

Vaughn, Shannon@Coastal

From: Kimberly Demarse <kimberlydemarse@yahoo.com>
Sent: Monday, February 06, 2017 7:01 AM
To: Vaughn, Shannon@Coastal; Hudson, Steve@Coastal; Posner, Chuck@Coastal
Cc: Ilana Marosi
Subject: SUBJECT: CASE#5-VEN-16-0046....320 SUNSET AVE, VENICE -- UPHOLD THE APPEAL

Good morning.

I am an appellant on the 320 Sunset Avenue, Venice, CA project (aka Gjusta).

Understanding Wednesday's appeal is primarily regarding the parking situation, I will stick to notes on parking.

I have been down this road before with another local business owner and it is still unbelievable to me that with the state this particular area of Venice is in - the traffic, the highest visited tourist beach, the NUMEROUS amounts of new businesses and residences, the insane number of alcohol permits (with people driving those cars under the influence) that Grandfather parking is considered fathomable and bicycle parking a solution!

20 Grandfathered in spaces for this establishment? How is that proactive parking? Camaj needs to have 14 physical spaces as you have stated and you are allowing him 20 grandfathered spaces? Essentially, his establishment really needs 34 spaces!

Regarding him renting out spaces... Camaj has stated on several occasions he has been in communications with the Venice Skills Center about renting spaces. I have met with the former Principal James Chacon in 2015 and his successor Principal Carl Badeau in 2016. Principal Chacon advised me that Camaj had rented a few spaces in the evening for a month or so in the winter of 2014. He stated nothing much ever came of it and he didn't renew. Principal Badeau stated Mr. Camaj never came to him about renting spaces. I have an email saying such.

Bicycle spaces - Yes, bicycle spaces are great... in the summer and spring. In the summer and spring, the bicycle racks are used. The other 6 or so months out of the year, people are not riding their bicycles. I live here. I know. Crowded racks are now empty racks... and who goes out at night with friends on their bicycles? People still drive cars. I live at 512 Rose Avenue - a few blocks from Gjusta - however; we have a Retail Parking Garage floor for Cafe Gratitude and Pono Burger where customers can be validated for parking. That garage floor is FULL 80% of the time. 100% PRIME TIME! How on earth are customers of Gjusta going to manage with 14 parking spots and let's forget about bicycle stalls, shall we?

This is how... and this is what is happening NOW... that section on Sunset is now the 405 Freeway. Cars just sit there as there is no place for them to go. Drivers circle and circle and circle the residential neighborhood trying to find a parking spot. Residents circle their own neighborhood trying to find a spot that is now being utilized for customer parking. Tourists can't find a spot anywhere. Locals KNOW not to drive on Rose Avenue or Sunset west of 4th Avenue because those two areas are so congested.

There is a metered parking lot across Main Street - 2 blocks from Gjusta. This parking lot is primarily used for beach parking. Not anymore. If you check out Venice Beach on Yelp, you will see multiple complaints about tourists not being able to park. For example:

1/25/2017

1 check-in

Venice Beach is poppin...but the parking situation isn't. We had to park blocks down passed the venice canal area (a great photo op). And I think we had to pay. Regardless, you should experience this place at least once in your life.

This is such common sense and I do not understand why the California Coastal Commission would be willing to further intensify the ramifications this establishment that has been operating in violation of his permit for two plus years any longer, yet alone permanently. We are a COASTAL community. We are not BEVERLY HILLS. We have a huge beautiful ocean people travel the world to see that is being inundated with people trying to make money off it but who have no respect for it. Surely you must have respect for our tourists, our locals, our environment, our ocean, and our beaches that you would not let a businessman who has been in violation for over 9 years of his CDP permit at Gjelina's on Abbot Kinney continue to administer bad business practices with only his pocketbook in mind. I don't condemn anyone for wanting to make money. I do condemn those who are shady, illegal, find loopholes, and have no respect or interest of the impact on the surrounding community. This was, after all, DENIED by the VNC and our Councilman Bonin also found the traffic and parking to be problematic in two letters to Zoning Administrator in 2014 and 2015.

In short, 14 spaces is not even half of what is needed to support the demand of this establishment.

Please feel free to contact me should you have any questions.

I apologize; however, I am unable to attend on Wednesday and give Ilana Marosi permission to speak on my behalf.

I know you have a difficult job and I do thank you for all of your hard work.

Much gratitude,
Kimmy Miller

Kimmy Miller
Venice, CA
c | 310 | 266 | 9059
h | 310 | 450 | 0180

CALIFORNIA COASTAL COMMISSION

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



W30a

ADDENDUM

February 3, 2017

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: Permit Application #**A-5-VEN-16-0059 (Fran Camaj)** for the Commission meeting of **February 8, 2017**.

I. Letter from the Applicant

The Commission received one letter from the applicant in response to the appellants' contentions. The letter is included herein.

II. Correction and Additional Information to the Staff Report

Commission staff recommends changes to the staff report dated January 27, 2017. Deleted language is shown in ~~strike through~~ and new language is in **bold, underlined italic**.

- A. On pages one and four of the staff report, **Ilana Marosi** shall be added as an appellant.
- B. On page 17 of the staff report, Special Condition 2 shall be amended as follows:

2. Parking Demand Management Plan (PDMP). PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a PDMP which shall, for the life of the approved development, carry-out the following:

- a) Provide and actively manage a minimum of 14 on-site vehicle parking spaces available at no cost to the customers and employees of the approved development,
- b) Provide a minimum of 12 on-site bicycle parking spaces available to customers and employees of the approved development,
- c) Provide free, secure bicycle storage for customers and employees who bring their own bicycles to the approved development,
- d) Provide an on-site parking attendant during all hours of operation of the restaurant to assist customers using tandem parking spaces,

e) Consistent with the applicant's proposal, educate employees about alternative modes of transportation and implement incentives to decrease the approved development's impact on local parking resources, including the provision of free public transportation passes to employees and/or reimbursements for public transportation fees for transportation to and from work.

f) *No public on-street parking spaces shall be affected or removed by this project (including, but not limited to, use of on-street parking for designated customer parking, valet service, or the designation of a loading/unloading zone without a new coastal development permit or an amendment to this coastal development permit.*

The required PDMP shall be implemented at all times consistent with the above-stated requirements and limitations. Any proposed change to the required PDMP shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.



CITY LAND USE

FOR EVERYTHING OUTSIDE THE BOX

Shannon Vaughn
Coastal Program Analyst
California Coastal Commission
200 OceanGate, 10th FL
Long Beach, CA 90802

Original sent January 9, 2017
Resent for posting to online public file: January 30, 2017

RE: LA City Case No.: ZA-2013-3376-CDP-CUB-SPP-1A
CEQA: ENV-2013-3377-MND-REC1
320 E. Sunset Avenue, Venice CA 90291

Shannon:

On April 19, 2016, the West Los Angeles Area Planning Commission (APC) approved Case No. ZA 2013-3376-CDP-CUB-SPP-1A a coastal development permit, conditional use and project compliance permit authorizing a change of use from a "4,116 net square-foot bakery with 559 net square feet of retail floor area to a maximum 5,744 square-foot sit-down restaurant and bakery including a maximum Service Floor Area of 717 square feet and 559 square feet of retail space. The project includes the construction of a one-story approximately 723 (net) square-foot addition to the rear of the existing 5,008 square-foot tenant space."¹

The proposed plan incorporates a commercial loading zone on Sunset Avenue; adjacent parking lot layout that satisfies the parking supply for the approved uses by code specific parking calculations as applicable with LAMC Code, Venice Local Coastal Plan (LUP), and Venice Specific Plan (SPP) provisions.

Overwhelming Local Community Support: *One thousand* residents living within walking distance to the project site and several area organizations submitted letters and postcards to the Mayor and Council office in support of the conditional use permit. **(Exhibit A, Community Letters of Support).**

Local Job Creation: Gjusta is part of the Gjeline Group that includes Gjeline restaurant, Gjusta, and G.T. A. The Gjeline Group employs approximately 323 full- and part-time staff, most of whom live within walking and biking distance to the project site. Employees are provided with an array of benefits inclusive of health care, meal plans, and alternate transportation incentives. In addition, Gjeline Group spends approximately two million

¹ LA City Case No. ZA 2013-3376-CDP-CUB-SPP-1A & ENV 2013-3377-MND-REC1, April 19 2016.

dollars per year on goods provided from the local economy. (**Exhibit B, Employee and Community Benefits**).

Zoning: The Venice Land Use Plan (LUP) designates the subject property for Limited Manufacturing land uses. The subject site is zoned M1-1 per LAMC code. The proposed change of use from bakery/retail to restaurant/bakery/retail is consistent with the property's zoning, and with the intent and purposes of the Land Use Plan and the Specific Plan, which are parts of the Venice Coastal Program.

Floor Area and Use: The use of the subject tenant space shall be limited to a 5,744 square-foot sit-down restaurant and bakery with a maximum approved Service Floor Area (SFA) of 717 (net) square feet including a maximum of 559 square feet of retail floor area. The revised floor plan includes a maximum of 22 interior counter seats and no more than 65 seats in the proposed addition. (**Exhibit C, 320 E. Sunset Ave (Gjusta) Site Plan/Floor Plan/ Enclosed Dining Area/ Parking Layout Plan Set**).

Height: Venice Coastal Development Projects in the Oakwood Subarea with a flat roofline shall not exceed a maximum height of 25 feet, 30 feet with a varied roofline, and 28 feet along Walk Streets. The tenant space has flat roof line with a height of approximately 13 feet with no change to the building. The addition of a one-story 723 (net) square-foot addition encloses the existing patio area at the rear of the tenant space. The maximum of the addition is fifteen feet. The single-story height of the existing tenant building and the enclosed dining area addition is well below the established height restrictions for this area.

Character: As conditioned, the restaurant's location, size, height, operations and other significant features are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety. The proposed restaurant use is consistent with the property's zoning and land use designation and its conformance with the Venice Coastal Zone Specific Plan as detailed below:

Policy 2-1 .5: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.

Policy 2-3.2: Preserve community character, scale and architectural diversity.

Policy 2-3.3: Improve safety and aesthetics of parking lots and structures in commercial areas.

The proposed project will enhance the existing commercial use located in a building constructed in the 1920's and, as such, is in conformance with the spirit and intent to promote the subject property and its immediate area with healthy and viable commercial activity. The adjoining properties to the north, east and west are zoned M1-1 and CM-1, and developed with one- and two-story light industrial and commercial uses.

As conditioned, the project is consistent with the General Plan, the Venice Community Plan, the Venice Coastal Zone Specific Plan, and the Los Angeles



Coastal Transportation Corridor Specific Plan.

Parking: Parking requirements stated in Parking Policy Section II.A.1.B of the Venice Local Coastal Zone Plan (LUP), Table 13.D of the Venice Specific Plan (SPP) whereby restaurants are required to provide one parking space per 50 square feet of Service Floor Area, including outdoor service areas.

- 1) The existing 4,116 square-foot bakery with 559 square feet of retail is an existing permitted use wherein the parking supply for that use is already satisfied under the conditions of its current Certificate of Occupancy and is not a part of this CDP determination.
- 2) For this CDP application, the proposed change of use to a restaurant/bakery/retail with a maximum of 717 square feet of interior and exterior dining service floor area (SFA) requires an additional 14 additional parking spaces ($717 \text{ SFA} / 50 = 14.34$ parking spaces).
- 3) The applicant is providing parking for restaurant patrons in the tied- lot parking lot adjacent to the building.
- 4) The parking plan provides 14 on-site vehicular parking spaces, with attended parking, and ten short-term and two long-term bicycle parking stalls. The bicycle parking stalls are not required to satisfy the parking requirement, but rather serve as complimentary alternative parking options for the establishment's patrons. **(Inclusive in Exhibit C).**

Transportation Demand Management Plan: A transportation management plan detailing the measures listed below have already been implemented by the applicant to offset employee parking demand:

- 1) Preferential hiring of employees who live within walking or biking distance. At present, approximately 50% of the current employees either walk or bike to work.
- 2) Incentives to encourage employees to utilize mass transportation.
- 3) The installation of ten short-term and two long-term bicycle parking stalls for use by patrons and staff to expand the existing bicycle parking offered.
- 4) An on-site parking attendant currently assists patrons with on-site and off-site parking during all hours of operation.

Employee Transportation Incentives:

- 5) Employees who require transportation to the establishment's location from their residences will be provided MTA passes, at company expense.
- 6) Public bus transportation is available within approximately 600 feet at the Main Street/Sunset Avenue Bus Station. This bus station constitutes a major transit stop as it is a site in proximity to the intersection of two or more major bus routes (Routes #1 and #33) that offer a frequency of pick-ups/stops at intervals of 15 minutes during peak commute periods. (BigBlueBus.net-metro.net).
- 7) Bus Route #1 provides transportation to UCLA with a stop off at the Santa Monica Transit station. The Santa Monica Transit Station provides light rail transportation to downtown LA.



- 8) Bus Route #33 provides bus transportation to Union Station in downtown Los Angeles with connections to light rail that service the greater Los Angeles area and beyond.
- 9) The applicant shall install ten short-term and two long-term bike parking stalls for complimentary use by patrons and staff as part of the effort to encourage alternative transportation modalities.

Sound Mitigation

- 1) There is no outdoor amplified recorded music.
- 2) Amplified interior ambient music is limited to background music at a low volume such that it is not audible beyond the interior of the building.
- 3) The Noise Impact Study & Recommendations Report (**Exhibit D, Steve Rogers Acoustics Report, February 26, 2015**) submitted by the applicant recommended that a noise attenuation system with 10-foot walls and a retractable roof system be installed to reduce potential noise that may emit from the outdoor patio dining area located in the rear of the building. The West LA APC approved the project's design to enclose the existing rear patio area (**Inclusive in Exhibit C**).
- 4) The addition of a full enclosure around the patio dining area adequately mitigates noise and impact concerns.

Exterior Lighting: Exterior lighting on the building is maintained to provide sufficient illumination of the immediate environment that render objects or persons clearly visible.

Bona Fide Restaurant Establishment: The current operations are as a bona fide retail and on-site bakery with an operating Kitchen that offers a menu containing an assortment of foods available during normal operating hours will now also serve the restaurant use on its premises.

Traffic Impact: LADOT required the preparation of a traffic study. On May 6, 2015, LADOT approved the traffic analysis prepared by Hirsch/Green Transportation Consulting, Inc., and determined that the proposed patron seating will not significantly impact any of the intersections studied and is compliant with the LACTC Specific Plan. (**Exhibit E, Traffic Assessment - Proposed High Turnover Restaurant- 320 E. Sunset Avenue, Department of Transportation, May 6, 2015**)

It is important to note that the traffic study prepared for the 320 Sunset Avenue project by Hirsch/Green Traffic Consultants on April 27, 2015 complies with LADOT's current Traffic Study Policies and Procedures (August 2014). Additionally, the scope of the study, including the assumptions related to the Project's potential trip generation levels, intersections and street segments analyzed in the study, "related projects" (cumulative development), and analysis methodologies were reviewed and approved by LADOT before preparation of the study. Further, LADOT thoroughly reviewed the final traffic study, and accepted the results and conclusions of the study, as indicated in their May 6, 2015 traffic assessment determination.

An appeal to the LADOT determination was filed on May 28, 2015 to the West LA Area Planning Commission. The commission held a hearing on July 15, 2015 to consider the



issues raised. The West Los Angeles Area Planning Commission denied the appeal by unanimous decision. **(Exhibit F, DOT CT313-101175, WLA APC Determination, July 21, 2015- Traffic Study approved).**

Environmental clearance under CEQA: In response to an appeal to the APC about the adequacy of the city issued MND, the Applicant opted to hire an environmental consultant to prepare a revised MND.

The revised MND recommended improvements upon the conditions associated with the entitlements granted by the Zoning Administration as follows:

- 1) Improvement to sound mitigation of the patio dining area to include the construction of a roofed enclosure around the dining area. The fully enclosed dining area replaced the outdoor patio dining area with sound wall approved by the Zoning Administrator.
- 2) The adjacent leased lot-tied parking lot layout with ingress and egress directly into and from the establishment to satisfy the on-site 14 space parking supply required by code.
- 3) The addition of ten short-term and two long-term bicycle parking stalls as complimentary alternative parking options for staff and patrons.
- 4) Ingress and egress from and to Sunset Avenue to replace the approved legal egress onto the rear alleyway.
- 5) An on-site parking attendant stationed during all hours of operation to facilitate movement of patron parking on and off-site and foster normal traffic flow on E Sunset Avenue.
- 6) A commercial loading zone in front of the bakery on Sunset Avenue.
- 7) The hours for commercial loading zones are Monday through Saturday from 7 a.m. to 4 p.m. After 4 p.m. and all day on Sunday the loading zone can be used for public parking.

On January 7, 2016, the revised MND was circulated for a 30-day comment period. On February 22, City Planning issued a written response to the MND comment letters submitted by Joyce Dillard, and Iliana Marosi. City Planning found that none of their comments raised a fair argument nor were supported by substantial evidence that a significant environmental impact would occur in relation to the project, particularly given the improvements noted above.

The Department of City Planning thereafter issued a Revised Mitigated Negative Declaration **(ENV-2013-3377 -MND-REC 1, December 28, 2015 – included with APC Determination Letter sent to Coastal)** that adopted the provisions provided by the applicant for the proposed project and found that the revised MND is consistent with the provisions of the California Environmental Quality Act (CEQA) and the City CEQA Guidelines. The revised MND was forwarded to the APC for its consideration.

On March 2, 2016, the APC conducted an appeal hearing which considered the appellant's objections to the revised MND. The applicant submitted a letter to the Commission that clarifies the adopted provisions of the revised MND. The CEQA arguments raised by the appellant were determined by the APC as moot given that those arguments were not applicable to the revised MND issued by the City Planning Department.



The APC adopted the project's revised MND and the associated Mitigation Monitoring and Reporting Program. As conditioned by the revised MND, the project does not conflict with any public access or public recreation policies of the Coastal Act.

Therefore, under the requirements of CEQA an appropriate environmental clearance was adopted by the City of LA in its granting of a permit for the project.

Stay of Compliance

Due to the appeal submitted to the Coastal Commission of the CDP determination granted by the West LA Area Planning Commission, the construction of the dining enclosure addition and implementation of mitigation measures cannot be completed while the approved use is under appeal. In such cases, the City of Los Angeles “stays” or suspends such requirements until the Determination issues. The City of Los Angeles saw fit to provide a local CDP to this business with the expectation that it would have the wherewithal to implement the conditions required under the local CDP. It is not the City’s intention to cripple the operations of this business by issuing citations or requirements to terminate uses afforded under its approved local CDP during this appeal process, particularly when this applicant will immediately undertake the work necessary to satisfy all conditions of the Coastal CDP.

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

The subject property is located on Sunset Avenue between Hampton Drive and 4th Avenue within the Oakwood-Millwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan. The property is a level 18,009 square-foot interior Parcel consisting of three tied lots zoned M1-1-0. The single-story 5,008 square foot tenant space occupies the middle lot. The tenant space is adjoined by an unrelated (commercial and office uses that are not part of the application) two-story square-foot commercial building constructed in 1926 on its east-facing side. To the West of the tenant space is its gated unstriped surface parking lot. The overall property has 150 feet of frontage on the south side of Sunset Avenue, a frontage of 150 feet on the north side of Alley No. 114, and a depth of 120 feet. The property is located within the single permit jurisdiction area of the Coastal Zone.

The tenant space on the middle lot comprises 5,008-gross square foot, one-story portion building with an approximately 955 square-foot rear yard adjacent to the alley. The tenant space is approximately 1/2 of the overall 10,008 gross square feet of the lot tied adjoined commercial building. The lot-tied adjoined commercial building and its approximate 955 square foot rear yard are unrelated to this CDP.

Gjusta Bakery is in the developed Venice neighborhood of Oakwood which is adequately served by commercial infrastructure. The proposed change of use to restaurant/bakery/retail is requested as an amenity for the existing customers who want to dine on-site. The only change proposed to the exterior of the building is the construction of the addition in the rear that will not be visible from Sunset Avenue. No deviations from the specific plan have been requested or approved. The subject property is planned and zoned



for industrial uses, which allows for limited commercial uses including restaurants and bakeries. The project will not result in any adverse effects on public access, recreation, public views, or the marine environment. 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.

As conditioned, the development will be in conformity with the Coastal Act.

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.

The LUP designates the property for Limited Industrial land use. The proposed coastal development permit to allow a restaurant/bakery/retail use located in a potentially historic industrial building constructed in the 1920's is consistent with the following LUP policies:

Policy I.C.4: Accessory retail use. On-site retail sale of goods produced in industrially designated lands that allows for bakeries and restaurant shall be encouraged.

Policies II. A. 3 and 4: Adequate off-street parking is provided for the intended uses

Policy I.F.1: Historic and Cultural Resources. The historical, architectural and cultural character of proposed project protects and restores the structure where appropriate, by historic preservation guidelines.

Policy I.F.2: Reuse and Renovation of Historic Structures. The proposed project adapts the existing structure to preserve the harmony and integrity of the building.

The project is not anticipated to prejudice the ability of the City to prepare a Local Coastal Plan.

3. The proposed project is guided by applicable decisions of the California Coastal Commission under Section 30625(c) of the California Public Resources Code.

The Coastal Commission has permitted the development of new restaurants in Venice conditioned upon a code compliant parking plan. The project's development is guided by the following decisions of the Coastal Commission: a permit for a change of use from a 1,462 square-foot market with commercial kitchen to a market with a kitchen and a 278 square-foot interior service floor area (A-VEN-5-13-1237), and the addition of 13,220 square feet of floor space in a 43,800-square foot office/industrial building (A VEN-5-14-0158).

4. 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, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.



By Sections 30210 and 30211 of the Coastal Act the proposed project shall not interfere with the public's right of access to the sea as the subject site is located at 320 Sunset Avenue approximately 0.31 miles inland from Venice Beach.

The award-winning bakery/retail establishment has been operating for over two years. The proposed sit-down restaurant will be an amenity for visitors, employees, and residents that will provide code compliant on-site parking for its patrons.

With Sincere Regards,

Laurette Healey

Laurette Healey,
Representative of Applicant

Cc: Resent by email with enclosures:

Chuck Posner
Steve Hudson
Fran Camaj
Daniel Freedman



EXHIBIT A

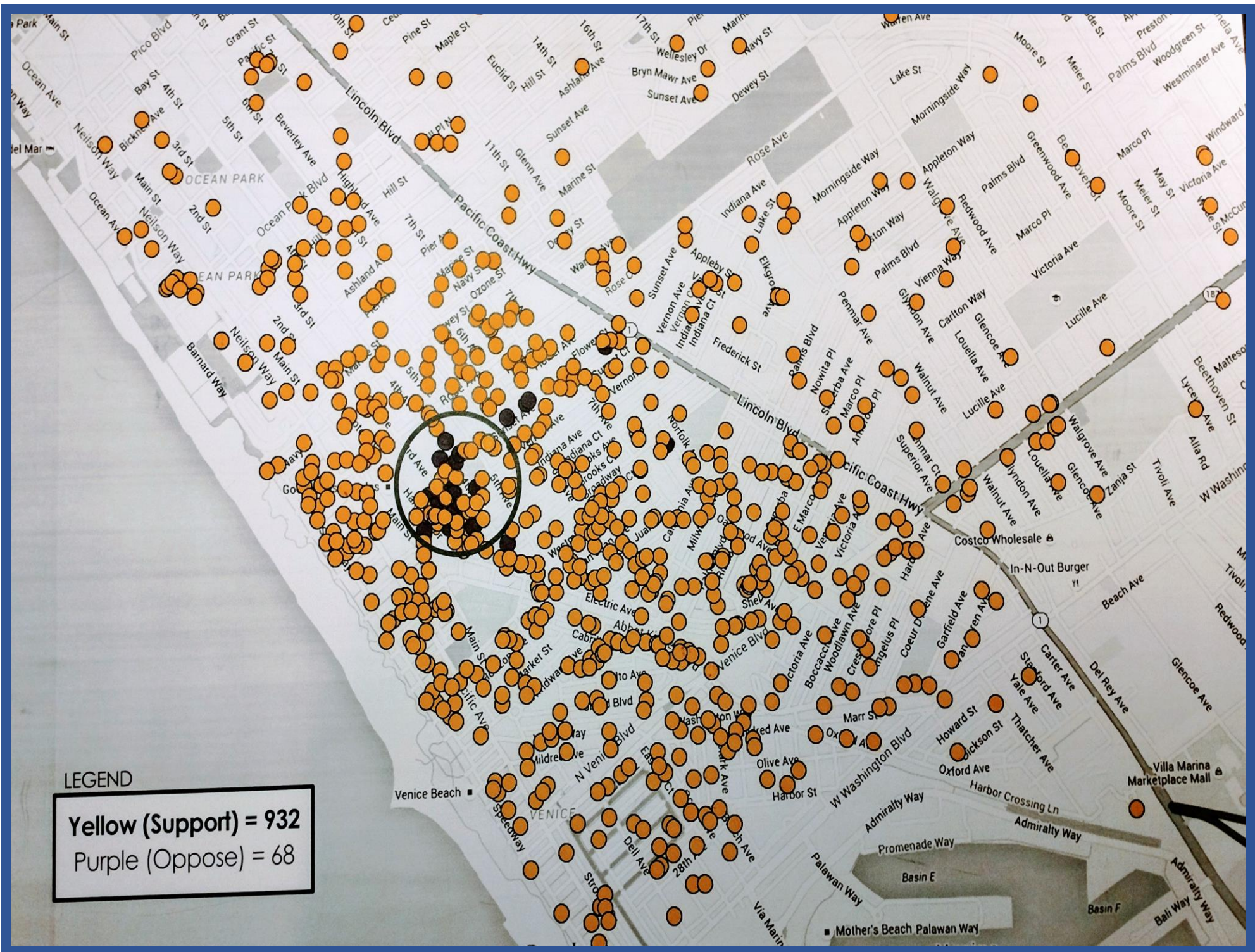
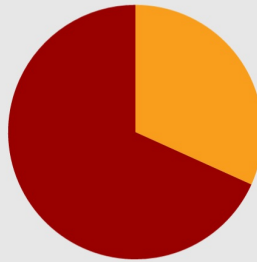


EXHIBIT B

GJELINA GROUP

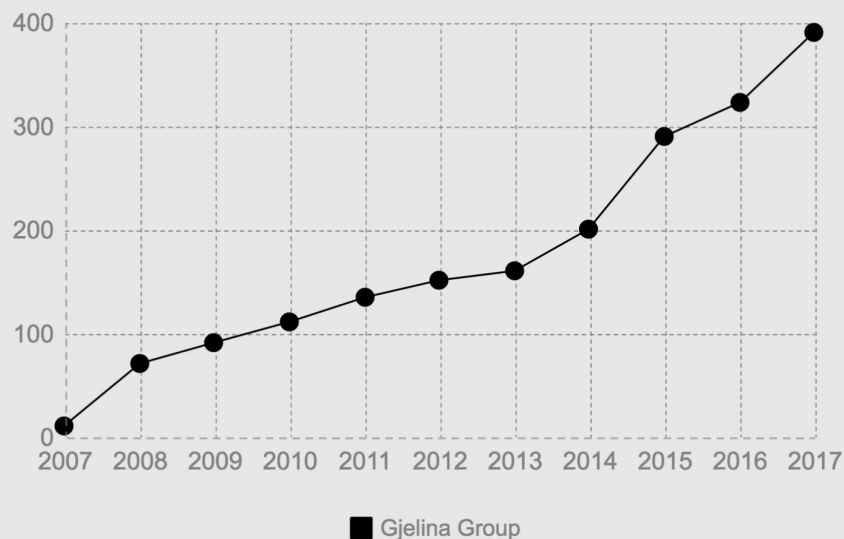
EMPLOYEE STATISTICS

323
CURRENT
FULL & PART-TIME
EMPLOYEES



■ Part Time (31.76%) ■ Full Time (68.24%)

JOB GROWTH



GJELINA GROUP

EMPLOYEE BENEFITS

HEALTH BENEFITS



**APPROX
\$402,000 / YEAR**

blue  of california

MEAL PROGRAM FOR EMPLOYEES

AVERAGE DAILY SPEND ON MEALS
FOR EMPLOYEES

\$496

AVERAGE YEARLY SPEND

\$181,040

METRO PASSES PROVIDED TO EMPLOYEES

**41%
OF OUR EMPLOYEES
RECEIVED AND USED
METRO PASSES IN 2015**



BICYCLE PROGRAM

**GJELINA GROUP INSTALLED
& MAINTAINS
14 BIKE RACKS &
2 LADOT BIKE CORRALS -
ALLOWING UP TO
68 BICYCLES TO BE SAFELY
LOCKED THROUGHOUT
VENICE**

GJELINA GROUP

#1 PURCHASER OF ORGANIC PRODUCE AT THE SANTA MONICA FARMER'S MARKET

PUDWILL BERRY FARMS, BILL'S BEES, HA'S APPLE FARM,
FLORA BELLA FARMS, WEISER FAMILY FARMS, WINDROSE
FARM...



