long vacant parcel of land with an upscale establishment providing needed services and goods that are in demand in the community, in a manner provided on other adjacent properties and in a manner consistent with the special district sections of the adopted Wilshire Plan. In these circumstances, no detrimental impacts on adjacent uses is envisioned.

9. **The granting of the variance will not adversely affect any element of the General Plan.**

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The proposed project is in accordance with the spirit and intent of the General Plan which attempts to secure commercial and retail uses which serve the residential community and the economic well being of the area. The subject facility is located in an appropriate area of compatible commercial development in keeping with the goals and objectives of the General Plan.

**COASTAL DEVELOPMENT PERMIT FINDINGS**

**10. 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 provides that:

New 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 effect, either individually or cumulatively on coastal resources. In addition, land division, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The proposed project is permitted within the corresponding Commercial Plan and zone designation. Surrounding development includes both commercial and multi-family residential uses. The permitted zoning on the subject site allows for the proposed commercial building and, at this location, the proposed development can be accommodated by the existing infrastructure and as conditioned will be compatible with the surrounding development and will have no adverse effects on public access, recreation, the marine environment or environmentally sensitive habitat areas. Soil and geologic reports will be handled administratively through the Department of Building and Safety and the Bureau of Engineering, as appropriate.

**11. The development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program (LCP) that is in conformance with Chapter 3 of the California Coastal Act.**

The Venice Community Plan and the Specific Plan, as adopted, constitute the current Local Coastal Program for the community in which the project is located. The project conforms with all provisions of said Plan. Therefore, the proposed development does not prejudice the goals and objectives of the Venice

Community Plan for the ability of the City in preparing a more specific Local Coastal Program.

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

Such Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on request for coastal development permits pending adoption of an LCP. In this instance, the standards of the Venice Coastal Program Specific Plan concerning the following are relevant and are used in lieu of the Guidelines:

Height - The project is below the permitted height of 35 feet above the centerline of the frontage road. The project will meet this requirement.

Parking - A zone variance has been approved to provide 120 parking spaces off-site.

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

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

14. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone.**

The project site is not so located.

#### **PROJECT PERMIT FINDINGS**

15. **The project is compatible in scale and character with the existing neighborhood, as defined by the Coastal Commission Regional Interpretive Guidelines and that the Project would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The proposed project involves construction, use and maintenance of a two-story, approximately 3,800 square-foot restaurant on a substandard, approximately 1,890 square foot parcel of land in the C2-1 Zone. According to the plans and information contained in the file, the project will not exceed a maximum height of 33 feet. Surrounding properties, both residential and commercial are of a similar size and height. Condition have been imposed on the project sufficient to ensure that noise, lighting, traffic and project construction will not create a disturbance to the surrounding community .

16. **The project is consistent with the provisions of the General Plan and all applicable Specific Plans.**

The adopted Venice Community Plan designates the subject property for Community Commercial uses similar to those permitted in the CR, C1.5, C2, C4, P and PB Zones. The proposed project is consistent with Plan goals of providing commercial and retail uses which serve the residential community, as well as the regional clientele attracted to area beaches and which promote economic well being of the area. The project is also consistent with the provisions of the recently adopted Venice Specific Plan.

17. **The project is consistent with the goals of the California Coastal Act and the project will not prejudice the development, adoption or implementation of the Local Coastal Program in the Venice Coastal Zone.**

It is determined that the project is consistent with the goals of the California Coastal Act and with all applicable General Plan Elements, as well as with the adopted Specific Plan for the area.

18. **The project complies with all development requirements of this Specific Plan.**

As previously noted, the project is below the permitted height of 35 feet above the centerline of the frontage road and the abutting public alley and the 120 parking spaces being provided off-site through a lease agreement with a local public school far exceeds the 78 parking spaces required for the proposed development.

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

The proposed project involves construction, use and maintenance of a two-story restaurant on a vacant parcel in the California Coastal Zone. No housing is being developed or displaced as a result of project implementation.

20. **The 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).**

As noted above, no housing is being developed or displaced as a result of project implementation.

#### **ADDITIONAL MANDATORY FINDINGS**

21. **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**


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No. 154,405, have been reviewed and it has been determined that this project is located in Zone B, areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood. (Medium shading)

22. On December 15, 1999, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 99-0221-CUZ(SPE)(PP)(ZV)(CDP) (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby certify that action. The records upon which this decision is based are with the Environmental Review Section in Room 1500, 221 North Figueroa Street.
23. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

  
SARAH A. RODGERS  
Associate Zoning Administrator  
Direct Telephone No. (213) 580-5488

SAR:lmc

cc: Councilmember Ruth Galanter  
Sixth District  
Adjoining Property Owners  
County Assessor

COASTAL COMMISSION  
A5-VEN-00-173

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