PUDWILL BERRY FARMS



SANTA MONICA FARMER'S MARKET

2015
\$1,245,694

2016
\$1,406,713

ESTIMATED 2017 SANTA MONICA FARMER'S MARKET SPEND

\$1.8M

GJELINA GROUP

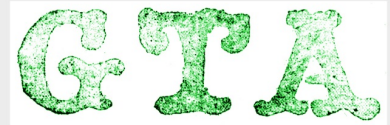
LOCAL SPENDING – LOS ANGELES VENDORS



LA SPECIALTY, INTERNATIONAL MARINE PRODUCTS,
PREMIER MEAT COMPANY, ROCKER BROTHERS, SHIITAKE
HAPPENS, GUIDI MARCELLO...



GJELINA



2016
\$2,808,605

2016
\$2,461,179

2016
\$1,589,325

2016 LOS ANGELES VENDOR SPEND TOTAL

\$6.8M

ESTIMATED 2017 LA VENDOR SPEND

\$7.2M



GJELINA GROUP TAX PAYMENTS



2016

GJELINA

GTA

Gjusta

BUSINESS TAX	\$100,740
PROPERTY TAX	\$88,815
PAYROLL TAX	\$983,297
SALES TAX	\$2,312,335

TOTAL \$3,485,187

ESTIMATED 2017 TAX PAYMENTS

GJELINA

Gjusta

GTA

\$4.2M

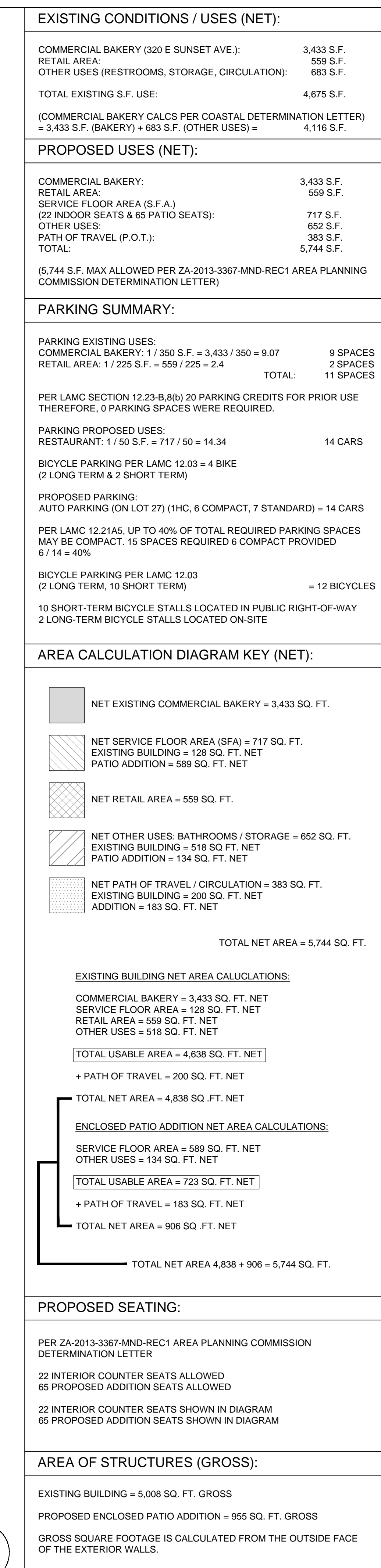
EXHIBIT C

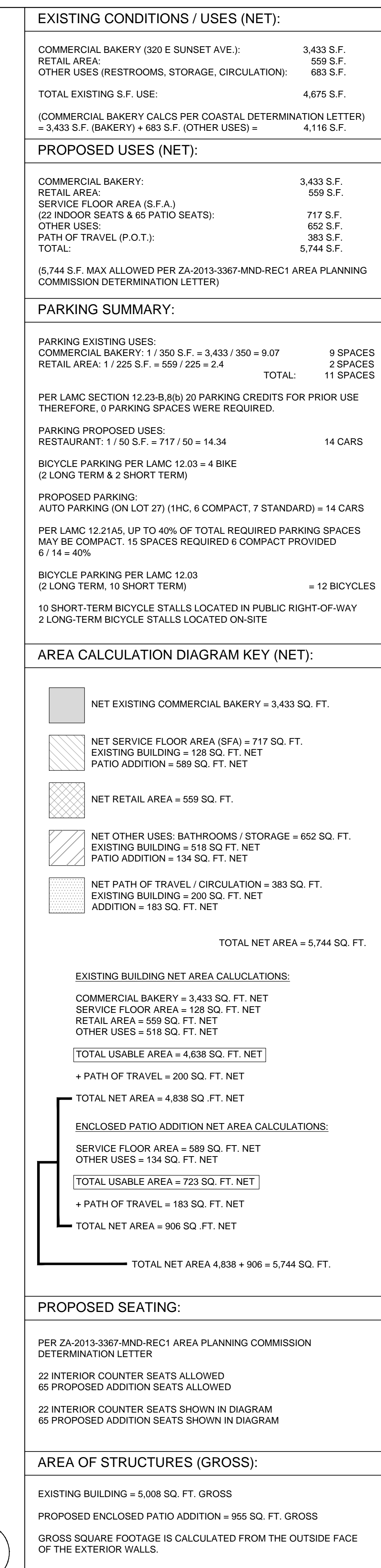
320 SUNSET AVE.
VENICE, CA 90291

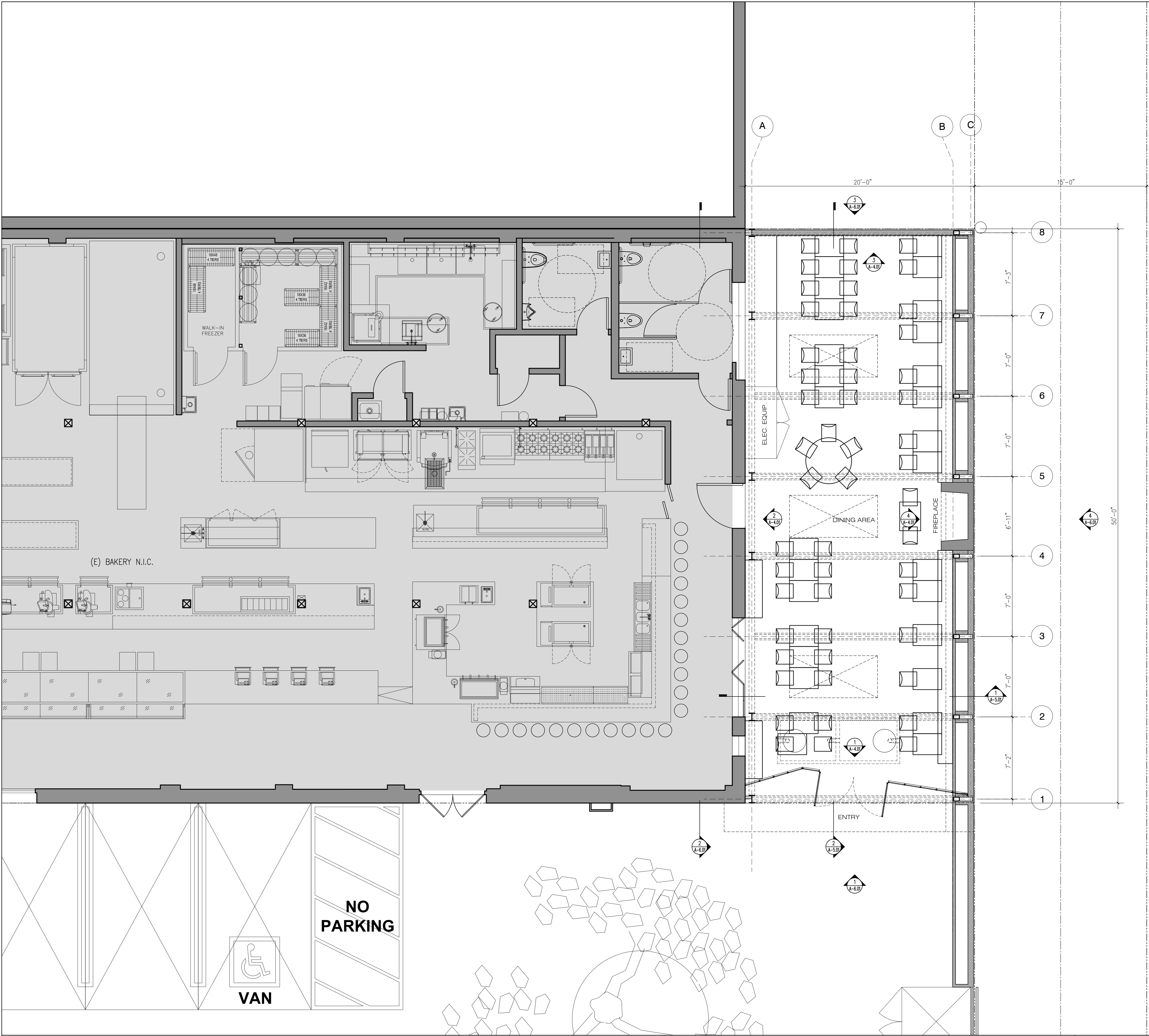
DRAWING SET
JAN. 09, 2017

[illegible]

01-09-2017	DRAWING SET
DATE	ISSUE/REVISION







WALL TYPE KEY	
	EXISTING WALL / PARTITION TO REMAIN
	NEW PARTITION

NOTES:	
①	-
②	-

CONSTRUCTION NOTES:	

01-09-2017	DRAWING SET
DATE	ISSUE/REVISION

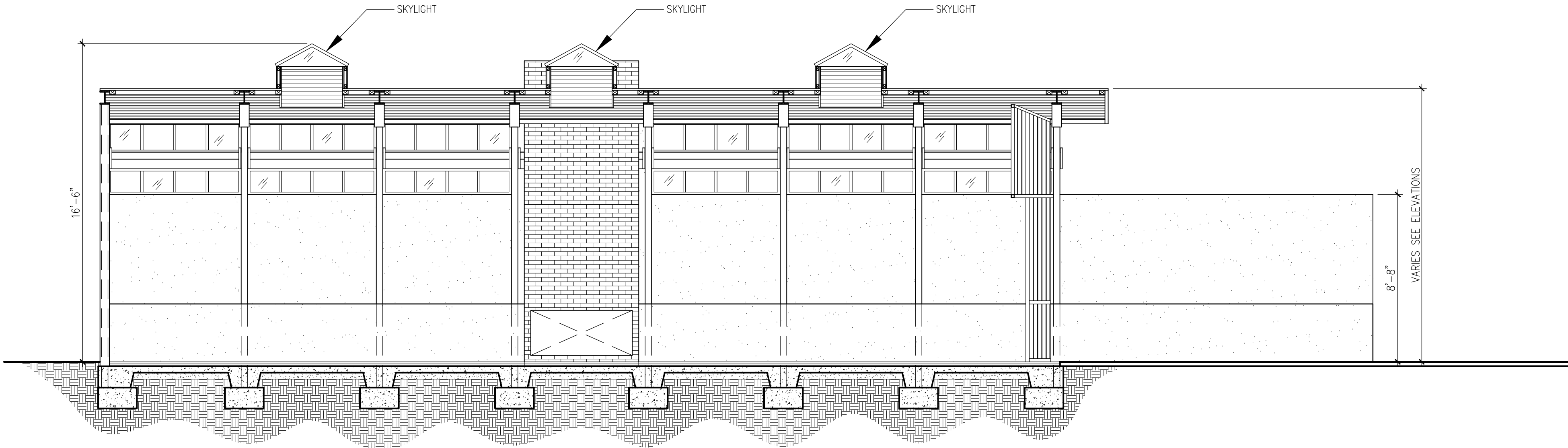


GJUSTA
320 SUNSET AVE. VENICE, CA 90291

GJELINA DESIGN GROUP 322 SUNSET AVE. VENICE, CA 90291 T: 646.270.3809
PROJECT DESIGNER ALEXANDER M LIBERMAN 322 SUNSET AVE. VENICE, CA 90291 T: 646.270.3809
ARCHITECT CAPITOLINE DESIGN 945 VALLECITO DR. VENTURA, CA 93001 T: 310.428.0867
STRUCTURAL ENGINEER MJM CONSULTING 1623 HAYWORTH AVE. LOS ANGELES, CA 90035 T: 323.931.9471
PROJECT DRAFTSMAN MIGUEL HEMAN 322 SUNSET AVE. VENICE, CA 90291 T: 646.270.3809

DRAWING TITLE:
GROUND LEVEL
FLOOR PLAN

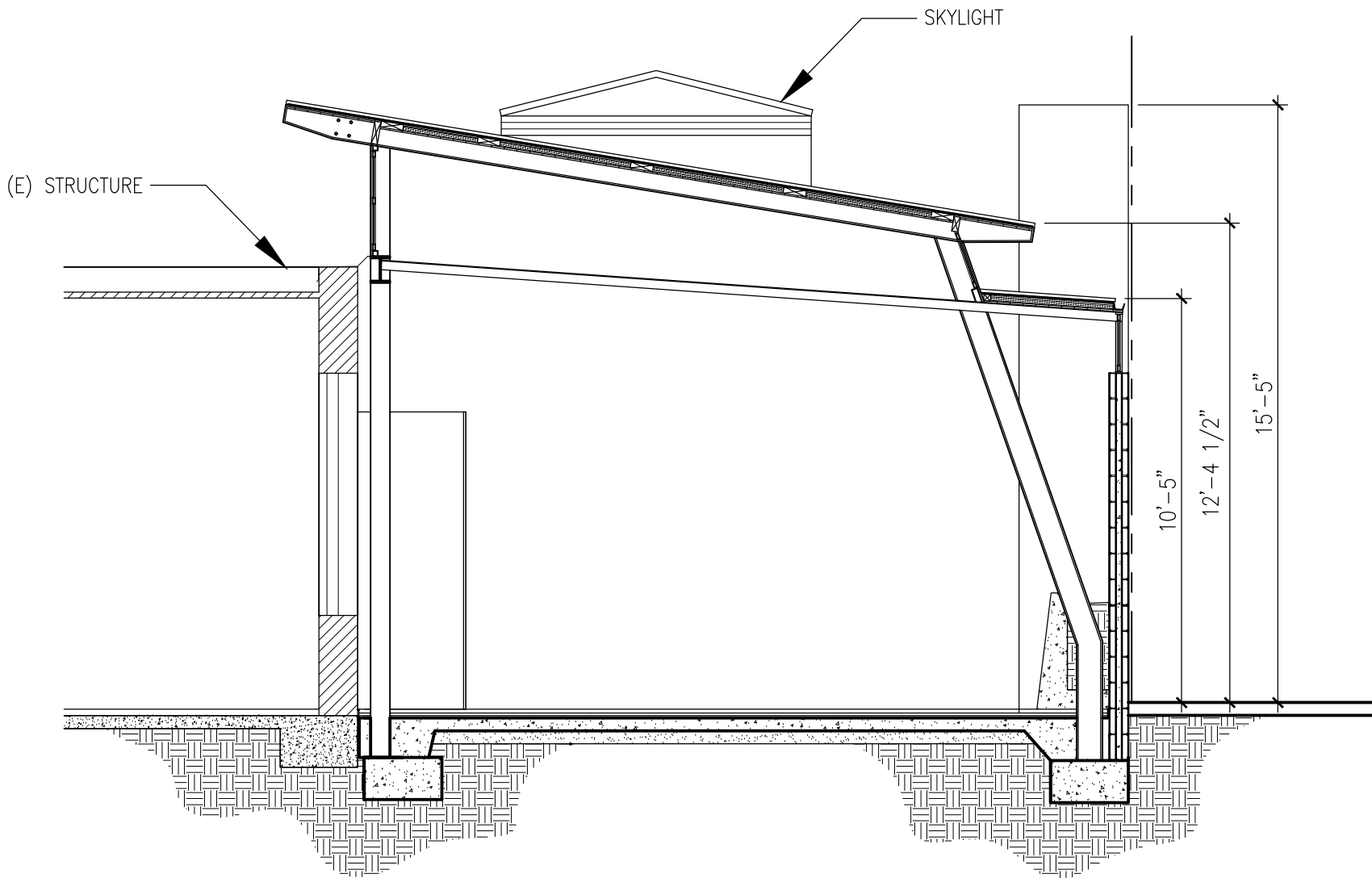
DRAWING NUMBER:
A-1.01



BUILDING SECTION

SCALE
1/4" = 1'-0"

2



BUILDING SECTION

SCALE
1/4" = 1'-0"

1

01-09-2017	DRAWING SET
DATE	ISSUE/REVISION



GJUSTA
320 SUNSET AVE. VENICE, CA 90291

GJELINA DESIGN GROUP 322 SUNSET AVE. VENICE, CA 90291 T: 646.270.3809
PROJECT DESIGNER ALEXANDER M. LIBERMAN 322 SUNSET AVE. VENICE, CA 90291 T: 646.270.3809
ARCHITECT CAPITOLINE DESIGN 945 VALLECITO DR. VENTURA, CA 93001 T: 310.428.0867
STRUCTURAL ENGINEER MJM CONSULTING 1623 HAYWORTH AVE. LOS ANGELES, CA 90035 T: 323.931.9471
PROJECT DRAFTMAN MIGUEL HEMAN 322 SUNSET AVE. VENICE, CA 90291 T: 646.270.3809

DRAWING TITLE:
BUILDING SECTIONS

DRAWING NUMBER:
A-5.01



SCALE
1/4" = 1'-0"

4



SCALE
1/4" = 1'-0"

3



SCALE
1/4" = 1'-0"

2



SCALE
1/4" = 1'-0"

1

01-09-2017	DRAWING SET
DATE	ISSUE/REVISION

GJELINA OPERATIONS

322 SUNSET AVENUE, VENICE, CA 90291

GJUSTA
320 SUNSET AVE. VENICE, CA 90291

GRIFFIN DESIGN GROUP

**322 SUNSET AVE.
VENICE, CA 90291
T: 646.270.3809**

PROJECT DESIGNER

**ALEXANDER M LIBERMAN
322 SUNSET AVE.
VENICE, CA 90291
T: 646.270.3809**

ARCHITECT
CAPITOLINE DESIGN
945 VALLECITO DR.
VENTURA, CA 93001
T: 310.428.0867

STRUCTURAL ENGINEER
MJM CONSULTING
1623 HAYWORTH AVE.
LOS ANGELES, CA 90035
T: 323.931.9471

PROJECT DRAFTMAN
MIGUEL HEMAN
322 SUNSET AVE.
VENICE, CA 90291
T: 646.270.3809

DRAWING TITLE:
EXTERIOR
ELEVATIONS

DRAWING NUMBER:

A-6.01

EXHIBIT D



February 26, 2015

Stephen Vitalich
Stephen Vitalich Architects
steve@svarchitects.net

Subject: **320 Sunset Avenue - New Dining Patio
Noise Impact Study & Recommendations**

Dear Steve:

We have completed a noise impact study of the dining patio proposed at 320 Sunset Avenue in Venice, CA. Here are our findings and recommendations:

NOISE SOURCES & APPLICABLE REGULATIONS

Our study has considered the two most significant sources of noise in an outdoor dining space, namely: diners' voices and amplified background music. We have evaluated each of these sources in the context of the noise regulations in Chapter XI of the City of Los Angeles Municipal Code (the "Code" hereafter).

The Code requires that noise impacts be determined by comparison with the following presumed minimum ambient noise levels:

Zone	Daytime (7AM - 10PM)	Nighttime (10PM - 7AM)
Residential	50 dBA	40 dBA
Commercial	60 dBA	55 dBA

The Code does not impose any specific regulations on the noise of people talking. So, for the purposes of our analysis, we propose the following threshold of significance for this aspect of the project:

A significant noise impact would occur if speech sounds from the dining patio result in an increase of more than 3 dBA in the presumed minimum ambient noise level at the neighboring properties.

Our reasoning is that a change of 3dBA is generally acknowledged as the point at which most people would begin to perceive an increase or decrease in noise level. This same rationale is used widely in environmental noise impact studies and is consistent with CEQA Guidelines.

The Code does provide specific regulations for amplified music and places further restrictions on noises which have a "repeated impulsive" character, such as a drum beat. Taken together, these regulations mean that amplified music is not allowed to cause any measurable elevation of ambient noise levels at the neighboring properties.

MITIGATION MEASURES IN THE PATIO DESIGN

We understand that the architectural design of the project includes the following features intended to shield the neighboring uses - particularly the residential properties - from dining patio noise:



- A solid, 10-foot high wall on three sides to completely surround the space (the southeast wall of the existing building will form the fourth side).
- Cantilevered roof elements that will be attached to the top of the wall and extend 5-feet into the patio space at a slight angle (approximately 10-degrees to the horizontal) on all sides.
- A retractable roof system.

NOISE IMPACT PREDICTIONS

The noise impact of the proposed dining patio has been predicted by 3D computer modeling using SoundPLAN software (www.soundplan.eu). The walls and cantilevered roof elements around the patio have been included in the model, because these will be permanent features of the project. The retractable roof system has not been included, because it is intended only for part-time use on an as-needed basis.

For speech sounds, the input to the model has assumed that there one person speaking per table at any one time, for a total of 18 simultaneous talkers - half male and half female. We have used data published by the US Environmental Protection Agency (EPA-600/1-77-025) for “raised” speech voice levels. For analysis of amplified music impact, the input to the model has been based on direct measurement of the background music sound levels in the existing Gjusta bakery space at 320 Sunset.

The results of our analysis are provided in the attached Tables 1 through 4. These findings concentrate on the facades of residential properties that are directly across the alleyway to the southeast of the project site - namely 319, 325 and 333 Vernon Avenue - because of the sensitivity of these receptors and their close proximity to the proposed dining patio. For each of the three buildings, we have considered two receptor heights: 6-feet and 16-feet, to represent noise incident on the first floor and second floor windows respectively.

We can draw three main conclusions from the analysis:

- The noise impact of diners talking on patio is less than significant during the daytime (i.e. until 10PM).
- After 10PM, the noise impact of diners talking on the patio becomes significant at the closest residential receptors because of the reduced ambient noise level.
- Amplified background music on the patio would not comply with the Code noise limits at the neighboring properties, day or night.

RECOMMENDATIONS

Based on our analysis, we have the following recommendations for the dining patio project:

- The construction of the walls and cantilevered roof elements around the patio should have a minimum surface density of 4lbs/ft², excluding framing (such as columns and beams).
- There should be no holes, gaps or openings in the walls and cantilevered roof. The emergency egress door to the parking lot should be normally closed.
- The retractable roof system element should be capable of covering the opening above the patio completely and should have a minimum surface density of 2lbs/ ft².
- There should be no amplified music on the patio - the project should therefore not include loudspeakers.



An additional measure that could be incorporated into the design to help further reduce noise impact would be the introduction of sound-absorptive surfaces within the patio enclosure. Options include "green wall" planting and perforated metal acoustical panels at the underside of the cantilevered roof elements.

We trust that this report is clear and sufficient for our present needs. As always, please feel free to contact us with any questions or comments.

Yours sincerely,

Steve Rogers Acoustics, LLC

Steve Rogers
Principal

SUMMARY OF SOUNDPLAN NOISE MODEL RESULTS

Table 1 - Predicted Noise Impact of Patio Diner Speech during the Daytime

Location	Receptor Height (ft)	Daytime (7AM - 10PM) Noise Level (Leq 15-minute, dBA)			Increase in Daytime Noise Level	Below Significance Threshold?
		Existing Ambient*	Predicted Diner Speech Noise Level	Ambient + Diner Speech Noise Level		
319 Vernon Avenue	6	50	41.1	50.5	0.5	YES
	16	50	45.7	51.4	1.4	YES
325 Vernon Avenue	6	50	44.2	51.0	1.0	YES
	16	50	49.8	52.9	2.9	YES
333 Vernon Avenue	6	50	39.2	50.3	0.3	YES
	16	50	43.2	50.8	0.8	YES

* Presumed minimum daytime ambient noise level for a Residential Zone per City of Los Angeles Municipal Code, Section 111.03

Table 2 - Predicted Noise Impact of Patio Diner Speech during the Nighttime

Location	Receptor Height (ft)	Nighttime (10PM- 7AM) Noise Level (Leq 15-minute, dBA)			Increase in Nighttime Noise Level	Below Significance Threshold?
		Existing Ambient*	Predicted Diner Speech Noise Level	Ambient + Diner Speech Noise Level		
319 Vernon Avenue	6	40	41.1	43.6	3.6	NO
	16	40	45.7	46.7	6.7	NO
325 Vernon Avenue	6	40	44.2	45.6	5.6	NO
	16	40	49.8	50.2	10.2	NO
333 Vernon Avenue	6	40	39.2	42.6	2.6	YES
	16	40	43.2	44.9	4.9	NO

* Presumed minimum nighttime ambient noise level for a Residential Zone per City of Los Angeles Municipal Code, Section 111.03



Table 3 - Predicted Noise Impact of Amplified Music on the Patio during the Daytime

Location	Receptor Height (ft)	Daytime (7AM - 10PM) Noise Level (Leq 15-minute, dBA)			Increase in Daytime Noise Level	Meets Code?
		Existing Ambient*	Predicted Music Noise Level	Ambient + Music Noise Level		
319 Vernon Avenue	6	50	48.1	52.2	2.2	NO
	16	50	53.5	55.1	5.1	NO
325 Vernon Avenue	6	50	52.0	54.1	4.1	NO
	16	50	57.4	58.1	8.1	NO
333 Vernon Avenue	6	50	47.2	51.8	1.8	NO
	16	50	50.1	53.1	3.1	NO

* Presumed minimum daytime ambient noise level for a Residential Zone per City of Los Angeles Municipal Code, Section 111.03

Table 4 - Predicted Noise Impact of Amplified Music on the Patio during the Nighttime

Location	Receptor Height (ft)	Nighttime (10PM- 7AM) Noise Level (Leq 15-minute, dBA)			Increase in Nighttime Noise Level	Meets Code?
		Existing Ambient*	Predicted Music Noise Level	Ambient + Music Noise Level		
319 Vernon Avenue	6	40	48.1	48.7	8.7	NO
	16	40	53.5	53.7	13.7	NO
325 Vernon Avenue	6	40	52.0	52.3	12.3	NO
	16	40	57.4	57.5	17.5	NO
333 Vernon Avenue	6	40	47.2	48.0	8.0	NO
	16	40	50.1	50.5	10.5	NO

* Presumed minimum nighttime ambient noise level for a Residential Zone per City of Los Angeles Municipal Code, Section 111.03

EXHIBIT E

CITY OF LOS ANGELES

CALIFORNIA

Seleta J. Reynolds
GENERAL MANAGER



ERIC GARCETTI
MAYOR

DEPARTMENT OF TRANSPORTATION

100 South Main Street, 10th Floor
Los Angeles, California 90012
(213) 972-8470
FAX (213) 972-8410

June 17, 2015

Concerned Neighbors of 320 Sunset
Attention: Ilana Marosi
338 Vernon Avenue
Venice, California 90291

Subject: **APPEAL OF THE TRAFFIC IMPACT ASSESSMENT FOR THE PROPOSED HIGH TURNOVER RESTAURANT LOCATED AT 320 SUNSET AVENUE**

Dear Ms. Marosi:

After a careful review of your appeal letter (dated May 28, 2015), permitted under the provisions of the Coastal Transportation Corridor Specific Plan (CTCSP), Ordinance No. 168999, it has been determined that the traffic impact assessment report issued by LADOT on May 6, 2015, has properly evaluated the potential traffic impacts of the proposed project and therefore your appeal is hereby denied. However, LADOT acknowledges that the concerns you have expressed regarding the project's site access and delivery truck activity are matters that still need to be properly addressed. LADOT will enforce these issues through the Site Access and Internal Circulation project requirement identified as item "F" in LADOT's traffic impact assessment report.

A summary listing of LADOT's responses to the various points cited in your appeal is attached along with a copy of the May 6, 2015 LADOT assessment letter and your appeal letter dated May 28th for reference. If you have any questions, please contact Eddie Guerrero at the LADOT West L.A. / Coastal Planning and Development Review Office at (213) 485-1062.

Sincerely,

Seleta J. Reynolds
General Manager

Attachments

c: Chris Robertson, Eleventh Council District
Jay Kim, Sean Haeri, Mo Blorfroshan, LADOT
Maya Zaitzevsky, LADCP

320 SUNSET E. SUNSET AVENUE PROJECT --- CONCERNED NEIGHBORS OF 320 SUNSET
SUMMARY OF LADOT RESPONSES TO APPEAL POINTS

- **1. LADOT has incorrectly reviewed the project as a bakery; the project is a high-turnover restaurant.**

Response: this assertion is incorrect. The entire (6,000 square foot) project was reviewed as a high-turnover restaurant as clearly indicated in the traffic study report (Table 2).

- **2. The previous tenant was not a normal office operation and therefore a lower existing use credit should have been used in the analysis.**

Response: the project is entitled to credit for the defined use because the previous use was reviewed assuming that it would be occupied by a normal office operation. However, even absent this credit the conclusion of the study would not be affected as the credits given were nominal [7 AM trips / 13 PM trips].

- **3. The intersections evaluated are not in the immediate vicinity of the project.**

Response: the basis for traffic impact analysis is to review of the nearest “signalized” intersections that could potentially be impacted by the project which were identified.

- **4. Local / Residential Impact was not fully addressed, particularly the four un-signalized intersections along Sunset Avenue between Main Street and 4th Avenue.**

Response: the report included a review of the Sunset Avenue residential link east of 4th Avenue which correctly concluded that no significant impact would occur at this link. To further confirm this conclusion, LADOT conducted an independent review of this location and identified the average daily traffic (ADT) for this link to be approximately 1200 – 1500 vehicles. Therefore the analysis presented in the study report is correct. As for the four intersections along Sunset Avenue, each of these locations is an un-signalized stop-sign controlled intersection with two of the locations (3rd/Sunset and Hampton Drive/Sunset) being entirely local intersections. The only time an un-signalized intersection is reviewed as part of a traffic impact analysis is if the combination of the intersection volume and the trips to be added to this intersection by the proposed project are likely to require signalization. This condition does not exist at any of these locations. To further underscore this determination, LADOT conducted an independent review of the largest of these four locations at Main Street and Sunset Avenue and confirmed that even this location would not warrant implementation of signalization (approximately 50% below the required peak hour warrant threshold for the Sunset Avenue approach).

- **5. Project will significantly impact Coastal Access especially at the signalized intersection of Main Street and Sunset Avenue.**

Response: As stated in the appeal, LADOT does recognize Sunset Avenue to be a primary coastal access link for the community and as such, has provided smart pedestrian warning devices (flashing beacons) at both Main Street and Pacific Avenue to address this need however, it should be noted that these are “warning devices”, not traffic signals and this distinction is important for two reasons. First, as noted previously, LADOT typically will only investigate a location for potential signal control when there is a known traffic level at the location that may warrant the need for a traffic signal and / or if a proposed project is projected to add a significant number of vehicle trips to the intersection. For this particular project, neither case is applicable. The known volume at this location does not warrant the need for a traffic signal nor does the number of trips projected to be added by the proposed project warrant the need for a signal. In response to this appeal LADOT conducted an on-site investigation of this location and confirmed that the current peak hour volume is approximately 50 vehicles at the Sunset Avenue

approach to Main Street (even with current restaurant trips) which is well below the 100 vehicle peak hour threshold that LADOT uses to consider applying traffic signal control and the nominal addition of the proposed projects trips (approximately 5 trips) would not change this condition. It is also worth noting that when LADOT was requested to consider the beach access issue at this location, it was determined then that a “warning device” was the appropriate measure to address the “coastal access” need because a) it is the optimal operation for facilitating both ped and vehicle traffic through this particular location and b) it maintains the stop controlled operation along Sunset which serves to deter other Venice area traffic from considering Sunset Avenue as a potential cut-through option. Therefore, as concluded in the previous discussion of the other Sunset Avenue locations identified in this appeal, including this location in the traffic impact analysis of this project is not warranted.

- **6. Project delivery trucks are un-safely operating in 3rd Avenue and Sunset Avenue travel lanes (double parking).**

Response: LADOT concurs with this concern and agrees that the project needs to provide an appropriate loading / un-loading zone at the project site. In concurrence with this determination, LADOT’s Western District Office has already prepared a traffic control report to facilitate the providing of a curbside loading / un-loading zone however, final resolution of this issue rest with the applicant who must obtain the appropriate Coastal Commission approvals to complete the process.

- **7. The Project parking scheme is in violation of the LAMC’s restriction on vehicles backing out into the public right-of-way.**

Response: LADOT concurs with this concern fully and has directed the project to correct this condition by providing egress to the project adjacent alleyway on the southside of the property.

- **8. The proposed project is in violation of the Venice Coastal Zone Specific Plan (VCZSP) Access and Density requirements and should be required to use the VCZSP Fast-food trip rate based on the take-out function of the Project**

Response: VCZSP Access issue is a duplicate of the concern expressed in the Coastal Access appeal already addressed above. The VCZSP Density concern is in regard to parking space requirements which LADOT does not set the requirements for. All high-turnover restaurants have a take-out component that is already factored in to the assigned rate but in addition to this assumption, both the study report and LADOT conducted field observations which confirmed that the activity of the proposed project is in direct alignment with the high-turnover trip rate definition which is why the project analysis was changed from bakery to high-turnover restaurant.

- **9. Project did not adhere to LADOT Traffic Study Policies and Procedures (June 2013) regarding residential impact analysis.**

Response: the purpose of the residential impact analysis is to identify potential cut-through traffic which this project does not have but, as previously noted, the project did conduct a review of the Sunset Avenue residential link east of the project site and correctly concluded that the project would not significantly impact this link.

- **10. Based on the various issues raised, it is the conclusion of this appeal that the project traffic impact study is inadequate and should therefore be redone.**

Response: each of the cited appeal points has been specifically addressed in this response and thus it is LADOT’s determination that no further analysis is needed.

CITY OF LOS ANGELES
INTER-DEPARTMENTAL MEMORANDUM

320 E. Sunset Avenue
DOT Case No. CTC13-101175

DATE: May 6, 2015

TO: Karen Hoo, City Planner
Department of City Planning

FROM: Eddie Guerrero, Transportation Engineer
Department of Transportation

SUBJECT: **TRAFFIC ASSESSMENT FOR THE PROPOSED HIGH TURNOVER RESTAURANT USE TO BE LOCATED AT 320 E. SUNSET AVENUE**

Pursuant to the Coastal Transportation Corridor Specific Plan (CTCSP) Ordinance No. 168,999, the Department of Transportation (DOT) has completed the traffic assessment of the proposed high-turnover restaurant project located at 320 E. Sunset Avenue. This traffic assessment is based on the traffic impact report prepared by Hirsch/Green Transportation Consulting, Inc., dated April 27, 2015. After a careful review of the pertinent data, DOT has determined that the traffic study adequately describes the project-related impacts of the proposed development.

PROJECT DESCRIPTION

The project site is an existing one-story building currently consisting of 4,737 gross square feet (SF). The proposed project will add an additional 1,263 square foot seating area bringing the total project square footage to 6,000 square feet. Although the property is currently permitted for bakery / retail use, the activity of the property more correctly aligns with the operation of a high-turnover restaurant. Therefore, the traffic impact analysis was conducted to reflect the full 6,000 square foot proposed project as high-turnover restaurant. The previous use of the property consisted of a 4,675 square foot office space which was replaced by the bakery / retail permit.

DISCUSSION AND FINDINGS

For traffic impact analysis purposes, the project is projected to generate a net increase of 597 daily trips, a net increase of 48 a.m. peak hour trips, and a net increase of 41 p.m. peak hour trips. The trip generation estimates are based on rates from Appendix "A" of the CTCSP, formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, 2012 and empirical data collected at the project site. The attached report Table 2, **Attachment A**, lists the trip generation results.

DOT has determined that the anticipated traffic generation of the proposed project will not significantly impact any of the intersections studied. The attached report Table 6 and Table 8, **Attachment B**, summarizes the volume-to-capacity (V/C) ratios and levels of service (LOS) at the study intersections.

PROJECT REQUIREMENTS

In response to the findings of the traffic impact study, DOT recommends that the following project requirements be adopted as conditions of project approval. Furthermore, these requirements must be completed and/or guaranteed prior to the issuance of any building permits for the proposed project.

A. Application Fee

Pursuant to Section 5.C.2.(b) of the CTCSP, the applicant is responsible for remitting payment to all applicable application / traffic study review fees as required. Applicant has submitted all appropriate application fees including the traffic study review fee which was submitted on April 30, 2015.

B. Covenant and Agreement

Pursuant to Section 5.B of the CTCSP, the owner(s) of the property must sign and record a Covenant and Agreement acknowledging the contents and limitations of the CTCSP in a form designed to run with the land.

C. Highway Dedication and Physical Street Improvements

Pursuant to Section 5.F of the CTCSP, and in order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. The applicant should check with the Bureau of Engineering (BOE) Land Development Group to determine the specific highway dedication, street widening and / or sidewalk requirements for this project. If applicable, requirements must be guaranteed prior to issuance of any building permit through the BOE B-permit process. All requirements must be constructed and completed prior to issuance of any certificate of occupancy to the satisfaction of DOT and BOE.

D. Pedestrian Connectivity

The applicant shall consult the Department of City Planning for any additional requirements pertaining to pedestrian walkability and connectivity, as described in the Walkability Checklist.

E. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT's Western District Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that construction related traffic be restricted to off-peak hours.

F. Site Access and Internal Circulation

The conceptual site plan of the proposed project is acceptable to DOT however, the determination of this assessment does not constitute approval of the driveway dimensions, access and circulation layout. Those require separate review and approval. The applicant is advised to further consult with DOT regarding driveway location(s) and specifications prior to the commencement of any architectural plans, as they may affect building design. Final DOT access / circulation approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site / driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA / Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045, as soon as possible but prior to submittal of buildings plans for plan check to the Department of Building and Safety.

G. Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009. This ordinance identifies specific fees for traffic study review, condition clearance and, permit issuance. The applicant shall comply with any applicable fees per this ordinance.

DOT Assessment Appeal Process

Pursuant to Section 9.A of the CTCSP, an applicant or any other interested person adversely affected by the proposed project who disputes any determination made by DOT pursuant to this Ordinance may appeal to the General Manager of DOT. This appeal must be filed within a 15 day period following the applicant's receipt date of this letter of determination. The appeal shall set forth specifically the basis of the appeal and the reasons why the determination should be reversed or modified.

If you have any questions please contact Clive Grawe, at the DOT West L.A. / Coastal Planning and Development Review Office, at (213) 485-1062.

EG:CG

Attachments

cc: Chris Robertson, Eleventh Council District
Sean Haeri, Mohammad Blorfroshan, DOT
Kevin Jones, DCP
Mike Patonai, BOE
Ron Hirsch, Hirsch/Green Transportation Consulting

Letter to Mr. Fran Camaj
 April 27, 2015
 Page 8 of 38

PM peak period (4:00 to 7:00 PM), approximately 28 percent of the current "Gjusta" customers walked or bicycled to the site. The supporting data and calculations used in the determination of these peak period "walk-in" factors are contained in the attachments to this document. Nonetheless, despite these empirical "walk-in" activity factors for the existing facility, LADOT determined that only a 15 percent reduction in the potential peak hour project-related traffic should be used in this study, in order to provide a conservative estimate of the trip generation and associated potential for traffic impacts related to the proposed project.

Therefore, based on these assumptions and methodologies, the potential trip generation for both the existing (prior) and proposed project uses were calculated, as shown in Table 2.

Table 2
Project and Existing Use Trip Generation Estimates

Size/Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<u>Proposed Project</u>							
6,000 sq. ft. Restaurant ^[1]	763	36	29	65	38	25	63
(Less 15% Walk-in Patronage) ^[2]	(114)	(6)	(4)	(10)	(5)	(4)	(9)
Total Proposed Project Trips	649	30	25	55	33	21	54
<u>Less Existing Site Uses</u>							
4,675 sq. ft. Office	52	6	1	7	2	11	13
Total Net New Site Trips	597	24	24	48	31	10	41

Notes:

[1] Includes existing 4,737 sq. ft. "Gjusta" bakery/retail facility and proposed 1,263 sq. ft. seating/dining area addition.

[2] "Walk-in" patronage includes pedestrians and bicyclists; based on empirical counts at the existing "Gjusta" bakery/retail facility, but determined by LADOT.

As shown in Table 2, the proposed project itself, which as noted previously is assumed for purposes of this study to include both the currently-operating "Gjusta" bakery/retail facility and the proposed new seating/dining area addition, and incorporating the applicable 15 percent "walk-in" patronage trip reduction factor allowed by LADOT, is anticipated to generate a total of approximately 649 trips per day, including about 55 trips (30 inbound, 25 outbound) during the AM peak hour, and about 54 trips (33 inbound, 21 outbound) during the PM peak hour. However, the previously-existing office building at the project site (which was converted to the "Gjusta" facility in late 2014, but which, pursuant to LADOT's direction, is considered to be the "existing" site development for purposes of this evaluation) is estimated to have generated a total of approximately 52 trips per day, including seven trips (six inbound, one outbound) during

Letter to Mr. Fran Camaj
 April 27, 2015
 Page 21 of 38

incremental project-related impacts at each of the study intersections were then determined by comparing the results of the respective "Existing (2015) No Project" conditions to those of the "Existing (2015) With Project" conditions. The results of these analyses, including identification of the incremental project-related impacts at each study intersection, are shown in Table 6.

Table 6
Critical Movement Analysis ("CMA") Summary
Existing (2015) Without and With Project Conditions

Int. No.	Intersection	Peak Hour	No Project		With Project		
			CMA	LOS	CMA	LOS	Impact
1	Main Street and Rose Avenue	AM	0.667	B	0.668	B	0.001
		PM	0.734	C	0.741	C	0.007
2	Lincoln Boulevard and Rose Avenue	AM	0.640	B	0.643	B	0.003
		PM	0.657	B	0.659	B	0.002
3	Main Street and Abbot Kinney Boulevard/Brooks Avenue	AM	0.765	C	0.769	C	0.004
		PM	0.667	B	0.671	B	0.004
4	Abbot Kinney Boulevard and Westminster Avenue	AM	0.491	A	0.494	A	0.003
		PM	0.485	A	0.487	A	0.002
5	Venice Boulevard and Abbot Kinney Boulevard	AM	0.758	C	0.761	C	0.003
		PM	0.733	C	0.733	C	0.000

Note:

"**" Significant impact per LADOT *Traffic Study Policies and Procedures*, August 2014 (if applicable; see Table 5).

As shown in Table 6, all of the study intersections currently exhibit acceptable levels of service for urban area intersections (LOS D or better) during both the AM and PM peak hours; in fact, none of the study intersections operate at worse than LOS C conditions during either peak hour, and most exhibit LOS B or better conditions. Additionally, as also identified in Table 6, the incremental traffic effects of the proposed project will be relatively nominal, and based on the LADOT impact evaluation criteria shown earlier in Table 5, none of its potential impacts are considered to be significant. As such, no detrimental traffic-related effects related to the development of the proposed project are expected, and no mitigation measures are warranted.

Project-Related Local/Residential Street Impacts – Existing (2015) Conditions

In addition to the intersection-related impact analysis methodologies and significance thresholds described in the preceding pages, LADOT's current *Traffic Study Policies and Procedures* also identify procedures for evaluating the potential impacts and significance of those impacts on local/residential streets. Similar to the intersection impact thresholds described earlier, the

Letter to Mr. Fran Camaj
 April 27, 2015
 Page 33 of 38

Table 8
Critical Movement Analysis ("CMA") Summary
Future (2016) Without and With Project Conditions

Int. No.	Intersection	Peak Hour	No Project		With Project		
			CMA	LOS	CMA	LOS	Impact
1	Main Street and Rose Avenue	AM	0.679	B	0.680	B	0.001
		PM	0.753	C	0.760	C	0.007
2	Lincoln Boulevard and Rose Avenue	AM	0.648	B	0.651	B	0.003
		PM	0.668	B	0.670	B	0.002
3	Main Street and Abbot Kinney Boulevard/Brooks Avenue	AM	0.772	C	0.776	C	0.004
		PM	0.680	B	0.685	B	0.005
4	Abbot Kinney Boulevard and Westminster Avenue	AM	0.496	A	0.499	A	0.003
		PM	0.494	A	0.495	A	0.001
5	Venice Boulevard and Abbot Kinney Boulevard	AM	0.767	C	0.769	C	0.002
		PM	0.742	C	0.743	C	0.001

Note:

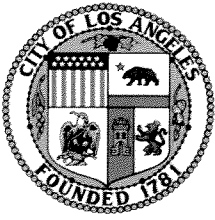
"*" Significant impact per LADOT *Traffic Study Policies and Procedures*, August 2014 (if applicable; see Table 5).

Project-Related Local/Residential Street Impacts – Future (2016) Conditions

As with the “existing” (year 2015) project impact evaluations documented earlier in this study, the proposed project’s potential future (year 2016) impacts to Sunset Avenue (east of the project site) were also evaluated. As noted earlier, local/residential street impacts are evaluated based on increases in the daily (24-hour) traffic volumes on such facilities, with a minimum project-related increase of 120 net trips per day required in order to create a significant impact.

Similar to the anticipated future increases in traffic volumes at the five study intersections, resulting from both ambient traffic growth and new traffic resulting from ongoing development in the vicinity as described in the preceding pages, the future traffic volumes on Sunset Avenue in the study area are also expected to increase somewhat due to these factors. However, despite this typical “background” area-wide traffic growth (which is unrelated to the proposed project), the net project-related daily traffic increases on Sunset Avenue will remain unchanged from that identified earlier in the analysis of the project’s impacts to the street under “existing” conditions, with a total net addition of approximately 60 trips per day (10 percent of the proposed project’s net daily trip generation of approximately 597 daily trips). Therefore, regardless of any future (non-project) traffic volume increases on Sunset Avenue, the potential project-related traffic increases on this street will continue to be well below the minimum 120-trip level required to create a significant impact, and no future (year 2016) impacts to Sunset Avenue are expected.

EXHIBIT F



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 JUL 21 2015

Determination Mailing Date: JUL 21 2015

Case No: DOT CTC13-101175

Related Cases: ZA 2013-3376-CDP-CUB-SPP
ENV-2013-3377-MND

Location: 320 East Sunset Avenue

Council District: 11

Plan Area: Venice

Applicant: Fran Camaj
Representative: Stephen Vitalich, Stephen Vitalich Architects

Appellants: Concerned Neighbors of 320 Sunset
Representative: Ilana Marosi

At its meeting on **July 15, 2015**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Denied the appeal.
2. Affirmed the DOT Determination on the Trip Generation and Traffic Assessment for proposed seating/dining area addition to an existing bakery/retail facility issued on April 27, 2015.

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

Vote: 5 - 0

Effective Date

Effective upon the mailing of this notice


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

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

Attachment: Inter-Departmental Memorandum dated May 6, 2015

cc: Notification List
Eddie Guerrero
Maya Zaitzevsky

CITY OF LOS ANGELES
INTER-DEPARTMENTAL MEMORANDUM

320 E. Sunset Avenue
DOT Case No. CTC13-101175

DATE: May 6, 2015

TO: Karen Hoo, City Planner
Department of City Planning

FROM: Eddie Guerrero, Transportation Engineer
Department of Transportation

SUBJECT: **TRAFFIC ASSESSMENT FOR THE PROPOSED HIGH TURNOVER RESTAURANT USE TO BE LOCATED AT 320 E. SUNSET AVENUE**

Pursuant to the Coastal Transportation Corridor Specific Plan (CTCSP) Ordinance No. 168,999, the Department of Transportation (DOT) has completed the traffic assessment of the proposed high-turnover restaurant project located at 320 E. Sunset Avenue. This traffic assessment is based on the traffic impact report prepared by Hirsch/Green Transportation Consulting, Inc., dated April 27, 2015. After a careful review of the pertinent data, DOT has determined that the traffic study adequately describes the project-related impacts of the proposed development.

PROJECT DESCRIPTION

The project site is an existing one-story building currently consisting of 4,737 gross square feet (SF). The proposed project will add an additional 1,263 square foot seating area bringing the total project square footage to 6,000 square feet. Although the property is currently permitted for bakery / retail use, the activity of the property more correctly aligns with the operation of a high-turnover restaurant. Therefore, the traffic impact analysis was conducted to reflect the full 6,000 square foot proposed project as high-turnover restaurant. The previous use of the property consisted of a 4,675 square foot office space which was replaced by the bakery / retail permit.

DISCUSSION AND FINDINGS

For traffic impact analysis purposes, the project is projected to generate a net increase of 597 daily trips, a net increase of 48 a.m. peak hour trips, and a net increase of 41 p.m. peak hour trips. The trip generation estimates are based on rates from Appendix "A" of the CTCSP, formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, 2012 and empirical data collected at the project site. The attached report Table 2, **Attachment A**, lists the trip generation results.

DOT has determined that the anticipated traffic generation of the proposed project will not significantly impact any of the intersections studied. The attached report Table 6 and Table 8, **Attachment B**, summarizes the volume-to-capacity (V/C) ratios and levels of service (LOS) at the study intersections.

PROJECT REQUIREMENTS

In response to the findings of the traffic impact study, DOT recommends that the following project requirements be adopted as conditions of project approval. Furthermore, these requirements must be completed and/or guaranteed prior to the issuance of any building permits for the proposed project.

A. Application Fee

Pursuant to Section 5.C.2.(b) of the CTCSP, the applicant is responsible for remitting payment to all applicable application / traffic study review fees as required. Applicant has submitted all appropriate application fees including the traffic study review fee which was submitted on April 30, 2015.

B. Covenant and Agreement

Pursuant to Section 5.B of the CTCSP, the owner(s) of the property must sign and record a Covenant and Agreement acknowledging the contents and limitations of the CTCSP in a form designed to run with the land.

C. Highway Dedication and Physical Street Improvements

Pursuant to Section 5.F of the CTCSP, and in order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. The applicant should check with the Bureau of Engineering (BOE) Land Development Group to determine the specific highway dedication, street widening and / or sidewalk requirements for this project. If applicable, requirements must be guaranteed prior to issuance of any building permit through the BOE B-permit process. All requirements must be constructed and completed prior to issuance of any certificate of occupancy to the satisfaction of DOT and BOE.

D. Pedestrian Connectivity

The applicant shall consult the Department of City Planning for any additional requirements pertaining to pedestrian walkability and connectivity, as described in the Walkability Checklist.

E. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT's Western District Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that construction related traffic be restricted to off-peak hours.

F. Site Access and Internal Circulation

The conceptual site plan of the proposed project is acceptable to DOT however, the determination of this assessment does not constitute approval of the driveway dimensions, access and circulation layout. Those require separate review and approval. The applicant is advised to further consult with DOT regarding driveway location(s) and specifications prior to the commencement of any architectural plans, as they may affect building design. Final DOT access / circulation approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site / driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA / Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045, as soon as possible but prior to submittal of buildings plans for plan check to the Department of Building and Safety.

G. Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT for permit issuance activities was adopted by the Los Angeles City Council in 2009. This ordinance identifies specific fees for traffic study review, condition clearance and, permit issuance. The applicant shall comply with any applicable fees per this ordinance.

DOT Assessment Appeal Process

Pursuant to Section 9.A of the CTCSP, an applicant or any other interested person adversely affected by the proposed project who disputes any determination made by DOT pursuant to this Ordinance may appeal to the General Manager of DOT. This appeal must be filed within a 15 day period following the applicant's receipt date of this letter of determination. The appeal shall set forth specifically the basis of the appeal and the reasons why the determination should be reversed or modified.

If you have any questions please contact Clive Grawe, at the DOT West L.A. / Coastal Planning and Development Review Office, at (213) 485-1062.

EG:CG

Attachments

cc: Chris Robertson, Eleventh Council District
Sean Haeri, Mohammad Blorfroshan, DOT
Kevin Jones, DCP
Mike Patonai, BOE
Ron Hirsch, Hirsch/Green Transportation Consulting

Letter to Mr. Fran Camaj
 April 27, 2015
 Page 8 of 38

PM peak period (4:00 to 7:00 PM), approximately 28 percent of the current "Gjusta" customers walked or bicycled to the site. The supporting data and calculations used in the determination of these peak period "walk-in" factors are contained in the attachments to this document. Nonetheless, despite these empirical "walk-in" activity factors for the existing facility, LADOT determined that only a 15 percent reduction in the potential peak hour project-related traffic should be used in this study, in order to provide a conservative estimate of the trip generation and associated potential for traffic impacts related to the proposed project.

Therefore, based on these assumptions and methodologies, the potential trip generation for both the existing (prior) and proposed project uses were calculated, as shown in Table 2.

Table 2
Project and Existing Use Trip Generation Estimates

Size/Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<u>Proposed Project</u>							
6,000 sq. ft. Restaurant ^[1]	763	36	29	65	38	25	63
(Less 15% Walk-in Patronage) ^[2]	(114)	(6)	(4)	(10)	(5)	(4)	(9)
Total Proposed Project Trips	649	30	25	55	33	21	54
<u>Less Existing Site Uses</u>							
4,675 sq. ft. Office	52	6	1	7	2	11	13
Total Net New Site Trips	597	24	24	48	31	10	41

Notes:

[1] Includes existing 4,737 sq. ft. "Gjusta" bakery/retail facility and proposed 1,263 sq. ft. seating/dining area addition.

[2] "Walk-in" patronage includes pedestrians and bicyclists; based on empirical counts at the existing "Gjusta" bakery/retail facility, but determined by LADOT.

As shown in Table 2, the proposed project itself, which as noted previously is assumed for purposes of this study to include both the currently-operating "Gjusta" bakery/retail facility and the proposed new seating/dining area addition, and incorporating the applicable 15 percent "walk-in" patronage trip reduction factor allowed by LADOT, is anticipated to generate a total of approximately 649 trips per day, including about 55 trips (30 inbound, 25 outbound) during the AM peak hour, and about 54 trips (33 inbound, 21 outbound) during the PM peak hour. However, the previously-existing office building at the project site (which was converted to the "Gjusta" facility in late 2014, but which, pursuant to LADOT's direction, is considered to be the "existing" site development for purposes of this evaluation) is estimated to have generated a total of approximately 52 trips per day, including seven trips (six inbound, one outbound) during

Letter to Mr. Fran Camaj
April 27, 2015
Page 21 of 38

incremental project-related impacts at each of the study intersections were then determined by comparing the results of the respective "Existing (2015) No Project" conditions to those of the "Existing (2015) With Project" conditions. The results of these analyses, including identification of the incremental project-related impacts at each study intersection, are shown in Table 6.

Table 6
Critical Movement Analysis ("CMA") Summary
Existing (2015) Without and With Project Conditions

Int. No.	Intersection	Peak Hour	No Project		With Project		
			CMA	LOS	CMA	LOS	Impact
1	Main Street and Rose Avenue	AM	0.667	B	0.668	B	0.001
		PM	0.734	C	0.741	C	0.007
2	Lincoln Boulevard and Rose Avenue	AM	0.640	B	0.643	B	0.003
		PM	0.657	B	0.659	B	0.002
3	Main Street and Abbot Kinney Boulevard/Brooks Avenue	AM	0.765	C	0.769	C	0.004
		PM	0.667	B	0.671	B	0.004
4	Abbot Kinney Boulevard and Westminster Avenue	AM	0.491	A	0.494	A	0.003
		PM	0.485	A	0.487	A	0.002
5	Venice Boulevard and Abbot Kinney Boulevard	AM	0.758	C	0.761	C	0.003
		PM	0.733	C	0.733	C	0.000

Note:

"*" Significant impact per LADOT *Traffic Study Policies and Procedures*, August 2014 (if applicable; see Table 5).

As shown in Table 6, all of the study intersections currently exhibit acceptable levels of service for urban area intersections (LOS D or better) during both the AM and PM peak hours; in fact, none of the study intersections operate at worse than LOS C conditions during either peak hour, and most exhibit LOS B or better conditions. Additionally, as also identified in Table 6, the incremental traffic effects of the proposed project will be relatively nominal, and based on the LADOT impact evaluation criteria shown earlier in Table 5, none of its potential impacts are considered to be significant. As such, no detrimental traffic-related effects related to the development of the proposed project are expected, and no mitigation measures are warranted.

Project-Related Local/Residential Street Impacts – Existing (2015) Conditions

In addition to the intersection-related impact analysis methodologies and significance thresholds described in the preceding pages, LADOT's current *Traffic Study Policies and Procedures* also identify procedures for evaluating the potential impacts and significance of those impacts on local/residential streets. Similar to the intersection impact thresholds described earlier, the

Letter to Mr. Fran Camaj
April 27, 2015
Page 33 of 38

Table 8
Critical Movement Analysis ("CMA") Summary
Future (2016) Without and With Project Conditions

Int. No.	Intersection	Peak Hour	No Project		With Project		
			CMA	LOS	CMA	LOS	Impact
1	Main Street and Rose Avenue	AM	0.679	B	0.680	B	0.001
		PM	0.753	C	0.760	C	0.007
2	Lincoln Boulevard and Rose Avenue	AM	0.648	B	0.651	B	0.003
		PM	0.668	B	0.670	B	0.002
3	Main Street and Abbot Kinney Boulevard/Brooks Avenue	AM	0.772	C	0.776	C	0.004
		PM	0.680	B	0.685	B	0.005
4	Abbot Kinney Boulevard and Westminster Avenue	AM	0.496	A	0.499	A	0.003
		PM	0.494	A	0.495	A	0.001
5	Venice Boulevard and Abbot Kinney Boulevard	AM	0.767	C	0.769	C	0.002
		PM	0.742	C	0.743	C	0.001

Note:

*** Significant impact per LADOT *Traffic Study Policies and Procedures*, August 2014 (if applicable; see Table 5).

Project-Related Local/Residential Street Impacts – Future (2016) Conditions

As with the “existing” (year 2015) project impact evaluations documented earlier in this study, the proposed project’s potential future (year 2016) impacts to Sunset Avenue (east of the project site) were also evaluated. As noted earlier, local/residential street impacts are evaluated based on increases in the daily (24-hour) traffic volumes on such facilities, with a minimum project-related increase of 120 net trips per day required in order to create a significant impact.

Similar to the anticipated future increases in traffic volumes at the five study intersections, resulting from both ambient traffic growth and new traffic resulting from ongoing development in the vicinity as described in the preceding pages, the future traffic volumes on Sunset Avenue in the study area are also expected to increase somewhat due to these factors. However, despite this typical “background” area-wide traffic growth (which is unrelated to the proposed project), the net project-related daily traffic increases on Sunset Avenue will remain unchanged from that identified earlier in the analysis of the project’s impacts to the street under “existing” conditions, with a total net addition of approximately 60 trips per day (10 percent of the proposed project’s net daily trip generation of approximately 597 daily trips). Therefore, regardless of any future (non-project) traffic volume increases on Sunset Avenue, the potential project-related traffic increases on this street will continue to be well below the minimum 120-trip level required to create a significant impact, and no future (year 2016) impacts to Sunset Avenue are expected.

CALIFORNIA COASTAL COMMISSION

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



W30a

Filed: 5/20/2016
49th Day: Waived
Staff: S. Vaughn – LB
Staff Report: 1/27/2017
Hearing Date: 2/8/2017

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE AND DE NOVO

Appeal Number: A-5-VEN-16-0059

Applicant: Fran Camaj

Agent: Laurette Healey

Local Government: City of Los Angeles

Local Decision: Approval with Conditions

Appellants: 1) Liesbet Koromzay; 2) Hubert Hodgin; 3) Adam Vagley; 4) Patricia Delaere; 5) Kimmy Miller; 6) George Gineris; 6) Mike Chamness; 7) Arthur Athas; 8) Carmine Gangemi; 9) Naomi Nightingale; 10) Roxanne Brown; 11) Heather Priest; 12) Alix Koromzay; and 13) Will Beinbrik

Project Location: 320 Sunset Avenue, Venice, City of Los Angeles

Project Description: Appeal of City of Los Angeles Local Coastal Development Permit No. ZA-2013-3376 approved with conditions to convert portion of existing 5,000 sq. ft. (approx.) bakery to restaurant use with 717 sq. ft. of service floor area, including construction of a 995 sq. ft. (approx.) dining room addition onto the rear of the structure.

Staff Recommendation: Substantial Issue – Approve

IMPORTANT HEARING PROCEDURE NOTE

The Commission will not take testimony in the “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask question of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the

appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

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) because the project, as approved by the City, is not consistent with the parking requirements of the certified City of Los Angeles Venice Land Use Plan (LUP) and, as such, it will adversely affect the public's ability to access the coast because the additional parking demand generated by this project (and others) are not adequately mitigated, thereby resulting in increased competition for the limited supply of public parking. Additionally, staff recommends **approval** of the Coastal Development Permit (CDP) application after the De Novo hearing with **five (5) Special Conditions, including: 1) Approved Development; 2) Parking Demand Management Plan; 3) Best Management Practices; 4) Local Government Conditions; and 5) Lease Restriction.**

TABLE OF CONTENTS

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE	4
II. APPELLANTS’ CONTENTIONS	4
III. LOCAL GOVERNMENT ACTIONS	4
IV. APPEAL PROCEDURES	6
V. SINGLE/DUAL PERMIT JURISDICTION	7
VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE	7
A. PROJECT LOCATION & DESCRIPTION	7
B. FACTORS TO BE CONSIDERED	8
C. SUBSTANTIAL ISSUE ANALYSIS	8
VII. MOTION AND RESOLUTION – DE NOVO	16
VIII. STANDARD CONDITIONS	16
IX. SPECIAL CONDITIONS	16
X. FINDINGS AND DECLARATIONS – DE NOVO	19
A. PROJECT LOCATION & DESCRIPTION	19
B. LAND USE AND DEVELOPMENT	19
C. PUBLIC ACCESS AND PARKING	20
D. LOCAL COASTAL PROGRAM (LCP)	24
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	24
F. UNPERMITTED DEVELOPMENT	25

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location /Vicinity Map

Exhibit 2 – Local CDP ZA-2013-3376 including City-Approved Project Plans

Exhibit 3 – Appeal

Exhibit 4 – Revised Project Plans

I. MOTION AND RESOLUTION – SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-VEN-16-0059 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30602 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-16-0059 presents A **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

The City-approved local coastal development permit authorizes the establishment of a restaurant within the existing bakery on the site, as well as a building addition. The appeal was filed by: 1) Liesbet Koromzay; 2) Hubert Hodgin; 3) Adam Vagley; 4) Patricia Delaere; 5) Kimmy Miller; 6) George Gineris; 7) Mike Chamness; 8) Arthur Athas; 9) Carmine Gangemi; 10) Naomi Nightingale; 11) Roxanne Brown; 12) Heather Priest; 13) Alix Koromzay; and 13) Will Beinbrik (**Exhibit 3**).

In summary, the appellants contend that the City-approved development may prejudice the City's ability to prepare a certified LCP because: 1) it is not consistent with the parking requirements of the certified LUP and the parking demand generated by this project is not effectively mitigated; 2) the change in use will cause severe traffic problems that are not fully mitigated; 3) the change of use from a bakery to a bakery/restaurant is not consistent with the character of the surrounding community; 4) the noise generated by a new restaurant in this location will not be fully mitigated; 5) the project does not conform to the Land Use Designation (LUD) in the certified Venice LUP; 6) the applicant has performed work at the site without proper permits; the applicant has a track record of not complying with permit conditions; 7) the project description changed several times without consideration from the community or from the Venice Neighborhood Council; 8) the applicant has piecemealed the project; 9) the applicant's plans are not complete; 10) the City's CEQA determination is flawed; 11) a majority of the letters that the City received in support of the project were not from local residents and many of them were duplicates; 12) there are alcohol risks associated with this project; and 13) the recommendations of the Venice Neighborhood Council with regard to this project were ignored (**Exhibit 3**).

III. LOCAL GOVERNMENT ACTION

On May 2, 2013, the City issued a coastal exemption and a Venice Specific Plan Sign-Off (ZA-2013-1317-CEX & DIR-2013-1314-VSO) for a change of use of the subject site from a 4,675 square-foot office space to a 4,116 square-foot commercial bakery with 559 square-feet of retail space with a parking credit of 20 spaces. On July 28, 2014, the City's Department of Building and Safety issued a Certificate of Occupancy for the change of use to a commercial bakery with 559 square-feet of retail space.

On March 13, 2014 and November 13, 2014, the Zoning Administration (ZA) held two separate public hearings for Local CDP No. ZA-2013-3376 (Fran Camaj) for the proposed conversion of part of the bakery to restaurant use. On August 11, 2015, the ZA approved the proposed project (restaurant), which was subsequently appealed to the West Los Angeles Area Planning Commission (WLAAPC) by James Murez, Ilana Marosi, Adam Vagley, Roxanne Brown, Heather Priest, Hubert Hodgins, Carmine Gangemi, Liesbet Koromzay, Heather Thomason, Patricia Deaere, Zach Galafianakis, and Arthur Athas. The appellants contended that the City's CEQA determination was invalid.

On January 7, 2016, the Los Angeles Department of City Planning issued a Revised Mitigated Negative Declaration (ENV-2013-3377-MND-REC1) for the proposed project pursuant to the provisions of CEQA. On March 2, 2016, the WLAAPC held a public hearing for the appeal of the local coastal development permit for the proposed restaurant. On March 29, 2016, the WLAAPC issued its determination approving Local CDP No. ZA-2013-3376 (ENV-2013-3377-MND-REC1) (**Exhibit 2**). The City-approved local coastal development permit authorizes the establishment of a restaurant within the existing bakery on the site, as well as a building addition. Condition 7 of the City's CDP was imposed by the WLAAPC and states, in part:

Parking: The project shall provide on-site vehicular parking spaces and bicycle parking stalls as required under the Specific Plan and LAMC Section 12.21-A, 4 for [the] addition of 717 square-feet of SFA. If the required parking cannot be accommodated in the on-site parking lot, the applicant can use one or all of the following:

- a. Pay an in-lieu fee of \$18,000 per parking space, payable to...*
- b. Reduce the Service Floor Area to match the amount of parking being supplied and reflect that change on the floor plans.*
- c. Provide additional bicycle parking stalls to reduce the required automobile parking by up to 20% LAMC Section 12.21-A,4.*

In addition to the on-site parking required for the proposed change in use, the applicant shall provide valet off-site parking for use by patron during all hours of operation. There shall be signage stating that valet parking is available for Gjusta patron at no charge. The applicant shall provide to the Development Services Center an executed lease agreement for the off-site parking location which identifies the number of parking spaces available for the restaurant's use. The valet parking attendant shall not park vehicles on public streets. The applicant shall submit to the Development Services Center a copy of the Valet Parking Attendant Permit approved by LAPD.

The City's Notice of Final Local Action for Local CDP No. ZA-2013-3376 (Fran Camaj) was received in the Coastal Commission's Long Beach Office on April 22, 2016, and the Coastal Commission's required twenty working-day appeal period was established. On May 20, 2016, one appeal was received from the appellants (**Exhibit 3**). No other appeals were received prior to the end of the appeal period on May 20, 2016.

On May 23, 2016, the applicant signed the form to waive the 49-day hearing requirement for the appeal.

IV. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its 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 directly following the substantial issue finding. A de novo public hearing on the merits of the application uses the Chapter 3 policies of the Coastal Act. The certified Venice 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. SINGLE/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 CDP permit also obtain a second (or “dual”) CDP 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 CDP is the only CDP required. The proposed project site is located within the *Single Permit Jurisdiction Area*.

VI. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE

A. PROJECT LOCATION & DESCRIPTION

The 18,009 square-foot project site, comprised of three tied lots (Lot Nos. 27, 28, & 29), is developed with two side-by-side approximately 5,000 square-foot commercial buildings. The 5,000 square foot bakery building (320 Sunset Avenue) is located on Lot No. 28, approximately ¼ of a mile from the beach and boardwalk, in the Oakwood area of Venice (**Exhibit 1**). The surrounding area is a developed industrial neighborhood with commercial and industrial uses, bordered on the south by a residential neighborhood. The project site is designated for “Limited Industry” by the certified Venice LUP, and zoned M1-1-O (Manufacturing, Limited Industrial) by the City of Los Angeles Municipal Code. With the exception of one tree, the southwestern most lot (No. 29) of the site is not developed and is proposed to be used for customer parking.

The City record indicates that the gross square-footage of the existing bakery building is 5,008 square-feet. According to the City’s initial 2013 approved change in use of the site (DIR-2013-1314-VSO), the bakery building has a net area of 4,675 square-feet, which includes 4,116 square-feet of commercial bakery area and 559 square-feet of retail space. Also included in the City’s initial 2013 approval for the bakery use is a credit for 20 grandfathered parking spaces.

The currently proposed project is a change of use of part of the bakery to a restaurant, and the construction of a 995 square-foot addition to the rear of the building adjacent to the rear alley, Sunset Court (**Exhibit 2**). The proposed project would result in an approximately 5,744 square-foot commercial space including a 4,116 net square-foot bakery, 559 net square-feet of retail space, 717 net square-feet of service floor area, and 352 square-feet designated as circulation (paths of travel), restrooms, and storage areas.

Condition 7 of the local coastal development permit describes the parking requirements associated with the proposed development (**Exhibit 2**). The City’s findings consider a number of measures the applicant may take to meet the parking demand of the proposed project. The City’s findings in concert with Condition 7 of the local CDP contemplate the applicant providing 11 or 14 or 17 on-site vehicle parking spaces in the undeveloped lot (No. 29), 12 on-site bicycle parking spaces, payment of fees in lieu of actual physical parking spaces, and free off-site valet parking available

to patrons during all hours of operation of the restaurant when the on-site parking lot is full. While the associated parking requirements are discussed by the City in its staff report, the actual parking condition of the local CDP only requires a vague valet program and does not require the provision of any on-site physical parking spaces.

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 CDP 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 CDP 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.

Section II of this staff report outlined the appellants’ numerous contentions regarding the project. Concerns raised by the appellants include: parking, traffic, community character, noise, LUD, unpermitted development, community input, piecemealing of the development, incomplete plans, the City’s CEQA determination, and alcohol consumption. As described below, however, the sole ground for this appeal that raises potentially significant Coastal Act concerns relates to parking. In particular, there are significant issues related to 1) the calculation that the City used to determine the amount of parking that the applicant must provide as a result of the development and the

amount of parking actually provided by the applicant, and 2) Condition 7 of the City's CDP (**Exhibit 2**), which provides nonbinding parking options that fail to assure that the applicant will satisfy the certified LUP's parking mandate, and therefore fail to assure compliance with Chapter 3 policies regarding public access. Approval of the project would also prejudice the City's ability to prepare an LCP because it is inconsistent with the certified LUP. Although the City cites the Venice Specific Plan (VSP) and the Los Angeles Municipal Code to support Condition 7's parking requirement, the VSP and the City's Municipal Code are uncertified documents. The Coastal Act is the standard of review for this coastal development permit. The certified Venice LUP, not the VSP or Municipal Code, should be used for guidance.

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 CDP No. ZA-2013-3376 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 2**).

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 30212.5 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

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

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).
Manufacturing and Industrial Establishment, including Offices and other than incidental operations.	3 spaces: plus 1 space for each 350 square feet of floor area.
Retail/Food Store or similar use	1 space for each 225 square-feet of floor area

Policy II.B.4 Traffic Management

The City shall develop and implement traffic management programs to improve and facilitate coastal access in Venice. This includes development of a Transportation Demand Management (TDM) program to more efficiently utilize available parking and street capacities and to encourage beach visitors to alter their mode of travel. It also should include the implementation of improvements to the street system and reduction of automobile congestion, including intersection signalization and improvement of traffic lane efficiency.

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 CDP No. ZA-2013-3376, because the City-approved project does not include an explicit plan that will mitigate the realized parking impacts of the proposed development. The mitigation suggested in the City's staff report is not definitive and is based on uncertified policies in the VSP and the City's Municipal Code. Neither the applicant nor the appellants are able to interpret exactly what the local coastal development permit requires as to off-street parking requirements, and the local CDP does not require the provision of any on-site physical parking spaces.

On May 2, 2013, the City issued a Venice Specif Plan Sign-Off for a change of use of the subject site from a 4,675 square-foot office space to a 4,116 square-foot commercial bakery with 559 square-feet of retail space (DIR-2013-1314-VSO) and a parking credit of 20 spaces. Because the change of use was not considered "new" development or an extensive renovation, a coastal development permit was not required, and the development was not required to provide any additional off-street parking spaces, and the grandfathered parking credit of 20 spaces was retained. On July 28, 2014, the City's Department of Building and Safety issued a Certificate of Occupancy for the change of use for the bakery with retail space and 20 grandfathered parking spaces.

Using the parking standards set forth in the certified Venice LUP, the proposed development, if new, including the bakery and retail use, would need to provide 32 parking spaces.

Use	LUP Parking Requirement	Proposed	Parking Requirement
Restaurant	1 space/50 square-feet of service floor area	717 square-feet	14 Spaces
Industrial (Bakery)	3 spaces plus 1 space/350 square-feet of floor area	4,116 square-feet	15 spaces
Retail	1 space/225 square-feet of floor area	559 square-feet	3 spaces
Total			32 spaces

In this case, given the 20 grandfathered parking spaces, the applicant would be required to supply or adequately mitigate 12 physical vehicle parking spaces. The City-approved project plans show a parking area on the site with 17 parking spaces, in tandem. However, as conditioned by the City, the applicant could comply with the local CDP by providing 12 on-site bicycle parking spaces and an unspecified number of on-site vehicle parking spaces, paying an in-lieu fee of \$18,000 per parking space, and would be required to institute a non-specific valet parking program. The conditions of approval of the City's CDP are unclear as to the mechanism by which the applicant will actually satisfy its obligation to deal with the increased parking demand. As such, it is unclear whether or not the applicant's parking plan or other mitigation approved by the City is consistent with the parking requirements of the certified LUP.

Given the uncertainty regarding how the applicant could fulfill the parking requirement set forth by Condition 7, the City-approved project raises a substantial issue with regard to the public access policies of the Coastal Act. This is because the applicant is proposing to significantly increase the intensity of use of the site in an area that is known to be strained for parking used by the general public for coastal access, yet has not committed to a plan to ameliorate the increased parking demand generated by the project. A detailed parking plan for the proposed development is necessary to mitigate the parking demand of the development so that existing public parking supplies that support coastal access are not adversely affected by the parking demand of the approved development. The City-approved project does not include a decisive plan that will mitigate the parking impacts of the proposed development. Therefore, a substantial issue exists with respect to the grounds on which the appeal has 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 parking supply, is an important and substantial issue. Sections 30211 and 30252 of the Coastal Act mandate that development not interfere with public coastal access, including parking, and requires adequate parking facilities to be maintained and, where feasible, enhanced. As such a change in use that increases the demand for parking in the coastal zone must adequately mitigate the increased parking demand in order to preserve the existing parking supply.

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. Existing development that does not provide adequate off-street parking supplies has collectively exacerbated the parking problems for which Venice is famous. The ongoing competition for limited parking resources has resulted in the City's proposal of resident-only parking permits (overnight parking districts). The City has failed to explicitly require provision of adequate

parking in this and other projects, thus creating additional pressure on the existing parking supply, and thereby adversely impacting 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 the proposed project's conformance with Chapter 3 of the Coastal Act.

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 conditions of approval of the City's CDP do not explicitly mandate the mechanism by which the applicant will fulfill the parking requirement demanded by the proposed addition and change in use. Therefore, the Coastal Commission finds that the City provided an inadequate degree of factual and legal support for its decision.

The second factor is the extent and scope of the development as approved or denied by the local government. The affected portion of the existing building operates as a bakery with retail space and is not required to provide any vehicular parking. The addition and change of use to a restaurant would increase the intensity of use at the site. The conditions of the City's CDP did not explicitly determine the amount of parking the proposed project generates or mechanism by which the applicant would satisfy the parking demand generated by the development. Therefore, the extent of the development as approved by the City may not be 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 approximately 1/4 of a mile from the coast in a highly visited area with a very limited parking supply. The proposed project, and others like it, have the potential to negatively and cumulatively impact the public beach parking supply by not providing 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 clearly consistent with the parking requirements that the Commission generally imposes. The certified Venice LUP sets forth very specific parking requirements, yet the local coastal development permit is imprecise on the matter. This project, as proposed and conditioned by the City, 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 public parking impacts to the coast, it may set a statewide precedent. Venice Beach is one of the most popular visitor destinations in the state making public access to Venice Beach a statewide issue. Therefore, the City's approval does raise issues of statewide significance.

Additionally, the appellants contend the following:

The appellants raised concerns regarding an increase in traffic in the area related to the project. LUP Policy II.B.4 contemplates traffic management in Venice. While overall traffic management in Venice is the responsibility of the City, the applicant has a responsibility to address increased traffic impacts associated with the proposed development. As such, the applicant commissioned a study titled *Trip Generation and Traffic Impact Assessment for Proposed Seating/Dining Area Addition to Existing Bakery/Retail Facility at 320 Sunset Avenue in Venice, California*, prepared by Hirsch/Green Transportation Consulting, dated April 27, 2015. The study was completed in accordance with the guidelines of the Los Angeles Department of Transportation (LADOT) and was found to be adequate by the LADOT on May 6, 2015. The traffic analysis was certified in the City's CEQA finding (ENV-2013-3377-MND) on March 29, 2016. The appellants' contentions do not raise any concerns regarding Chapter 3 policies of the Coastal Act.

The appellants raised concerns that the approved use as a bakery/retail/restaurant is not consistent with the community character of the area or with the Land Use Designation (LUD) set forth in the certified LUP. The LUD for the project site, as set forth by the certified Venice LUP is, Limited Industry. The Limited Industrial designation includes uses such as bakery and associated restaurant and retail use. The proposed restaurant and retail use is directly related to the on-site bakery operation. As such, the proposed development is consistent with the LUD in the certified LUP and consequently the character of the community. The appellants' contentions do not raise any concerns regarding Chapter 3 policies of the Coastal Act.

The appellants raised concerns regarding noise associated with the restaurant. The proposed addition at the rear of the building is adjacent to an alley that is shared with a residential street parallel to the subject site. The addition is proposed to serve as part of the proposed restaurant's dining area. The applicant has proposed to fully enclose the addition, therefore significantly reducing the amplitude of noise carried from the dining area to the adjacent residents. Additionally, the subject site is not designated as an environmentally sensitive habitat area, which would require noise monitoring. In this case, no noise monitoring is required. Therefore, the noise concerns raised by the appellants do not raise any concerns regarding Chapter 3 policies of the Coastal Act.

The appellants contend that the applicant is piecemealing the development. As previously discussed, the site has a Certificate of Occupancy for a bakery with retail use from the City of Los Angeles Department of Building and Safety dated July 28, 2014. The applicant is now applying for a CDP to include an associated restaurant on the site. The applicant's actions appear to be within the law and the appellants' contentions do not raise any concerns regarding Chapter 3 policies of the Coastal Act.

The appellants contend that the project has changed several times without consideration from the community or the Venice Neighborhood Council and that the applicant's plans are incomplete. As

stated in Section II above, the ZA held two separate public hearings on the project and the WLAAPC held one public hearing on the project, during which time an appeal by several members of the public was heard. Issues regarding community concerns were therefore considered at three separate public hearings by the City. Additionally, the City's staff report includes project plans (**Exhibit 2**) that are stamped as "Exhibit A" by the ZA (ZA-2013-3376-CDP-CUP-SPP-1A), which are substantially similar to the plans that staff has received (**Exhibit 4**) from the applicant, but do show some minor differences. Project plans can evolve throughout the permitting process, especially when changes are proposed to address concerns raised by neighbors, and in order to conform to the mandates of overlapping jurisdictions. For this appeal case, the applicant has clarified the proposal and submitted a complete set of plans for the de novo portion of the appeal.

The appellants contend that the City's CEQA determination is invalid. On January 7, 2016, the Los Angeles Department of City Planning issued a Revised Mitigated Negative Declaration (ENV-2013-3377-MND-REC1) for the proposed project consistent with the provisions of CEQA. On March 2, 2016, the Area Planning Commission adopted the Revised Mitigated Declaration, which became effective on March 29, 2016 when the approval of the CDP (ZA-2013-3377) by the WLAAPC became effective. The City is the lead agency for CEQA certification, and the appellants' contentions regarding the CEQA process do not raise a substantial issue regarding consistency with Chapter 3 of the Coastal Act.

The appellants contend that there are issues related to alcohol consumption at the site. There are no Coastal Act policies that address alcohol consumption. As such, the appellants' contentions do not raise any concerns regarding Chapter 3 policies of the Coastal Act.

The appellants content that the applicant is currently operating the subject restaurant while the CDP application is pending. In August 2016, staff conducted a site visit to the establishment and confirmed that the restaurant has been operational prior to the issuance of the CDP. As such, this is an after-the-fact request for a permit for the restaurant. Because this project is being reviewed on appeal, there is no application fee associated with this project and any active violations will be addressed with the processing of the subject CDP on De Novo.

In conclusion, the relevant issue for the appeal is the potential adverse impact to public parking that supports coastal access. Given the vague parking requirements of the City's CDP for the subject project, it is not clear that the proposed project complies with the parking 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-16-0059 pursuant to the staff recommendation.*

Staff recommends a **YES** 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 approves 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 policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3.

VIII. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IX. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Development.** Coastal Development Permit A-5-VEN-16-0059 authorizes the establishment and operation of a restaurant within a portion of the existing bakery, and the construction of a 995 square foot addition onto the rear of the existing building. The approved restaurant use includes a maximum service floor area of 717 square feet, with one Americans with Disabilities Act (ADA) compliant main path of travel (36" wide) that leads directly from the entrance of the restaurant to the exit and that does not deviate from the main path around tables or chairs, which may be excluded from the service floor area calculation,

as shown on Exhibit #4 of the staff report dated January 27, 2017. The permittee shall maintain a minimum of 14 on-site parking spaces, which may be in tandem arrangements, for the life of the approved development.

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. **Parking Demand Management Plan (PDMP).** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a PDMP which shall, for the life of the approved development, carry-out the following:

- a) Provide and actively manage a minimum of 14 on-site vehicle parking spaces available at no cost to the customers and employees of the approved development,
- b) Provide a minimum of 12 on-site bicycle parking spaces available to customers and employees of the approved development,
- c) Provide free, secure bicycle storage for customers and employees who bring their own bicycles to the approved development,
- d) Provide an on-site parking attendant during all hours of operation of the restaurant to assist customers using tandem parking spaces,
- e) Consistent with the applicant's proposal, educate employees about alternative modes of transportation and implement incentives to decrease the approved development's impact on local parking resources, including the provision of free public transportation passes to employees and/or reimbursements for public transportation fees for transportation to and from work.

The required PDMP shall be implemented at all times consistent with the above-stated requirements and limitations. Any proposed change to the required PDMP shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. **Best Management Practices.** The permittee shall implement appropriate Best Management Practices to ensure runoff from the site does not contribute to nuisance flows. Appropriate source control, treatment, and both structural and non-structural Best Management Practices shall include, but are not limited to:

- a) The permittee shall, on a weekly basis, sweep parking areas and impervious surfaces to remove sediment, debris, and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.

- b) The permittee shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
- c) Wash down areas for equipment and accessories should be designed to meet the following: A) The area should be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. The grease trap must have the capacity to capture the grease from the restaurant. B) If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer. C) The grease traps shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

- 4. Conditions Imposed By Local Government.** This action has no effect on conditions imposed by the City of Los Angeles pursuant to an authority other than the Coastal Act, except as provided in the last sentence of this condition. The permittee is responsible for compliance with all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local government permit conditions pursuant to the local government's non-Coastal Act authority. In the event of conflicts between terms and conditions imposed by the local government and those of this coastal development permit, such terms and conditions of this coastal development permit shall prevail.
- 5. Lease Restriction.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel (4286007031) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

X. FINDINGS AND DECLARATIONS – DE NOVO

A. PROJECT DESCRIPTION

The proposed project is the establishment of a restaurant within the existing bakery on the site, as well as a 995 square foot building addition. The project location and description are hereby incorporated from Section VI above. In addition, the applicant proposes a Parking Demand Management Plan (PDMP) that includes the provision of 14 on-site vehicle parking spaces at no charge to patrons of the restaurant or bakery, 12 on-site bicycle parking spaces, to have an on-site parking attendant during all hours of operation of the restaurant portion of the development, practice preferential hiring of those who live in walking or biking distance of the development, and provide free public transportation passes to employees who do not live within walking or biking distance of the development.

B. LAND USE AND DEVELOPMENT

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act Section 30253 states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular destination points for recreational users.*

The addition and change of use of the commercial bakery with retail space to a bakery/restaurant with retail use would increase dining options for visitors to the coast and of workers and residents of the area. The proposed project will *protect special communities and neighborhoods that, because of their unique characteristics, are popular destination points for recreational users*, and not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or require the construction of protective devices that would substantially alter natural landforms along bluffs or cliffs. The project does promote alternative modes of transportation with its proposal of installing 12 new on-site bicycle parking spaces. **Special Condition 3** requires the applicant to observe Best Management Practices in the management of

the development in order to protect water quality in the area. The Commission finds that, only as conditioned, the development is consistent with Section 30253 of the Coastal Act.

C. PUBLIC ACCESS AND PARKING

New development must provide an adequate parking supply in order to protect the existing public facilities that support public access to the many recreational opportunities available in Venice. The proposed project is required to provide adequate on-site parking pursuant to the certified Venice LUP, which may be used for guidance, and Section 30252 of the Coastal Act. Additionally, in all cases of development, the public's ability to access the coast must also be protected. Therefore, the proposed project must also comply with Sections 30211, 30212, 30212.5, 30213 and 30252 of the Coastal Act.

Coastal Act Section 30211 states:

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

Coastal Act Section 30212(c) states:

(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](#).

Coastal Act Section 30212.5 states:

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.

Coastal Act Section 30213 states:

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

Coastal Act Section 30252 states:

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

Certified Venice LUP Definition of Service Floor Area states:

All areas where the customer can be served, except the bathroom, including the indoor and outdoor dining area, bar, waiting room and tavern.

Policy II.A.1. General of the certified LUP states:

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

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

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

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

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).
Manufacturing and Industrial Establishment, including Offices and other than incidental operations.	3 spaces: plus 1 space for each 350 square feet of floor area.
Retail/Food Store or similar use	1 space for each 225 square-feet of floor area

The proposed restaurant includes 717 square-feet of service floor area, and the applicant proposes to provide 14 on-site parking spaces (Exhibit #4). However, as previously mentioned in this report, the City and the applicant excluded paths of travel in the restaurant's dining areas from the total service floor area calculation. The exclusion of paths of travel from service floor area calculations has been the subject of previous appeals (A-5-VEN-14-0011 & A-5-VEN-15-0038), as it is recognized as a way to reduce off-street parking requirements and increase the size of dining areas. The certified Venice LUP does not explicitly state whether or not paths of travel should be accounted for in calculating parking requirements. However, prior to the

aforementioned appeals, paths of travel, ADA or otherwise, have not been excluded from the service floor area for parking calculations for CDP purposes in the Venice area. In this case, the applicant deducted 383 square-feet from the total service floor area for ADA paths of travel. The total service floor area, including the deducted paths of travel, is 1,100 square-feet. Pursuant to the parking table in the certified Venice LUP, the proposed development, including paths of travel in the service floor area calculation, would require 40 parking spaces:

Use	LUP Parking Requirement	Proposed	Parking Requirement
Restaurant	1 space/50 square-feet of service floor area	1,100 square-feet	22 Spaces
Industrial (Bakery)	3 spaces plus 1 space/350 square-feet of floor area	4,116 square-feet	15 spaces
Retail	1 space/225 square-feet of floor area	559 square-feet	3 spaces
Total			40 spaces

As discussed in Section VI of this staff report, the applicant has a parking credit of 20 spaces for the existing bakery and retail use. Using this method of calculation, the amount of required off-street parking that the applicant would have to provide is 20 spaces (in addition to the parking credit for the pre-existing bakery use). The applicant is proposing 14 on-site parking spaces. If the paths of travel were to be included in the calculation of service floor area, the balance of required parking would be six spaces. In this case, the applicant is requesting to exclude an ADA path of travel from the service floor area of the restaurant portion of the building that would lead a direct path from the entrance of the restaurant, through the service floor area, to the exit (**Exhibit 4**). This would yield 717 square-feet of service floor area. As previously mentioned, 717 square-feet of restaurant service floor area yields a restaurant parking requirement of 14 spaces. Given the size and orientation of the adjacent lot to be used for parking, the maximum number of off-street parking spaces the applicant can safely provide on the site is 14.

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

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

The City planning staff discovered that the parking requirements came from the Regional Interpretive Guidelines, South Coast Region, Los Angeles County, adopted on October 14, 1980, ten years before the ADA was enacted. The Guidelines state that the parking requirement for restaurants is *"1 space for each 50 sq. ft. of service area."* Service area is not defined in the Guidelines. The certified Venice LUP and the Venice Specific Plan both define service floor as *"all areas where the customer can be served, except the bathroom, including the indoor and*

outdoor dining area, bar, waiting room and tavern.” Neither the Regional Interpretive Guidelines, the certified LUP, nor the Venice Specific Plan mentions the ADA requirement or how it should be considered.

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

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

(1) Space Requirements for Wheelchairs. Many persons who use wheelchairs need a 30 in (760 mm) clear opening width for doorways, gates, and the like, when the latter are entered head-on. If the person is unfamiliar with a building, if competing traffic is heavy, if sudden or frequent movements are needed, or if the wheelchair must be turned at an opening, then greater clear widths are needed. For most situations, the addition of an inch of leeway on either side is sufficient. Thus, a minimum clear width of 32 in (815 mm) will provide adequate clearance. However, when an opening or a restriction in a passageway is more than 24 in (610 mm) long, it is essentially a passageway and must be at least 36 in (915 mm) wide.

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

The certified Venice LUP and Specific Plan define service area as all areas where the customer can be served. The City and the Coastal Commission interpret this to mean any area where the customer can be legally served. Because the CFR requires ADA aisles in restaurants the City began excluding the required ADA aisles from their calculation of service floor area. Thus, the City did not include ADA aisles in their calculation of service floor area and concluded that the service floor area for the proposed change in use is 717 square feet, within 1,100 square feet of total dining area.

Given that the certified Venice LUP is silent on whether or not paths of travel are included or excluded in the parking requirement for restaurants, and that the City has previously faced litigation regarding the requirement of ADA paths of travel in service floor area, excluding one limited direct path of travel through the restaurant from the entrance to the exit that does not deviate from the main path, is a reasonable accommodation in this case. Doing so in this case would yield 717 square-feet of service floor area, which would require 14 on-site parking spaces.

Special Conditions 1 & 2 require the applicant to maintain a service floor area of no more than 717 square-feet in area including an exclusion of one 36-inch wide ADA path of travel through the service floor area of the restaurant, and to maintain 14 on-site parking spaces at no cost to patrons of the restaurant or bakery. **Special Condition 1** also requires that any changes to the Commission-approved plans be reviewed by the Executive Director to determine if they require an amendment to this CDP. Additionally, the applicant is proposing 12 on-site bicycle parking spaces, free public transit passes for employees who require transportation to work (as proposed by

the applicant), an on-site parking attendant to help drivers navigate through the parking lot, and preferential hiring for those who live within walking or biking distance of the restaurant. **Special Condition 5** requires the applicant to record a lease and deed restriction in order to ensure these conditions are sustained for the life of the restaurant, even if the restaurant changes ownership.

Therefore, **Special Conditions 1, 2, & 5** require that the increased demand in parking associated with the proposed development, as defined by the certified Venice LUP, is adequately mitigated consistent with the LUP and the Coastal Act.

As conditioned, the project will not adversely affect public access to the coast because it will provide adequate parking facilities to meet the demands of the proposed use. The Commission finds that only as conditioned the development consistent with Sections 30212.5, 30213, 30252 of the Coastal Act and with LUP Policies II.A.1, II.A.3, and II.A.4.

D. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a CDP can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing that the application, as conditioned by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which that activity may have on the environment.

The City of Los Angeles is the lead agency for the purposes of CEQA review. On February 18, 2014, the City planning department issued ENV-2013-3377-MND, which was adopted by the ZA on August 11, 2015. Subsequently, two appeals were filed against the ZA’s adoption of the MND. On November 18, 2015, the WLAAPC permitted the applicant to revise the MND. On January 7, 2016, the revised MND (ENV-2013-3376-MND-REC1) was available for public review. On March 29, 2016, the WLAAPC approved ENV-2013-3377-MND-REC1, pursuant to CEQA.

As proposed, the project would have inadequately mitigated environmental impacts related to the lack of adequate off-street parking, which could cause project patrons to drive their vehicles around town looking for free or less expensive parking. However, as conditioned, the emissions and other impacts caused by the lack of free, on-site parking will be mitigated. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified parking impacts, is the least environmentally damaging feasible alternative, complies with the applicable requirements of the Coastal Act, and conforms to CEQA. As conditioned, the project will not have any significant environmental impacts within the meaning of CEQA.

F. UNPERMITTED DEVELOPMENT

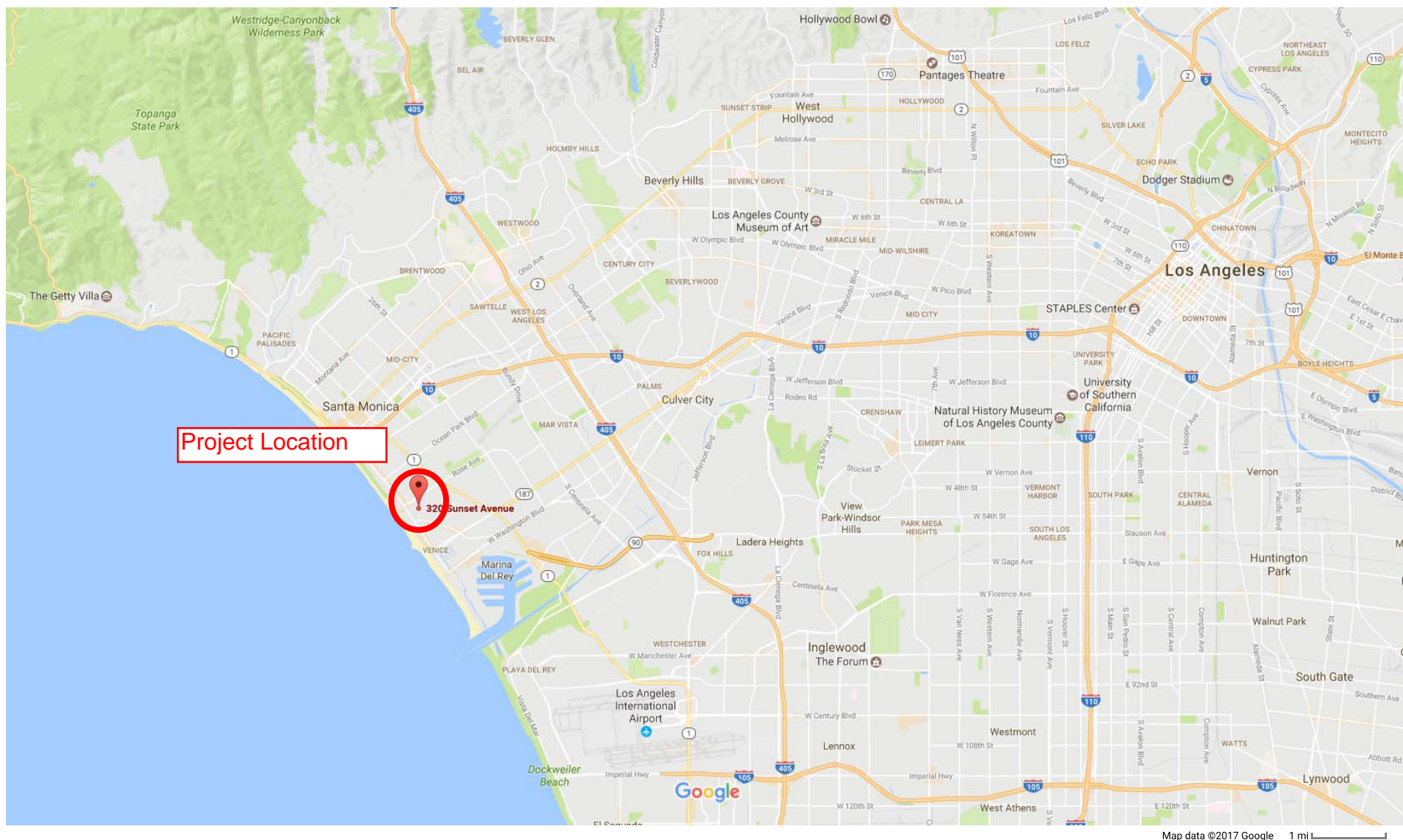
Development has occurred on the subject site without the benefit of the required coastal development permit, including but not necessarily limited to addition of a dining area at the rear of the building and partial change in use establishing an operational restaurant within the bakery. A coastal development permit has not been obtained which authorizes the restaurant use or added dining area. Any development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act. The applicant is requesting after-the-fact authorization of the rear dining area and change in use noted above. Issuance of the permit and compliance with all of the terms and conditions of this permit will result in resolution of the violation of the Coastal Act consisting of addition of a rear dining area and restaurant going forward.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implication of implied statement of the Commission's position regarding the legality of any development undertaken on the site without a coastal development permit, or that all aspects of the violation have been fully resolved. In fact, approval of this permit is possible only because of the conditions included herein, and failure to comply with these conditions would also constitute a violation of this permit and of the Coastal Act upon issuance. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.

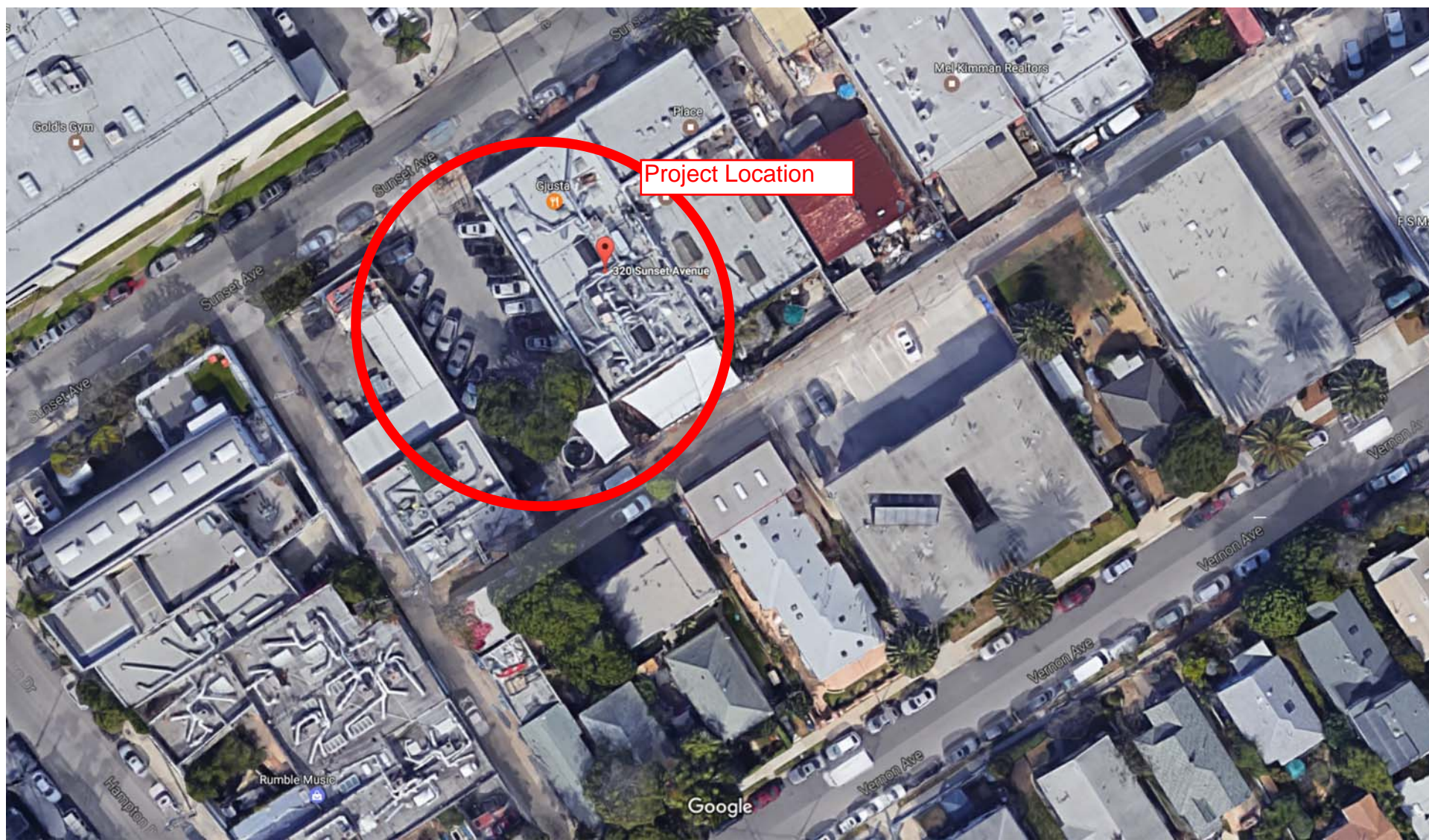
Appendix A

1. *Trip Generation and Traffic Impact Assessment for Proposed Seating/Dining Area Addition to Existing Bakery/Retail Facility at 320 Sunset Avenue in Venice, California*, prepared by Hirsch/Green Transportation Consulting, dated April 27, 2015.
2. City of Los Angeles Mitigated Negative Declaration ENV-2013-3377-MND-REC1
3. City of Los Angeles Director of Planning Sign-Off DIR-2013-1314-VSO
4. City of Los Angeles Coastal Exemption No. ZA-2013-1317-CEX

Google Maps 320 Sunset Ave







Imagery ©2017 Google, Map data ©2017 Google 20 ft



S. Ven. 16.0046

West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

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

RECEIVED
South Coast Region

Corrected Copy**

APR 22 2016

NOTICE OF COASTAL DEVELOPMENT PERMIT ISSUANCE CALIFORNIA COASTAL COMMISSION

Mailing Date: APR 19 2016

California Coastal Commission
South Coast District Office
200 Ocean Gate, Suite 1000
Long Beach, CA 90802

Case No.: ZA-2013-3376-CDP-CUB-SPP-1A
CEQA: ENV-2013-3377-MND-REC1
Location: 320 E. Sunset Avenue**
Council District: 11 - Bonin
Plan Area: Venice
Zone: M1-1-O

Applicant name/address

Fran Camaj
320 E. Sunset Avenue
Venice, CA 90291

Representative name/address

Stephen Vitalich Architects
558 San Juan Avenue
Venice, CA 90291

The above-referenced Coastal Development Permit was approved effective **March 29, 2016**, pursuant to a public hearing conducted by the West Los Angeles Area Planning Commission on **March 2, 2016**. 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/West Los Angeles APC Determination Letter, Zoning Administrator's Determination Letter, miscellaneous relevant documents

cc: Applicant, applicant's representative (Notice, Coastal Permit/APC Determination)
Determination Letter mailing list (Notice & Coastal Permit/APC Determination)
Associate Zoning Administrator: Maya Zaitzevsky

Please see Finding #10 of the attached Letter of Determination regarding the number of required parking spaces.**

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV

**NOTIFICATION OF DEFICIENT NOTICE**

April 07, 2016

To: ,
West Los Angeles Area Planning Commission
200 N. Spring Street, Room 532
Los Angeles, CA 90012

From: Charles Posner

Re: Local Permit No. ZA 2013-3376 (Commission File No. 5-VEN-16-0046)

Please be advised of the following deficiency(ies) in the notice of local action we have received for Local Permit No. ZA 2013-3376 pursuant to 14 Cal. Admin. Code Section 13571 or 13332.

Applicant(s): Fran Camaj
Description: Change of use from a bakery, to a sit down restaurant
Location: 320 E Sunset Blvd, Venice, Ca 90291

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. ☒ **Project Address is incorrect (Sunset Ave), Project Description and Planning Commission action is unclear regarding the number of required on site parking spaces.**

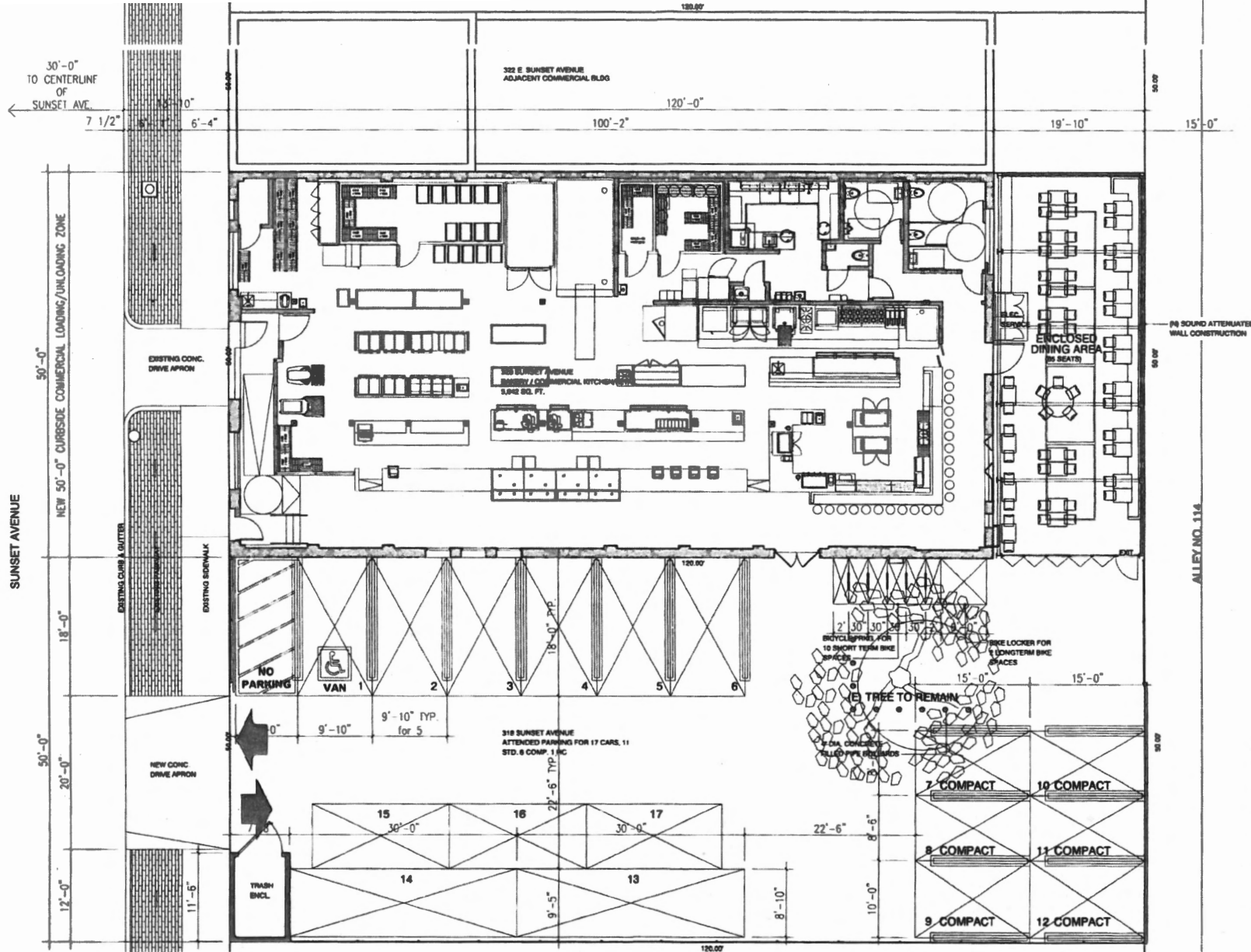
As a result of the deficiency(ies) noted above:**Post-Certification LCP Permits:**

☒ 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.



Project:
Ojusia Bakery
Proposed Parking

Site: 315 Sunset Ave
Venice, CA 90291

Drawing Title:
SITE PLAN
FLOOR PLAN
PARKING PLAN

Drawn: [blank]
Revised: [blank]

Project No.: [blank]
Sheet No.: 1 of 1

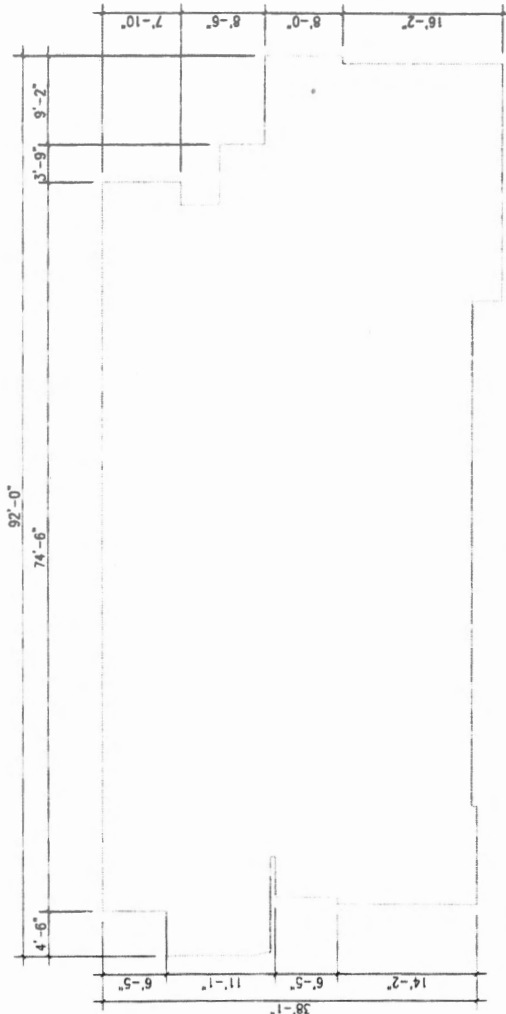
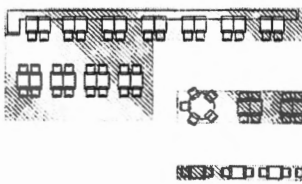
A1.1

EXHIBIT "A"
Page No. 1 of 3
Case No. ZA-2013-3376-CWP-CWP-SPD-1A(2A)

Coastal Commission Exhibit 2

A-5-VEN-16-0059

Page 3 of 28



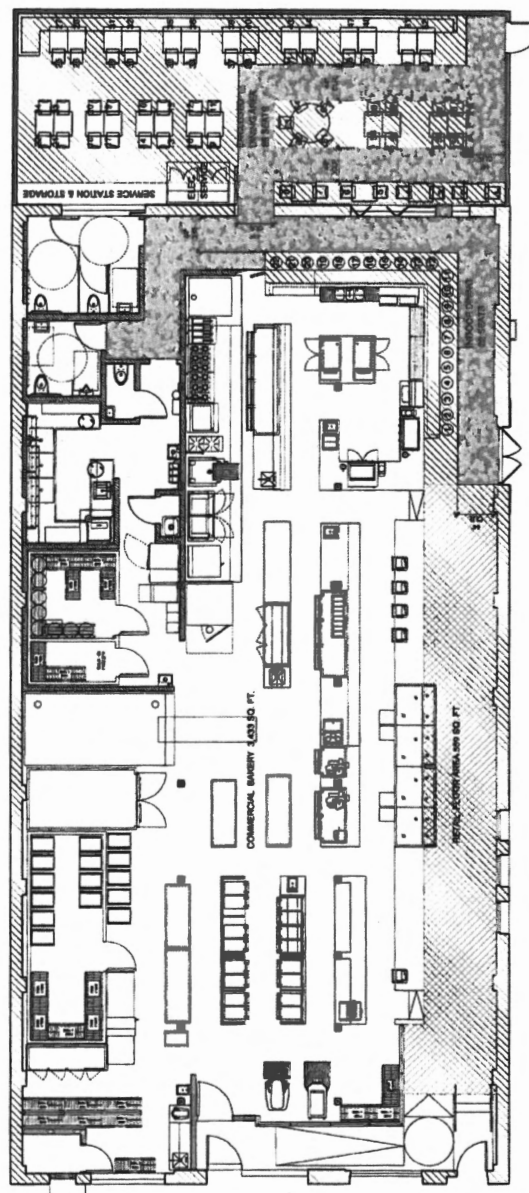
RETAIL FLOOR AREA 589 SQ. FT.
SCALE 1/8" = 1'-0"

COMMERCIAL BAKERY 5,453 SQ. FT.
SCALE 1/8" = 1'-0"

PATH OF TRAVEL
893 SQ. FT.

RETAIL FLOOR AREA
589 SQ. FT.

SERVICE FLOOR AREA
723 SQ. FT.



FLOOR PLAN BAKERY/RETAIL/RESTAURANT 5,453 SQ. FT.
SCALE 1/8" = 1'-0"

EXISTING CONDITIONS

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

LOT AREA 5,000 SQ. FT.
10,000 SQ. FT.
40 SPACES

EXHIBIT "A"
Page No. 2 of 3
Case No. ZA-2013-3376

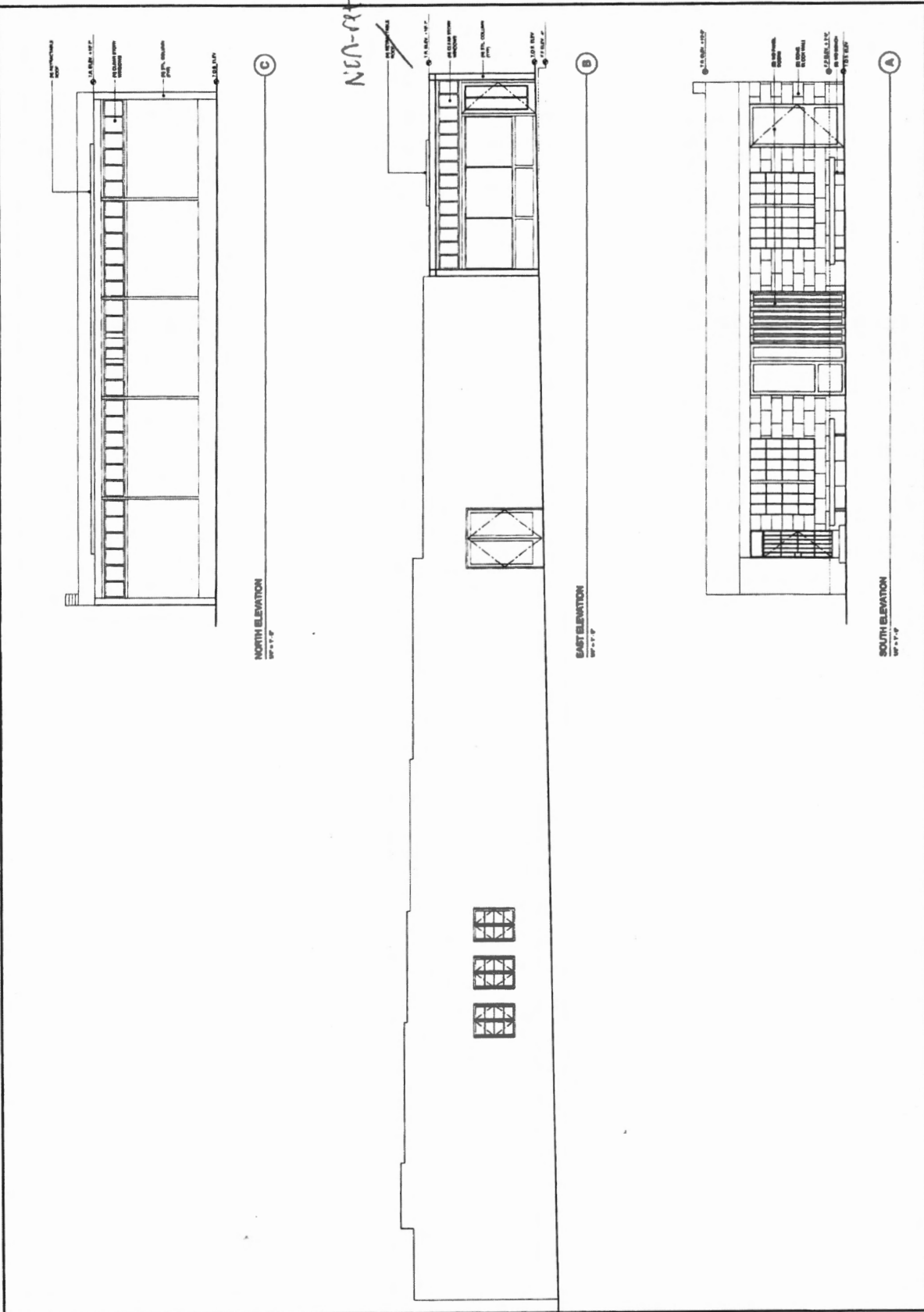
CVE-CWB-SPA-1
-2A

A1.2

EXHIBIT "A"
 Page No. 3 of 3
 Case No. 2A-2013-3376-C (P-WB-SPP-1A(2A))

WP-WB-SPP-1A(2A)

A2





WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; www.lacity.org/PLN/index.htm

Correct to File (Address) LETTER OF DETERMINATION**

Mailing Date: APR 19 2016

Case No.: ZA-2013-3376-CDP-CUB-SPP-1A
CEQA: ENV-2013-3377-MND-REC1

Location: 320 E. Sunset Avenue**
Council District: 11 – Bonin
Plan Area: Venice
Requests: Coastal Development, Conditional Use, Permit Project Permit Compliance

Applicant: Fran Camaj
Representative: Stephen Vitalich Architects

Appellant #1: James Murez

Appellant #2: Ilana Marosi et al: Adam Vagley, Roxanne Brown, Heather Priest, Hubert Hodgins, Carmine Gangemi, Liesbet Koromzay, Heather Thomason, Patricia Delaere, Zach Galafianakis, Arthur Athas

At its meeting on March 2, 2016, the following action was taken by the West Los Angeles Area Planning Commission:

1. **Denied the appeals in-part** and granted the appeals in-part to modify the **Conditions of Approval**.
2. **Approved a Coastal Development Permit** authorizing a change of use of a tenant space from a bakery with retail floor area to a sit-down restaurant with retail space located in the single permit jurisdiction area of the Coastal Zone.
3. **Approved a Conditional Use** authorizing the sale and dispensing of a full line of alcoholic beverages for onsite consumption in a proposed restaurant in the M1-1-O Zone,
4. **Approved Specific Plan Project Permit Compliance** to allow the change of use from bakery and retail use to a sit-down restaurant and retail use (contained within the restaurant's interior and the new outdoor dining area).
5. **Adopted** the attached modified **Conditions of Approval**.
6. **Adopted** the attached amended **Findings**.
7. **Adopted** Mitigated Negative Declaration No. **ENV-2013-3377-MND-REC1**.

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

This action was taken by the following vote:

Motion: Donovan
Seconded: Halper
Ayes: Margulies, Merritt, Waltz-Morocco

Vote: 5 - 0


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

Effective Date/Appeals: The West Los Angeles Area Planning Commission's determination is final and not further appealable.

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 amended Findings
Associate Zoning Administrator: Maya Zaitzevsky

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. 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 Development Services Center for attachment to the subject case file.
7. Approved herein is a coastal development permit and project permit compliance authorizing a change of use from 4,116 net square-foot bakery with 559 net square feet of retail floor area to a maximum 5,744 square-foot sit-down restaurant and bakery including a maximum Service Floor Area of 717 square feet and 559 square feet of retail space. The project includes the construction of a one-story approximately 723 square-foot addition to the rear of the existing 5,008 square-foot tenant space. The restaurant may sell a full line of alcoholic beverages for on-site consumption only. Hours of operation are 7 a.m. to 10 p.m., Sunday through Thursday, and 7 a.m. to 11 p.m. Friday and Saturday.

The approval of the entitlements is contingent upon the submittal of a revised site plan to the satisfaction of the Office of Zoning Administration after review and approval by the Department of Building and Safety (LADBS), the Department of Transportation (LADOT), and Bureau of Engineering (BOE). The site plan shall incorporate: a commercial loading zone on Sunset Avenue; approved parking lot layout, parking calculations, the height and floor area within the building addition,

Coastal Commission Exhibit 2

A-5-VEN-16-0059

Page 8 of 28

and the replacement of the proposed retractable roof with a fixed roof; all in compliance with applicable Code and Venice Coastal Zone Specific Plan provisions. Prior to the issuance of a building permit for the proposed additions, the plans shall be reviewed and approved by the Office of Historic Resources for compliance with the Secretary of the Interior's Standards.

Within 30 days of the issuance of the written determination, all restaurant activity (e.g. serving of food for consumption on the premises) shall be terminated and may not be resumed until the subject conditions and mitigation measures have been effectuated, the construction of the addition is completed and a new Certificate of Occupancy for the restaurant is issued.

Floor Area and Use: The use of the subject tenant space shall be limited to a 5,744 square-foot sit-down restaurant and bakery with a maximum approved Service Floor Area (SFA) of 717 square feet including a maximum of 559 square feet of retail floor area. The revised floor plan shall include a maximum of 22 interior counter seats and no more than 65 seats in the proposed addition. The floor plan and site plan shall first be reviewed and approved by the Department of Building and Safety and the Fire Department prior to submittal to the Development Services Center.

Service Floor Area: The restaurant's total Service Floor Area shall be limited to a maximum of 717 square feet of SFA within the restaurant.

Height: The building shall maintain its existing height which is below 30 feet.

Parking: The project shall provide on-site vehicular parking spaces and bicycle parking stalls as required under the Specific Plan and LAMC Section 12.21-A,4 for the addition of 717 square feet of SFA. If the required parking cannot be accommodated in the on-site parking lot, the applicant can 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.
- c. Provide additional bicycle parking stalls to reduce the required automobile parking by up to 20% LAMC Section 12.21-A,4.

In addition to the on-site parking required for the proposed change of use, the applicant shall provide valet off-site parking for use by patrons during all hours of operation. There shall be signage stating that valet parking is available for Gjusta patrons at no charge. The applicant shall provide to the Development Services Center an executed lease agreement for the off-site parking location which identifies the number of parking spaces available for the restaurant's use. The valet parking attendant shall not park vehicles on public streets. The applicant shall submit to the

Development Services Center a copy of the Valet Parking Attendant Permit approved by LAPD.

Note: This Specific Plan Project Permit Compliance is only applicable to the provisions of the Venice Coastal Zone Specific Plan pertaining to the project as described relative to floor area and use, height, parking and access standards. Whenever the Venice Coastal Zone Specific Plan is silent, all other relevant provisions of the Los Angeles Municipal Code shall apply.

8. **Prior to the clearance of any conditions**, the applicant shall provide proof to the Development Services Center that all LADBS Orders to Comply for the subject property have been resolved.
9. The authorization granted herein for the sale of a full line of alcoholic beverages on the subject premises is for a period of **two years** from the effective date of this grant. Thereafter, a new authorization shall be required to continue the sale and dispensing of a full line of alcoholic beverages for on-site consumption.
10. The applicant shall file a Plan Approval application no sooner than 9 months but within 12 months from the operational 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 LAMC Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by LAMC 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. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number: **ZA-2013-3376(CUB)(CDP)SPP/Operation Notification**. The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
12. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows:

"We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-

Coastal Commission Exhibit 2

A-5-VEN-16-0059

Page 10 of 28

site consumption, in conjunction the restaurant, known as Gjusta, and agree to abide and comply with said conditions."

13. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
14. The project shall comply with applicable requirements of the Coastal Transportation Corridor Specific Plan as determined by the Department of Transportation in the May 6, 2015 Traffic Assessment and any subsequent amendments that may be required by LADOT.
15. The applicant shall submit to the Development Services Center a Transportation Demand Management Plan detailing measures, such as the ones listed below, in order to reduce the restaurant's parking demand:
 - Preferential hiring of employees who live within walking or biking distance
 - Incentives to encourage employees to walk, bike, use mass transit or carpool
 - The installation of bike racks for use by patrons and/or staff
 - Employee training including notification to not park on the street
16. Petitioner shall maintain a hotline number for the purpose of complaints. Petitioner shall respond to citizen complaints within 24-hours. The hotline phone number shall be posted on the exterior front and rear walls of the establishment. A log containing the time, date, and nature of the complaint, and the resolution of the matter shall be maintained on the premises. A copy of the complaint log must be maintained on-site and submitted with the required plan approval application.
17. The exterior windows and glass doors of the restaurant shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the restaurant by Police and private security.
18. The operator shall maintain video surveillance of all interior public areas, including entrances and exits, and maintain a minimum of a 3-month DVR library. All persons acting in the capacity of manager shall be familiar with the surveillance system and have the ability to make a copy of the content and provide it to law enforcement officers upon request.
19. No dancing, karaoke, disc jockey, live entertainment, pool tables, coin-operated games, or video machines are permitted.

20. Any music, sound or noise including amplified or acoustic music which is under the control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. No outdoor amplified recorded music is permitted.
21. Amplified interior ambience music, including vinyl records or CDs played by restaurant employees to compliment the dining experience, shall be limited to background music at a low volume such that it is not audible beyond the premises.
22. Any sound, noise, or music emitted that is under the control of the Petitioner(s), shall not exceed decibel levels that are stated in the Los Angeles Municipal Code. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner will be notified and will be required to modify or, if feasible, eliminate the source of the noise.
23. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible. The lighting shall be shielded so as to not illuminate adjacent residences.
24. A copy of the occupant sign issued by the Fire Department shall be prominently displayed inside the restaurant near the street entrance. The occupancy limit shall be complied with at all times.
25. Loitering is prohibited on or around these premises or the area under control of the applicant.
26. The premises shall be maintained as a bona fide restaurant with an operating kitchen and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
27. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. Employees shall attend the training on an annual basis.
28. 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.

29. The operator shall maintain on the premises and present to any law enforcement officer upon request, the Business Permit, Insurance information, and a valid emergency contact phone number used by the business.
30. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises. Cleanup and trash removal shall be performed in such a manner as to prevent debris from entering the storm drain system.
31. Trash pickup shall only occur between the hours of 8 a.m. and 3 p.m., Monday through Friday.
32. Commercial deliveries to the restaurant are permitted only on Monday through Saturday from 7 a.m. to 4 p.m. The applicant shall stagger the arrival of delivery trucks so that they don't overlap.
33. A laminated copy of the approved conditions shall be posted at the premises and produced upon request of the Police Department or City Planning staff.
34. This approval is tied to ENV-2013-3377-MND-REC1. The following mitigation measures shall be printed on the site plan and complied with at all times:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.

e. ~~Increased Noise Levels (Retail Markets, Bars, Entertainment etc...)~~

- ~~1) A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists.~~

The 6-foot wall noted in the mitigation measure was superseded by the approval of the fully-enclosed rear building addition.

f. Public Services (Police)

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.

g. Utilities (Solid Waste Disposal):

All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

f. Grading/Short-Term Construction Impacts

The Project shall be designed and constructed in accordance with the requirements outlined in the latest edition of the City of Los Angeles Uniform Building Code, including all applicable provisions of Chapter IX, Division 70 of the LAMC, which addresses grading, excavations and fills. •

The Proposed Project shall obtain a sign-off from the Department of Building and Safety. The Project shall comply with the conditions contained within the Department of Building and Safety's approval for the Proposed Project, and as it may be subsequently amended or modified.

h. Transportation and Traffic Construction Management Plan

A Construction work site traffic control plan shall be submitted to DOT for review and approval in accordance with the LAMC prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties, and if applicable, the location of off-site staging areas for haul trucks and construction vehicles. All construction related traffic shall be restricted to off-peak hours

REGULATORY COMPLIANCE MEASURES

In addition to the Mitigation Measures required of the project, and any proposed Project Design Features, the applicant shall also adhere to any applicable Regulatory Compliance Measures required by law.

RC-AES-1 (Vandalism): Compliance with provisions of the Los Angeles Building Code. The project shall comply with all applicable building code requirements, including the following:

- 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.

RC-AES-2 (Signage): Compliance with provisions of the Los Angeles Building Code. The project shall comply with the Los Angeles Municipal Code Section 91.6205, including on-site signage maximums and multiple temporary sign restrictions, as applicable, and except as otherwise specifically authorized by an approved variance to the code.

RC-AES-3 (Signage on Construction Barriers): Compliance with provisions of the Los Angeles Building Code. The project shall comply with the Los Angeles Municipal Code Section 91.6205, including but not limited to the following provisions:

- The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".
- Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.

- The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403. The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

RC-AQ-2: In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.

RC-AQ-3: In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.

RC-AQ-4: The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.

RC-AQ-5: The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.

RC-CR-1 (Archaeological): If archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. Personnel of the proposed Modified Project shall not collect

or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.

RC-CR-2 (Paleontological): If paleontological resources are discovered during excavation, grading, or construction, the City of Los Angeles Department of Building and Safety shall be notified immediately, and all work shall cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.

RC-CR-3 (Human Remains): If human remains are encountered unexpectedly during construction demolition and/or grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

Stop immediately and contact the County Coroner at:
1104 N. Mission Road
Los Angeles, CA 90033
(323) 343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
(323) 343-0714 (After Hours, Saturday, Sunday, and Holidays)

- If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
- The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

RC-GEO-1 (Grading): Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following measures:

- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site.

Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

- Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

RC-HAZ-1 Explosion/Release (Existing Toxic/Hazardous Construction Materials):

- **(Methane)** Prior to the issuance of a building permit, the Project Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which would prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **(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 in accordance with LADBS standards and 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 removal and disposal.

RC-WQ-1 (Low Impact Development Plan): Prior to issuance of grading permits, the Applicant shall submit a Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan to the City of Los Angeles Bureau of Sanitation Watershed Protection Division for review and approval. The Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook.

RC-WQ-2 (Development Best Management Practices): The Best Management Practices shall be designed to retain or treat the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period, in accordance with the

Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a licensed civil engineer or licensed architect confirming that the proposed Best Management Practices meet this numerical threshold standard shall be provided.

RC-PS-1 (Fire): The recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling units or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

RC-PS-2 (Police): The plans shall incorporate the Design Guidelines (defined in the following sentence) 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.

RC-WS-1 (Green Building Code): The Project shall implement all applicable mandatory measures within the LA Green Building Code that would have the effect of reducing the Project's water use.

- Install/retrofit high-efficiency toilets (maximum 1.28 gallons per flush), including dual-flush water closets and high-efficiency urinals (maximum 0.5 gallons per flush, including no-flush or waterless urinals, in all restrooms as appropriate.
- Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- Install/retrofit and utilize only restroom faucets of a self-closing design.
- 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.
- 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.)

RC-SW-1(Designated Recycling Area): In compliance with the LAMC, the Proposed Project shall provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals.

RC-SW-2 (Construction Waste Recycling): In order to meet the diversion goals of the California Integrated Waste Management Act and the City of Los Angeles, which will total 70 percent by 2013, the Applicant shall salvage and recycle construction and demolition materials to ensure that a minimum of 70 percent of construction-related solid waste that can be recycled is diverted from the waste stream to be landfilled. Solid waste diversion would be accomplished through the on-site separation of materials and/or by contracting with a solid waste disposal facility that can guarantee a minimum diversion rate of 70 percent. In compliance with the LAMC, the General Contractor shall utilize solid waste haulers, contractors, and recyclers who have obtained an Assembly Bill (AB) 939 Compliance Permit from the City of Los Angeles Bureau of Sanitation.

RC-SW-3 (Commercial Mandatory Recycling): In compliance with AB 341, 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 Proposed Project's regular solid waste disposal program. The Project Applicant shall only contract for waste disposal services with a company that recycles solid waste in compliance with AB 341.

35. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to

notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement. (b)
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

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

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

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

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

Note: The applicant withdrew the request for the sale of beer and wine for off-site consumption at the March 2, 2016 West Los Angeles Area Planning Commission hearing.

- The quarterly gross sales of alcohol shall not exceed the quarterly gross sales of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- No happy hour reduced priced alcoholic beverage specials are permitted.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

The Findings enumerated below are based on the following information:

- The information and site plans submitted with the application;
- Testimony at the two public hearings conducted by the Zoning Administrator;
- Photographs and visits to the property by Planning staff and the ZA;
- The previously adopted MND, the revised MND (January 7, 2016), and the response to MND comments;
- The May 6, 2015 LADOT Traffic Assessment letter, the Hirsch Green Trip Generation and Traffic Impact Assessment (April 27, 2015);
- The July 15, 2015 action of the West Los Angeles Area Planning Commission sustaining LADOT's approval of the traffic assessment (CTC13-101175);
- Letters regarding the project submitted by LAPD and Councilmember Mike Bonin;
- Information from the State of California Department of Alcoholic Beverage Control's website (abc.ca.gov)

- Evidence submitted by community stakeholders which included technical reports, photographs, videos, emails, and letters;
- Letters and emails submitted in support of the project by the applicant's representatives, restaurant patrons, and community members;
- Property information found on zimas.lacity.org and naviagatela.lacity.org;
- Similar cases in the surrounding area;
- California Coastal Commission decisions;
- The Venice Coastal Zone Specific Plan, Venice Coastal Land Use Plan, Venice Community Plan;
- The appeals filed by James Murez and Ilana Marosi et al; and,
- The March 2, 2016 West Los Angeles Area Planning Commission's appeal hearing.

COASTAL DEVELOPMENT PERMIT MANDATED 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. Section 30250(a) states the following regarding new development:

...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.

Chapter 3 of the Coastal Act further states new development shall be located "where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." New development shall be designed to protect the "scenic and visual qualities of coastal areas."

The subject property is located on Sunset Avenue between Hampton Drive and 4th Avenue within the Oakwood-Milwood-Southeast Venice subarea of the Venice Coastal Zone Specific Plan. The property is a level 18,009 square-foot interior parcel consisting of three tied lots (No. 27-29) zoned M1-1-O. The property is developed with a partial two-story, approximately 10,009 square-foot commercial building constructed in 1926 and a gated unstriped surface parking area. The property has 150 feet of frontage on the south side of Sunset Avenue, a frontage of 150 feet on the north side of Alley No. 114, and a depth of 120 feet. The property is located within the single permit jurisdiction area of the Coastal Zone, the Los

Angeles Coastal Transportation Corridor Specific Plan, a methane zone, and is 4.3 kilometers from the Santa Monica Fault.

The subject project involves a 5,008 gross square-foot, one-story portion of the building with an approximately 955 square-foot rear yard adjacent to the alley. On May 2, 2013, the Director of Planning issued a Venice Sign-Off for a change of use from 4,675 square feet of office to 4,116 square feet of commercial bakery and 559 square feet of bakery accessory retail with a parking credit of 20 spaces (DIR-2013-1314-VSO). On July 28, 2014, the Department of Building and Safety issued a Certificate of Occupancy for a 4,116 net square-foot bakery with 559 net square feet of retail space ("Gjusta Bakery"). The bakery began operating in October 2014 and has been very successful. No seating was permitted as a condition of the VSO and no on-site parking spaces were required due to the parking credit of 20 spaces awarded for the prior office use. The remainder of the building contains commercial and office uses that are not part of the application.

The applicant requested a coastal development permit to allow tenant improvements and a change of use from bakery/retail to bakery/retail/restaurant with 717 square feet of Service Floor Area (SFA). The restaurant was proposed to have 22 indoor counter seats and 65 seats within an outdoor dining area located in the rear of the building adjacent to the alley. The proposed hours of operation were from 6 a.m. to midnight, Sunday through Thursday and 6 a.m. to 1 a.m. Friday and Saturday. The applicant stated that the patio would be cleared of patrons by 10 p.m. Sunday through Thursday and by 11 p.m. on Friday and Saturday. The applicant is also requesting a conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, the sale of beer and wine for off-site consumption, and project permit compliance with the Venice Coastal Zone Specific Plan. The site plan indicated there will be 11 vehicular parking spaces (including one ADA space), a loading zone, and 12 bicycle parking spaces located in the adjacent surface parking lot.

Zoning Administrator's Public Hearings March and November 2014

Main points in opposition to the proposed restaurant included:

- The bakery has been operating in violation of their current Certificate of Occupancy and should not be allowed to intensify the project
- Gjusta is operating like a restaurant and not as a bakery
- The lot at 318 Sunset is not approved for use as customer parking
- Benches and crates are given to patrons to sit and eat in the parking lot and in the rear patio
- Waiters are serving food and beverages to patrons
- The bakery has had 100 people inside and up to 35 people eating outside
- A restaurant serving alcoholic beverages is inconsistent with the LUP's policies for properties designated for industrial use
- The restaurant's size, hours, alcohol sales, and noise from the outdoor patio are incompatible with the residential uses 15 feet away
- Inadequate public outreach done by the applicant

- The restaurant's approvals were bifurcated
- There have been too many changes to the applications and the plans
- The applicant has violated CUB conditions imposed at Gjelina's
- The MND is flawed and needs to be recirculated
- There's inadequate parking now for the customers and employees
- A restaurant will reduce on-street parking used by residents and businesses
- The alley is not wide enough for safe vehicular egress
- The site is located at an un-signalized T-intersection that can't accommodate the additional traffic of a high-turnover restaurant
- The bakery's delivery trucks block traffic on Sunset Avenue forcing cars to dangerously pass on the wrong side of the road
- The valets direct patrons to back-out of the parking lot onto Sunset Avenue endangering pedestrians, drivers, and bicyclists
- The parking lot can't accommodate 14 parking spaces
- There is no loading zone or ADA parking spaces proposed
- The restaurant will reduce coastal access and public recreation
- Street parking should not be removed to provide a commercial loading zone
- The service floor area and parking were calculated incorrectly
- LADOT staff said the trip generation on the referral form need to be revised
- A traffic study will be needed to analyze the project's increase in trips
- The character of Venice is being destroyed by the restaurants and bars

Points in support of the proposed coastal development permit:

- The neighborhood is safer now that Gjusta's has opened
- The bakery serves residents and employees who walk
- The bakery is a beautiful space and patio dining would make it even better
- The proposed restaurant will create jobs for Venice residents
- Allowing cars to exit on the alley will reduce safety issues on Sunset Avenue
- More parking can be provided on the weekends if the project is approved
- Gjusta mentors students and donates to Venice charitable organizations
- Gjusta serves delicious food, customers want to enjoy with a glass of wine
- The patio noise will be reduced by the proposed sound-attenuation system

The case was taken under advisement by the Zoning Administrator to receive a revised site plan from the applicant reflecting the correct parking requirement for the proposed restaurant and to allow LADOT to evaluate if the proposed change of use from office to restaurant would require the preparation of a traffic study.

Traffic Analysis: Appeal to the West Los Angeles Area Planning Commission (APC)

On May 6, 2015, LADOT approved the traffic analysis prepared by Hirsch/Green Transportation Consulting, Inc., and determined that the project would not result in significant impacts to any of the intersections studied. The Concerned Neighbors of 320 Sunset appealed LADOT's approval of the traffic analysis. The appellants disagreed with the methodology of the traffic study; intersections evaluated, and felt that the restaurant would negatively impact coastal access and recreation. The

APC conducted an appeal hearing on July 15, 2015. The APC denied the appeal and sustained LADOT's determination. The APC wanted to ensure that the commercial loading zone and alley egress were evaluated in the CDP application.

Zoning Administrator's Determination

On August 11, 2015, the ZA conditionally approved the following entitlements:

- A coastal development permit authorizing a change of use of a tenant space from a 4,116 net square-foot bakery with 559 net square feet of retail floor area to a 4,675 square-foot sit-down restaurant with a maximum Service Floor Area of 717 square feet and 559 square feet of retail space located in the single permit jurisdiction area;
- A conditional use authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a restaurant in the M1-1-O Zone; and,
- Venice Coastal Zone Specific Plan Project Permit Compliance to allow the change of use from bakery and retail to a sit-down restaurant and retail use with an approved Service Floor Area not to exceed 717 square feet (within the interior and the outdoor dining area); and,
- Adopted the Mitigated Negative Declaration (ENV-2013-3377-MND) prepared for the proposed project.

The approval of the project was subject to numerous conditions to ensure it would be compatible with the surrounding community. The conditions included: a requirement that the operator file a plan approval within 9-12 months to review compliance with the conditions; a 300 square-foot reduction of the patio dining area, patio seats were reduced from 65 to 38; and the restaurant's hours of operation were limited to 7 a.m. to 10 p.m., Sunday through Thursday, and 7 a.m. to 11 p.m. Friday and Saturday (patio area to close by 9 p.m.) The applicant was required to submit a revised site plan and floor plan that was consistent with those limitations and comments received from LADBS staff on the proposed use, SFA, ADA path of travel, parking lot layout, etc. The site plan was required to include a commercial loading area on Sunset Avenue and vehicular egress to the alley. The ZA determined that the building permits and entitlements should reflect a restaurant and retail use only, not the proposed restaurant/retail/bakery. The retail use was required to comply with LADBS' standards for combined restaurant/retail uses.

The ZA determination was appealed by two aggrieved parties. James Murez appealed the decision in part, and, Ilana Marosi et al appealed the entire decision.

Mr. Murez' appeal made the following points:

- Did not agree with the reduction of the patio dining floor area
- The patio should be enclosed with a retractable roof
- ADA path of travel should be excluded from the SFA calculation

- LADOT should determine hours for deliveries and the loading zone
- The bakery should be allowed to operate beyond the hours of the restaurant

Ilana Marosi's appeal made the following points:

- The application and site plan have been revised multiple times without public review/outreach
- The parking calculation is incorrect and is inadequate to accommodate the restaurant's patrons and employees
- Councilman Bonin, LAPD, and the majority of nearby residents are opposed
- Traffic counts were done prior to the change in hours/intensification of use
- No parking will be provided for the bakery
- The following MND information doesn't match the ZA determination: project description; address; floor area (retail and SFA); seating; off-site alcohol
- The MND is inadequate and should be revised to analyze: cumulative impacts of projects; traffic study; alley access; parking demand; significant impacts to public access; noise from the patio and commercial bakery

Changes to the Project/Revised MND

The applicant revised the design of the patio dining area and parking lot layout in response to the appellants' concerns about increased noise and safety issues. The revised project included the construction of a 744 square-foot addition located at the rear of the building instead of a partially enclosed outdoor dining area. The MND included a new parking lot layout with 17 parking spaces, 12 bicycle parking stalls, ingress and egress from Sunset Avenue, and a valet parking attendant during all hours of operation. LADOT concurred with the community that the alley was too narrow for cars and that the cars should exit on Sunset Avenue. LADOT staff felt that with a parking attendant, the revised layout was the safest alternative.

In response to the complaints about the adequacy of the project's MND, the applicant hired an environmental consultant to prepare a revised MND which evaluated the construction and operational impacts associated with the project. On January 7, 2016, the revised MND (ENV-2013-3376-MND-REC1) was circulated for a 30-day comment period. The MND described the revised entitlements as follows:

(1) a coastal development permit authorizing a change of use of a tenant space from a 4,116 net square-foot bakery with 559 net square feet of retail floor area to a new 4,675 sit-down restaurant with a maximum Service Floor Area of 717 square feet and 559 square feet of retail space located in the single permit jurisdiction area of the Coastal Zone; (2) a conditional use authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a proposed restaurant in the M1-1-0 Zone, and (3) a Specific Plan Project Permit Compliance to allow the change of use from bakery and retail use to a sit-down restaurant and retail use with an approved Service Floor Area not to exceed 717 square feet (contained within the restaurant's interior and the new outdoor dining area). The Applicant may

also require approvals and permits from the Department of Building and Safety (and other municipal agencies) for project construction activities including, but not limited to, the following: grading, foundation, haul route (for the export of construction/demolition debris and approximately 19 cy of soil), and building and tenant improvements for the Project Site.

On February 22, City Planning issued a written response to the MND comment letters submitted by Caltrans, Joyce Dillard, and Ilana Marosi. City Planning found that none of the comments raised a fair argument supported by substantial evidence that a significant environmental impact would occur in relation to the project. The revised MND supersedes the previously adopted project MND.

APC Appeal Hearing

On March 2, 2016, the APC conducted an appeal hearing. The APC listened to 4½-hours of testimony from the ZA, the appellants, the applicant's representatives, community stakeholders, and the Planning Deputy for Councilmember Mike Bonin. The ZA advised the APC that the appeal of Marosi et al should be granted in part because a revised MND should have been prepared by City Planning prior to the issuance of a letter of determination. The CEQA arguments raised by the appellant were now moot because City Planning issued a revised MND which analyzed the environmental impacts of the proposed change of use from a 4,116 net square-foot bakery with 559 net square feet of retail floor area to a new 4,675 sit-down restaurant/bakery with a maximum Service Floor Area of 717 square feet and 559 square feet of retail space. The ZA explained the reasons for her decision and gave the APC draft conditions for their consideration if they approved the revised project.

Mr. Murez testified that he was a longtime Venice resident who feels the restaurant/bakery is a good project, and the community's issues with it can be resolved. He was initially concerned with the noise impacts from the patio, but he believed that enclosing the patio will mitigate the noise. He disagreed with the ZA's reduction in the dining area and ADA path of travel. He argued that the bakery should have longer operating hours than the restaurant. The problems associated with patrons eating in the parking area will be eliminated once the interior dining area is approved and the parking lot is striped.

Ms. Marosi argued that the applicant's credibility and the enforcement proceedings at his other Venice restaurants were relevant to the APC's discretionary hearing. She submitted documentation that the applicant was serving food and beverages in unlicensed areas at his Abbott Kinney restaurant (Gjalina's). She argued that Gjusta is located in a census tract with an undue concentration of ABC licenses (ten times the LA County average), and is within a high crime district. She stated that an ABC license could not be granted if residences are located within 100 feet. She testified that the application and the project plans changed numerous times without adequate input from the community. Ms. Marosi felt the restaurant/bakery/retail should not be approved unless additional parking is provided for the retail and bakery components. She felt that the applicant chose to "piece meal" the entitlements by getting a sign-off for a bakery rather than a restaurant. She was opposed to the proposed folding wall and retractable roof shown in the MND on the

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4418

VOICE (562) 590-5071 FAX (562) 590-5084

MAY 20 2018

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Ilana Marosi & Additional Appellants—see list & signatures attached

615 Sunset Ave

City: Venice

Zip Code: 90291

Phone: 310-801-1022

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles

2. Brief description of development being appealed:

Change of use from a bakery to a sit-down restaurant

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

320 Sunset Ave; APN: 4286-007-031; cross street 3rd Ave

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

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-Ven-16-0059

DATE FILED: 5-20-16

DISTRICT: South Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision:

March 29, 2016

7. Local government's file number (if any):

ZA-2013-3376-CDP-CUB-SPP-1A

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Fran Camaj, 1425 Abbot Kinney Blvd, Venice, CA 90291

and

Roger & Jean-Marie Webster Trust, PO Box 4385, Malibu, CA 90264

and

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

b. 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.

(1)

(2)

(3)

(4)

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.

**SEE ATTACHMENT FOR
SECTION IV--REASONS SUPPORTING THIS APPEAL**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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

ADDITIONAL APPELLANTS' SIGNATURES ATTACHED



Signature of Appellant(s) or Authorized Agent

Date: May 20, 2016

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVT

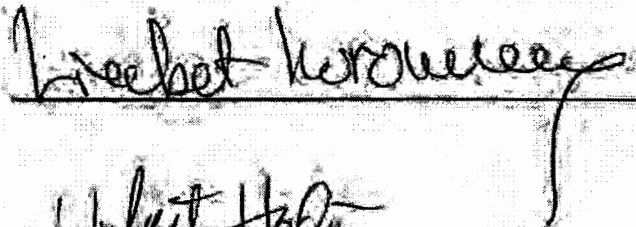
320 SUNSET AVE, VENICE, CA, 90291

CASE NUMBER: ZA-2013-3376-GDP-CUB-SPP-1A

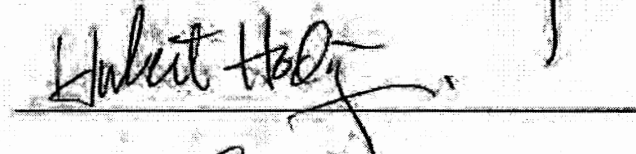
FILING DATE: May 20th, 2016

ADDITIONAL APPELLANT LIST AND SIGNATURES - Page 2 of 3

Liesbet Koromzay
332 Vernon Ave,
Venice, CA. 90291



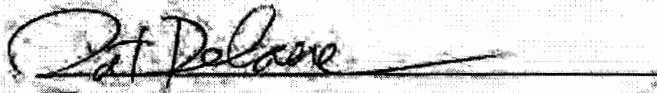
Hubert Hodgin
328 Vernon Ave,
Venice, CA. 90291



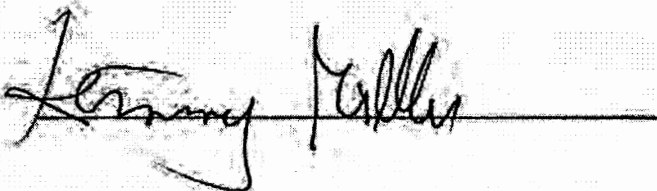
Adam Vagley
418 Vernon Ave #A,
Venice, CA. 90291



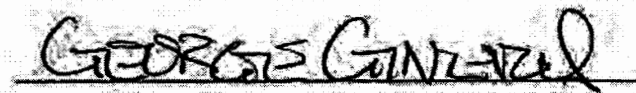
Patricia Delaere
321 Indiana Ave,
Venice, CA. 90291



Kimmy Miller
512 Rose Ave #223,
Venice, CA. 90291



George Gineris
256 Horizon Ave,
Venice, CA. 90291



Mike Chamness
232 3rd Ave,
Venice, CA. 90291



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVT

320 SUNSET AVE, VENICE, CA, 90291

CASE NUMBER: ZA-2013-3376-CDP-CUB-SPP-1A

FILING DATE: May 20th, 2016

ADDITIONAL APPELLANT LIST AND SIGNATURES - Page 1 of 3

Arthur Athas
342 Sunset Ave,
Venice, CA. 90291

Arthur Athas

Carminie Gangemi
322 Sunset Ave,
Venice, CA. 90291

Carminie Gangemi

Naomi Nightingale
415 Sunset Ave,
Venice, CA. 90291

Naomi Nightingale

Roxanne Brown
338 Vernon Ave,
Venice, CA. 90291

Roxanne Brown

Heather Priest
356 4th Ave #12,
Venice, CA. 90291

Heather Priest

Alix Koromzay
334 Vernon Ave,
Venice, CA. 90291

Alix Koromzay

Will Beinbrink
356 4th Ave,
Venice, CA. 90291

Will Beinbrink

320 Sunset Ave
ZA-2013-3376-CDP-CUB-SPP-1A
City CDP Coastal Appeal Date: May 20, 2016
SECTION IV. Reasons Supporting This Appeal

A. Summary/Introduction

The development at 320 Sunset Ave is not in conformance with Chapter 3 of the Coastal Act with respect to Access and Character.

Access:

This project has a substantial adverse impact on the public's Access to the Coast. The City of L.A. Department of Transportation General Manager has indicated that Sunset Ave is a primary coastal access link for the community. It is a direct and primary route to the beach for coastal visitors.

This project does not provide adequate parking and causes severe traffic problems, as detailed below. The significant impact of this project on Access was not correctly represented in the City's CDP determination, as fully explained in the Traffic Study at EXHIBIT C.

Character:

Approval of a change of use from bakery, which is an industrial land use that is encouraged for this Industrial Land Use designation as per the certified Land Use Plan, to restaurant use, which significantly erodes the character of this industrial zone and also prejudices the ability of the City to prepare a Local Coastal Program that is in conformance with Chapter 3 and its certified Land Use Plan.

Not following the certified Land Use Plan, in terms of not preserving industrial use of the industrial zone land, as the Land Use Plan states "shall be done," and not using this property for the artist community as is allowed by the Land Use Plan, but rather allowing a restaurant use, which SHALL be "restricted" in this land use designation and is not a preferred use, significantly erodes the character of this neighborhood, as it is defined and described in the certified Land Use Plan, and this will also serve to prejudice the ability of the City to prepare a Local Coastal Program that is in conformance with Chapter 3 of the Coastal Act and its very specific certified Venice Land Use Plan guidance.

B. Reasons for Appeal Based on Coastal Act Chapter 3

1. Councilman Bonin Opposes Project

Councilman Bonin strongly opposes the restaurant at 320 Sunset per a letter dated October 31, 2014 and again on October 16, 2015. Councilman says he is "deeply concerned that the noise and impacts from the patio, given the proximity to residences,

cannot and will not be adequately mitigated.

SEE EXHIBIT A

The surrounding neighbors, and other concerned Venetians, lodged between 100-120 protests against this project with the ABC in June 2014. Curiously, the applicant withdrew his ABC application on May 6, 2015.

2. Project Already in Violation of Condition added to the CDP Determination by West L.A. Area Planning Commission

APC CDP determination, Condition 7., 3rd paragraph, states that "Within 30 days of the issuance of the written determination, all restaurant activity (e.g. serving of food for consumption on the premises) shall be terminated and may not be resumed until the subject conditions and mitigation measures have been effectuated, the construction of the addition is completed and a new Certificate of Occupancy for the restaurant is issued."

The restaurant activity has not terminated and it has been more than 30 days since the issuance of the written determination.

3. Project Is Not in Conformance With the Land Use Designation as per the Certified Venice Land Use Plan

The certified Venice Land Use Plan (LUP) Policy I. C.1. Industrial Land Use, states: "The Land Use Plan designates approximately 53 acres of land for Limited Industry land uses. It is the policy of the City to preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted. Artist studios with residences may be permitted in the Limited Industry land use category. Adequate off-street parking shall be required for all new or expanded industrial land uses consistent with Policies II.A.3 and II.A.4. The design, scale and height of structures in areas designated for industrial land uses shall be compatible with adjacent uses and the neighboring community."

The continued loss of Venice's unique artist community is having a cumulative effect on Venice's unique cultural heritage.

Not following the certified land use plan in terms of not continuing use of this property for the artist community, allowing a restaurant use in an area where it is "restricted" and not a preferred use, and not preserving industrial use of the industrial zone land, as the Land Use Plan states "shall be done," will serve to prejudice the ability of the City to prepare a Local Coastal Program that is in conformance with Chapter 3 of the Coastal Act and its very specific certified Venice Land Use Plan guidance.

The CDP does not follow, and in fact flies in the face of, the Coastal Commission-certified Venice Land Use Plan policies, which is used as a guide in order to determine whether a project adheres to Chapter 3 of the Coastal Act.

As per the L.A. General Plan's Venice Land Use Plan, Policy I. C. 1. Industrial Land Use, it is the policy of the City of L.A. to preserve its valuable Limited Industry land resources from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted.

The Venice Land Use Plan, Policy I. B. 11. Intensification of Commercial Uses, states that intensification of existing commercial uses, including expansion of indoor or outdoor dining areas conversions of retail uses to sit-down restaurants, shall be required to provide adequate parking to meet the demands of the intensification consistent with LUP Policies II. A.3 and II.A.4.

SEE EXHIBIT B

4. Project Approved Without a Fixed Parking Requirement

First and foremost, the City should not be allowed to subrogate its responsibilities to determine a parking requirement to the State Coastal Commission. There is no good reason why the City could not have done the necessary work and coordination, in the proper order, in order to have a set requirement for purposes of the City CDP. Instead, they left this critical component of the permit "flexible," a so-called "mechanism," which will be used to determine the parking requirement outside of the Public Process. As frequently is the case with City of L.A., the Public is being left in the dark. The CDP determination states that if the required parking cannot be accommodated in the on-site parking lot, the applicant can either 1) pay an in-lieu parking fee of \$18,000 per space, 2) reduce the Service Floor Area, or 3) provide additional bicycle parking stalls up to 20%. Not only should it have been determined whether the required parking could be accommodated in the on-site parking lot BEFORE issuance of the CDP determination, but none of those three options are acceptable for purposes of the CDP Findings.

The certified LUP DOES NOT allow for in-lieu parking fees unless they represent the value of the parking. Neither the LUP nor the VCZSP allow for bicycle parking to take the place of car parking. Both of these are referred to as a method to "accommodate" the Service Floor Area of the restaurant.

There has been no parking provided for the bakery component of the use. The kitchen area must be allocated between restaurant (for which there would be no parking requirement as only service floor area is used for that calculation) and bakery/bakery retail.

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. Coastal Act Section 30252 requires that new development provide adequate parking facilities to maintain and enhance public access to the coast. Coastal Act Section 30213 requires that lower cost visitor and recreational facilities shall be protected. The facts clearly show that a substantial issue exists with respect to the proposed project's conformance with Chapter 3 of the Coastal Act, and thus with the approval of the CDP, because the City-approved project does not include a plan that will mitigate the parking impacts of the development. The off-site valet parking plan is not adequate as it has not been shown to be long-term or permanent, and also there is a question as to the certainty of the lease. Also, the parking condition states that the valet attendant shall not park vehicles on public streets, but it should be added that they will also not park in any public parking lots. In addition, the Applicant's proposal to the City does state that the applicant will pay the Venice Coastal Zone Specific Plan In Lieu Parking Fee of \$18,000 per parking space, and the City's approval gives the Applicant the option to pay this fee to the City in lieu of providing actual parking. **However, there is no evidence that the payment of a fee to the City in lieu of providing actual parking will mitigate the parking impacts of the project or improve access to the coast.**

While the certified LUP is not the basis for establishing the grounds for finding substantial issue, its policies nonetheless provide a baseline and guide from which the Coastal Staff can evaluate the adequacy of a project's mitigation of public access impacts, including those associated with impacts on public parking supply for coastal access. In its adoption of the certified LUP, the Coastal Commission recognized that the public parking supply is limited in the Venice Beach area and, as such, it is imperative that any proposed development provide adequate parking on-site (or off-site in non-public parking areas reserved exclusively for the development) to ensure that the use of the proposed development will not affect available public parking areas used for coastal access and recreation.

When the LUP was certified in 2001, the Coastal Commission considered the potential impacts that development could have on the public parking supply and adopted policies to require an Applicant to provide a certain number of off street parking spaces, depending on the size and proposed use of a site. Thus, the parking standards adopted in the certified LUP can be used as a baseline requirement to assure that the project will be consistent with the Chapter 3 policies of the Coastal Act. Given the site specific conditions of the proposed project and the parking shortages in Venice, it is appropriate to use the certified LUP policies as a baseline for determining whether or not the proposed project is consistent with the Chapter 3 policies of the Coastal Act, due to the fact that the number of parking spaces required generally accommodates the anticipated number of people who would use the proposed development. In this case, it is not clear whether the amount of actual parking spaces to ultimately be proposed is enough parking to meet the parking demands of the proposed project. **Thus, the proposed project would increase parking demand and intensify competition for parking in an area already suffering from a grossly insufficient parking supply.**

A parking plan for commercial retail use of this area 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 proposed development. **The project does not include a plan that will mitigate the parking impacts of the development. Therefore, the CDP's Public Access-related Findings cannot be made.** 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.

Also related to the parking calculation is the current practice of reducing the Service Floor Area (SFA) for the ADA path of travel. The ZA described how there is potential for excessive reduction to the SFA as there is no upper limit for such reduction. The Department of Building & Safety is not willing to impose an upper limit. Thus, the Applicant has a great deal of flexibility in the amount of the deduction. This deduction to SFA is not used elsewhere in L.A. and was not used prior to the last couple of years. This change to the VCZSP parking calculation was implemented by City Planning with little or no basis and was not approved as an amendment to the VCZSP Ordinance. The fact that a path of travel is required for ADA purposes does not mean that it is a factor in the VCZSP or LUP parking calculation. This practice can result in a lower parking requirement than for the non-coastal areas of Los Angeles. This practice can and is used to distort the SFA and should be terminated, including for this project.

The CDP Determination project description for the change of use continues to go back and forth between a new use of restaurant and bakery retail to the new use being restaurant/bakery/bakery retail. It makes a difference in the parking calculation whether the bakery use will continue. In the past, baked goods have been sold on a wholesale basis, including to the applicant's other restaurant(s). If the bakery is no longer in the project description and the parking calculation, all bakery activities/use should be terminated and bakery equipment must be removed.

5. Traffic & Parking Study

The city's study's scope was prepared in compliance with L.A. Department of Transportation's policies and procedures. The reasonableness and adequacy of these policies and procedures was not considered in approving/accepting the study. In fact, those policies and procedures omit consideration of the impact on non-signalized intersections (those without stop lights). Management has a duty to exercise its judgment and discretion in evaluating the adequacy of the mitigation measures related to traffic issues, and this judgment was not exercised. In addition, the ZA, as the decision maker for the project, must make a judgment as to the adequacy of traffic mitigation measures, and this cannot be delegated to other City departments.

SEE EXHIBIT C for TRAFFIC REPORT - by Herman Basmaciyani PE Civil Engineer, for the Appellants. This report proves that the project lacks adequate mitigation measures and that access to the Coast is not protected.

The Public, including adjacent property owners, is forced to address projects that are not clear or complete, and are essentially required to do City Planning's job in doing so, the job that we, the Public, would expect them to do on our behalf and in the process of protecting quality of life for the neighborhood.

This is dereliction of duty, abrogation of responsibility to other departments within the City, and abuse of discretion for this Zoning Administrator to issue a determination that is contingent upon the submittal of revised site plans with parking calculations. For a CDP determination to be issued, it must necessarily include final plans and final parking calculations, among other things. The whole purpose of issuing a land use permit such as a CDP (Coastal Development Permit), particularly one that has been delegated from State to City, and for which the City in essence stands in the shoes of the State in issuing, is to approve a set of plans and related conditions, based on certain Findings of the decision-maker.

This Determination does not meet the definition or spirit of a CDP. In addition, this sets up the permit and process in such a way that the Applicant can more easily modify the plans and parking calculations without City or Public detection.

The trip counts made by the Applicant's traffic consultant and adopted by the DOT are no longer applicable for this project. When the study was done in March 2015, Gjusta had much shorter hours and was operating their bakery at a significantly lower intensity. Since that time, in the last 6 months, there has been a marked ramp up in the intensification of this operation. The trip counts used for the previous traffic study were made up from the ITE Trip Generation handbook, THEY WERE NOT ACTUAL TRIP COUNTS made by real people in actual cars, to this DESTINATION restaurant.

The CDP Findings, under Parking Requirements, state that having 14 spaces will alleviate the parking demands for the expansion. This is a complete fallacy. First, there are not 14 spaces. Furthermore, neighbors have witnessed between 30- 50 cars per hour be refused entry to the parking lot, and be forced to either "settle" for parking in one of the Gold's Gym private lots, or crawl the neighborhood for available street parking, which we all know to be a challenge. Meanwhile, as they hunt, they are not paying attention to our cyclists, our pedestrians, our children in our neighborhood.

The ten car parking lot in no way mitigates the number of patrons who visit this location, especially at peak times, which WERE NOT studied in the DOT accepted traffic study.

The parking calculation used by the ZA includes the "expansion" to 10,000 sq ft of the project, which incorporates a neighboring office at 322 Sunset, NOT 320 or 318 Sunset. The long-term tenant of 12 years was thrown under the bus by the landlord, to enable Fran Camaj's latest scheme.

At the November 13, 2014 ZA hearing, LADBS' Ara Sargsyan, publicly declared that once a business operator volunteers to provide parking if it is not required, it becomes grandfathered in. Then once they do their NEXT Change of Use, they lose accessibility

to use these spaces as new ones, and have to provide the required extra on top of that. In this case, that means that the use of the parking lot by Mr Camaj for his previous bakery means that those spaces are now grandfathered in. Seeing as he is going for a new Change of Use to Restaurant, according to LADBS, he is now required to find an ADDITIONAL 14 plus parking spaces.

There is also an error with the new parking calculation. There has been NO PARKING provided for the bakery component of the restaurant. Unless they are planning to remove their \$100,000 Italian baking oven and all of their other expensive bakery equipment, and as long as they intend to bake and supply baked goods, they are still, and as well, a bakery. This needs to be accounted for in the parking calculation.

Since the traffic hearing on July 15, 2015:-

- There is evidence of Gjusta's parking attendants still directing cars to back out into street from the parking lot. Gjusta's own delivery van dangerously backs into Sunset Ave from the parking lot also.
- There is evidence of Gjusta's patrons parking in Gold's gym parking lots.
- There is evidence of Gjusta staff parking on the street and in Golds' parking lots. They have approx 50 staff per shift, and the owner forbids them from parking in the Gjusta lot....so where do they park?

6. Rear Alley Egress

REAR ALLEY EGRESS WAS NOT CONSIDERED IN THE TRAFFIC HEARING on July 15, 2015. We were informed by the West L.A. Area Planning Commission that if rear egress/alley access was to be recommended, which it is, the case would need to be remanded back for further more detailed traffic/egress study. It is now time to send it back. The project has changed in scope considerably, the rear alley is substandard, and problematic, and these issues need to be addressed, per the Area Planning Commission's advice.

Rear alley egress at this property is not feasible for the following reasons:

On exhibit A of the CDP determination, proposed Site Floor/Parking Plan, the alley is shown to be 15' wide. Field measurements found several locations in the alley where the width is less than 15', in some cases, substantially so. Immovable objects such as utility poles, trees and buildings create restricted "choke points," thereby effectively narrowing the overall usable width of the alley.

On exhibit A of the CDP determination, proposed Site Floor/Parking Plan also shows the required van accessible ADA stall. The stall and its access aisle are the correct widths, but the access aisle is overlapped by the vehicular way, which takes the access aisle out

of compliance. There does not appear to be sufficient drive aisle width available here unless several parking stalls are eliminated and the drive aisle is relocated. For more information please refer to page 145 of the California Case Accessibility Standards.

Per the LADBS Zoning Code Manual and Commentary, the rear alley is not considered accessible. It is less than 15' wide and both ends DO NOT OPEN ONTO A STREET. A potentially favorable consideration such as cut corners at the alley intersection does not exist, and the alley's use intensity will certainly increase with it now being utilized as the lot's only egress route. For more information please refer to page 160 of LADBS Zoning Code Manual.

7. Illegal Operation

The City and its Area Planning Commission are aware that this Applicant has violated the City's Codes and its own project conditions on many counts, and that the business owner had been cited on several occasions, yet refused to comply. It would be dereliction of duty for the City to approve a permit where there is an obvious and easy opportunity for this Applicant to continue to violate the City's codes and his project conditions on this permit and where the likelihood of doing so is well supported. To allow a reduction of Service Floor Area (in the parking calculation/"formula") is to allow for the distinct possibility that the Applicant will not honor this request, based on his consistent history of non-compliance.

The applicant has been out of compliance on this property since the time he built it out, without all relevant permits.

He graded without a permit.

He built walls and installed electricity on the roof prior to permits.

He got permits for a Bakery, but fitted out a commercial bakery/restaurant kitchen, in spite of the fact that the Building Permit clearly stated that they were to install "bakery equipment only." This was brought to the attention of Head of the Code Compliance Unit, Rocky Wiles, in August 2014.

The applicant obtained a Certificate of Occupancy on July 28, 2014 for a "BAKERY/TAKEAWAY – NO SEATING" and from that moment he operated an unpermitted sit-down restaurant with makeshift tables and chairs using milk crates and garbage bins in an adjoining vacant lot that was not permitted for outdoor dining.

The Certificate of Occupancy states BAKERY/TAKE OUT – NO SEATING. FROM THAT TIME, GJUSTA HAS BEEN IN VIOLATION, BY PROVIDING GARBAGE BINS AND MILK CRATES, AS MAKESHIFT TABLES AND CHAIRS AT THE GJUSTA BAKERY ILLEGAL EXPANSION in the adjoining parking lot.

8. Operator's Bad Track Record

The applicant/operator has also been out of compliance with the two other restaurants in the area that he operates--Gjelina and GTA, at 1429 and 1425 Abbot Kinney Blvd.

At the West LA Area Planning Commission's regular meeting on April 20, 2011, it was established that this same Applicant had been in violation of several Conditions the City had imposed on his operation since opening in 2007. Some of his other violations include:

He more than doubled allowable seating both indoors and on the patio.

He uses the garage for storage rather than parking.

He converted the dwelling upstairs to dining area WITHOUT PERMITS and uses it for food/drink service.

Noise from patrons on the open patio is audible by residents over 100 feet away, and patio did not close at 11pm when it was meant to.

To this day, eight years later, several of these conditions continue to be broken. Building and Safety have cited him numerous times and still he refuses to comply.

At GTA, 1427 Abbot Kinney, a TAKE AWAY ONLY restaurant owned by the same operator, he seats patrons on milk crates on the street and makeshift tables on the adjoining property, which is also unpermitted for food service, thus essentially providing him an unofficial restaurant expansion!

This operator may run a popular and successful establishment, HOWEVER, being a successful businessperson means being a responsible one, which he is not. He has proven himself otherwise to the community and to the city. He continues to flaunt the law and thus deny his obligations as a responsible alcohol licensee and restaurateur. His poor track record proves that he is not a trustworthy operator, and that he is a public nuisance to the surrounding neighborhood and the community he is supposed to 'serve'.

Gjelina Take Away (GTA) at 1425 Abbot Kinney, same owner as Gjelina and Gjusta, takes advantage of an illegal expansion by using milk crate dining, and other makeshift tables/chairs to seat customers in a driveway/yard next door to his TAKE AWAY ONLY restaurant.

9. Violations of Due Process

The Applicant has stated on numerous occasions that they implemented the project in stages in order to expedite processing by avoiding the Public Process until the last stage of the project, instead of for the entire project. The City should not have allowed this and should have stopped it immediately when they discovered it, which was at the City ZA Hearing in March 2014. At that time, they should have collapsed all of the cases into one

and stopped any further work on the building until the CDP for the entire project was approved.

The Applicant used the Appeal process to expedite numerous changes and corrections to the project plans and to continue to have a "free pass" from restarting the project. In particular, the Applicant requested and was granted a continuance to redo the MND in order to avoid the project being denied due to the fact that the project as per the CDP was not the same as the project per the MND. This was trickery on the part of the City Attorney.

This applicant was given chance after chance to modify his project, at the great expense of the appellants. It was nothing but an exercise of the appellant working very hard to summarize violations of the applicant in various appeals and public comments, both written and oral, with the applicant then being given extraordinary leniency to change their plans in order to fix the very problems with the project that the appellant's appeals asserted should result in a denial of the project. This is patently unfair and does not constitute an "appeal right," neither under the Constitution of the United States nor under the City's Charter.

In addition, the ZA was allowed to provide revised conditions to the Commissioners, most of which were used in the final determination. A copy was not provided to the Public/the Appellants, and a copy had not been put into the file until that day, which did not allow adequate time for the Appellants to discover it. Also, the revised conditions were not read aloud. **This is a violation of due process under the California State Brown Act.**

Also, the project plans changed numerous times without adequate, or any, consideration from the Community.

Significant evidence was provided by the appellant, which should have been used for consideration of the conditional use alcoholic beverage permit (the 259 Hampton Drive findings and standards for the CUB) and for the evaluation of the applicant's likelihood of adherence to the conditions of the project (evidence of his violations on the subject property and on his other nearby properties).

The ZA Approves a Coastal Development Permit, Conditional Use Permit for use of a full line of alcoholic beverages, and a Specific Plan Project Compliance Permit, containing significant project revisions from the project as heard in the last Public Hearing, but with no further Public Hearing Process to review these significant changes - and with approval contingent upon receipt of the Final Plans and Parking Calculations.

At the bottom of page F-10 of the APC's CDP Determination, it states that "...Oakwood...is adequately served by infrastructure," and yet there is no source for this information. A conclusion of this importance must be explained or shown to be true.

Both the Zoning Administrator and the West L.A. Area Planning Commission abused their Discretion in issuing the original and subsequently the revised APC CDP determination for the proposed project, as they denied the Public of their right to due process in not requiring the Applicant to inform the Public of the significant changes being made to the project and in not conducting another Public Hearing to review the project. They also allowed the determinations process to be handled in a way that will essentially hide the final plans and any other versions or changes from the Public.

The Public is only being provided a set of plans and parking calculations that are NOT the plans being approved but that contain the ZA's notes on them. Given such a Determination, there is no process for the Public to be provided the final plans and parking calculations, which is to deny the Public its rights with respect to being adequately informed of this land use project. This structuring of the determination in this way, naturally gives more opportunity for abuse of the process by the Applicant.

10. Piece-Mealing

In the first Public Hearing for this project, on March 13, 2014, the ZA scolded the Applicant for handling the case piecemeal, and for not including the entire project in the initial case filed. She also scolded the Applicant for not being clear with the Public on what the project entailed, and instructed them to go back and do additional community outreach and to allow the Venice Neighborhood Council to take an action on the project.

On September 4, 2014, the ZA sent the Applicant a letter requesting clarity with respect to the project description and asking for a revised application and requiring another hearing.

And yet, the Applicant has made significant changes since that second hearing, and had not gone through the entire Neighborhood Council process so the community was not familiar with the newest of changes. The ZA did not ask the Applicant to do added community outreach, nor did she schedule another Public Hearing to review those changes.

What's different? For one, since the time that the ZA scolded the Applicant for handling the case piecemeal, the Applicant has been consistently telling the Public that it was the City itself that instructed and facilitated them in "piece-mealing" the project, and that this was done in order to expedite the project. However, this is not legal, as it cuts the Public out of significant parts of the overall project decision – whereas if the project is all considered together in one application, the Public would be involved in reviewing and hearing the entire case. Also, piece-mealing cuts the Public out in such a way that the decisions being made might not have been made in the same way had they not cut the Public out of some of the process and related decisions. The fact that the City is encouraging and facilitating an Applicant in evading the Public Process cannot go unchecked. This must be addressed relative to this project as well as relative to all projects moving forward.

State law, the Coastal Act and CEQA, and City requirements do not allow piece-mealing of a project, where certain requirements (such as Public participation) are avoided by doing so. The ZA said quite strongly at the City Zoning Hearing on March 13, 2014 that an Applicant should not submit an application until they are certain of their overall project plans.

This Applicant maintains that not only did he "piece-meal" the project, but that the City proactively encouraged and helped him to do so.

The nature of the project has morphed several times over the past 2 years from a Bakery/Mercantile to a Commercial Bakery/Retail Take Out /Sit Down Restaurant, and any and every combination in between.

There have been 7 different iterations of plans in the same timeframe, many of which have not been presented to the community. The project has changed drastically since the applicant told the neighborhood that he was just going to do a bakery/cafe that would cater to locals. However, at such time that he said this, he had already submitted applications and plans for a full restaurant with alcohol. He signed a lease in December 2012, attesting to the fact that he intended to operate a bakery/cafe, yet at the same time he was applying for a restaurant and fitting one out.

11. Incomplete Plans

The plans for the CDP Determinations, referred to as exhibit A, were not finalized. They do not accurately describe what is going on. For the initial CDP, they had handwritten scrawl on them, and this does not address the project in a manner that is legible, logical, and legitimately informative to the community. How can they be part of an official ZA Determination when they are indecipherable, and the applicant has not presented them to the community.

The plans changed again since the traffic appeal hearing. There is an office expansion listed, hence the addition square footage (10,000 as opposed to 5,000) in the new Master Land Use Application which the Appellants discovered the day before the parking appeal hearing in the file. These were submitted to the ZA file on 8 June 2015, some 7 months AFTER the last ZA's public hearing. This is a very different MLUA application since the beginning of the project.

For the ZA to instruct the Applicant to not use the 350 square feet at the back of the patio is dereliction of duty, as she is aware that this Applicant uses far more service floor area than what is approved for not only this project but other projects of his in the area. There have been many code enforcement issues for this Applicant on this project and his other projects. To require this exclusion of service floor area, without any controls in place to assure that it is done, is simply allowing for more of the same behavior in violating the terms of his permits.

The parking calculation is wrong, and therefore it negates the traffic study, and hence the result of the Traffic Appeal on July 15, 2015.

THIS PROJECT STILL NEEDS TO BE SENT BACK TO THE COMMUNITY FOR ALL OF THE REASONS ABOVE.

12. CEQA/MND

The approvals indicated on page 1 of the ZA Determination did not match with the related MND. The differences were material, and the MND had to be redone/updated to reflect the new project. Also, the approvals on page 1 were not consistent throughout the report with respect to square footage, hours of operation and the new uses indicated.

The City must not be allowed to issue a Determination that is not for the same project as in the CEQA report, with this level of errors and obfuscation, quite possibly done on purpose in order to facilitate their continued practice of executing projects in a way that excludes the Public from the process. With this level of violation of the Public Trust, Due Process and Transparency, the Coastal Commission must question whether they can rely on the City's work with respect to CEQA reports.

This cumulative effect of this project is prohibitive, as if every other project is allowed to have the same facts in terms of the impact of parking and traffic on Public Access and the impact of the noise from the restaurant on the adjacent residences, this would have a dramatic and significant adverse impact on Quality of Life in the surrounding neighborhood.

The original MND was materially wrong in the following ways:

The project description:-

- wrong address,
- wrong square footage,
- wrong service floor area,
- wrong retail square footage,
- wrong seating,
- and off site alcohol sales.

In the original MND, where it asks "Environmental Factors potentially affected... TRANSPORTATION/TRAFFIC box IS NOT CHECKED, when it should be.

In the original MND under the section on Transport/Traffic, it was incorrectly filled out, as follows:

- a) is incorrect (traffic study needed)
- b) is incorrect (traffic study needed)
- e) incorrect (there is alley access)
- f) incorrect description

In the original MND, under Mandatory Findings, the following was noted by Appellants:

Wrong: This is NOT a “less than significant impact” – This speaks to cumulative impact, and the impact on the neighborhood from this as one in a succession of inappropriate/over-intensified developments will be a drastic cumulative impact on the immediate neighbors and the surrounding community. The applicant in his traffic study named only 2 developments in the vicinity coming up, however we identified approximately 13 within a mile radius, some very substantial, (not including the many condos or duplexes) which combined will have a drastic impact on traffic in the immediate area of this project.

Wrong: This is NOT a “less than significant impact” – The effect on the neighborhood both from traffic intensification leading to potential danger near neighbors homes, to noise disturbances until 2am, will all cause substantial adverse effects on surrounding residents and negatively impact their quality of life.

The original MND was invalid and was allowed by the West L.A. Area Planning Commission to be updated and then recirculated during the appeal process, seeing as the project size and scope, as well as the project description, has increased significantly. However, the revised MND still did not address or mitigate the cumulative impacts of the project.

13. CDP Findings Are Incorrect as they are Not Consistent With Other Applicable Coastal Development Permit Determinations

For the 259 Hampton CDP and CUB, the West L.A. Area Planning Commission made a Finding that “The area’s demand for parking far exceeds the existing supply and the proposal to expand the existing restaurant 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 259 Hampton CDP and CUB were submitted as evidence during the appeal hearing.

The location of this project is just 900 feet from the 259 Hampton project. The facts of the two projects are very similar. The facts in the census tracts are very similar as well.

Thus, this same Finding must be made for purposes of Finding 1. of the 320 Sunset Ave CDP, indicating that the development is not in conformity with Chapter 3 of the California Coastal Act due to the significant adverse impact on Public Access (as well as for purposes of Finding 10. on the impact of the project on the welfare of the pertinent community for the CUB).

14. Postcard Campaign

The postcards in support of the patio and alcohol submitted by the Applicant are relied on by the ZA to reflect significant public support of the project. However, many of them are double and triple copies. MANY MANY of them are from out of area customers, and indeed out of State and Country. This just proves that it is a destination location. People travel primarily in cars to be here, hence the parking is inadequate for this intensification of use and access to the coast is compromised.

The integrity of the postcard mailing process has not been substantiated, especially seeing as the addresses are being withheld and they were mailed to the Councilman, the Mayor, the ABC and the ZA by the applicants themselves. Given the Applicant's history of skirting requirements, it is absolutely necessary to test the validity of the postcards. When we asked Laura McLennan, Deputy Chief of Staff at Councilman Bonin's office, about the legitimacy of the postcards, she admitted they had not, and did not intend to, substantiate the legitimacy of the postcards.

Essentially this means that these postcards are not admissible as RELEVANT evidence of support.

In the CDP Determination, Mandated Findings section, there are 31 points against the CDP for the restaurant as opposed to 13 points in favor of the restaurant. The overwhelming majority of LOCAL residents within a 500-foot radius do not want this bar/restaurant in this neighborhood, our neighborhood.

We find it unconscionable that first the ZA and then the West L.A. Area Planning Commission overruled the LAPD, the Council Office, the Neighborhood Council and significant Community concern, in favor of a manufactured "overwhelming Community support" of the project, which is based on a postcard mailing effort spearheaded by the Applicant, the results of which have not been verified as to its accuracy and validity. We believe that this oversight constitutes Dereliction of Duty and Abuse of Discretion.

C. Other Non-Coastal Act Chapter 3 Issues, Included As They Are Relevant To The Scope And Implications Of The Project In Its Entirety On The Coastal Community:

1. Noise

NOISE ORDINANCES ALREADY BEING BROKEN AT THE "BAKERY"

Neighbors within 13 feet are already suffering by ambient noise from MORE THAN 38 customers sitting in back "patio" area and from the general 20 hour a day commercial kitchen operation. This type of noise could never be mitigated by a fence when you include 90+ patrons and alcohol into the mix. A temporary roof is NOT an adequate solution for noise mitigation when residences are 13 feet from a bar/restaurant.

On 259 Hampton, which came before the West LA APC twice (Jan 7 and April 1, 2015) the Planning Commissioners determined that a restaurant/bar (by the same operator) which was also 13 feet across an alley from residences NEEDED TO BE COMPLETELY ENCLOSED FOR NOISE MITIGATION. Nothing less than that was to be acceptable for adequate noise mitigation. It is not sufficient for a determination to say "if feasible" as an operator must do whatever it takes when establishing a business from scratch. The noise emitted from a busy open roofed bar/restaurant with alcohol cannot be mitigated with a partial temporary roof, especially at a building with openings all around it. Putting a bar/restaurant right beside residences inevitably means that no amount of mitigation will be sufficient to preserve peace and quiet enjoyment for these neighbors in their homes.

2. LAPD Denies Project For Original CDP/CUB

LAPD's Captain Brian Johnson, has come out in support of the community to oppose alcohol at this location, due to the UNDUE concentration of ABC licenses in this tract, and that granting the CUB for the 320 Sunset Ave restaurant/ bar could adversely affect the surrounding neighborhood.

SEE EXHIBIT D

Captain Johnson then attended the November 13, 2014, ZA hearing personally and again recommended denial of an ABC license at 320 Sunset. He also said the following: "From the position of Pacific (division), based on the density study from Alcohol Beverage Control and the saturation of ABC licenses, it is my position that there not be any more ABC licenses. I am not open to re-evaluate my position."

It is unclear how the City and/or the applicant's representative were able to convince the new Captain Alberca that that position should be changed and the CUB allowed. All CPRA requests were essentially denied (prior to the Area Planning Commission hearings), and there was never evidence provided explaining or showing the reason for this change.

3. Alcohol Risks

As indicated on page 34 of the original ZA's CDP Determination, it was reported that the "LAPD is opposed to the sale of alcoholic beverages due to an undue concentration of licenses in the census tract." For Finding 11, with respect to whether the granting of the application will result in an undue concentration of premises for the sale of alcohol, it can only follow that if there is an "undue concentration of licenses in the census tract" that there is also an undue concentration of premises for the sale of alcohol.

LIABILITY AT THIS LOCATION--Approving the sale of alcohol from this location will be an extreme liability at the hands of the City. Allowing alcohol to be served *all*

day and until late at night, 7am – 11 pm, puts every local inhabitant at an increased risk of injury.

Venice has TEN TIMES the average alcohol concentration in L.A. County. There are 119 ABC licenses in the community of Venice, which is only 3.1 square miles in size. At roughly 40 licenses per square mile, that is a dire over-concentration, when the average for LA County is 4 licenses per square mile.

ABC REGULATION 61.4 states that an alcohol license should not be issued within 100 feet of residences, yet for this project there are residences within 13 feet.

ALMOST ALL RESIDENTS WHO RESIDE WITHIN 100 FEET, OBJECT to this application -- as do most of the residents within 500 feet. We have gathered petitions against the alcohol expansion from immediate neighbors, and there were in the vicinity of 100 – 120 alcohol protests lodged with the State's ABC office in June 2014.

Allowing an alcohol license within this proximity of families with children is unconscionable.

COUNTY OF LOS ANGELES, DEPARTMENT OF PUBLIC HEALTH REPORT,
'Reducing Alcohol-Related Harms in Los Angeles County' published in March 2011.

In L.A. County the average number of alcohol outlets is 16 per 10,000 people. In Venice, the average number of alcohol outlets is 30 per 10,000 people. At almost DOUBLE THE AVERAGE, Venice falls in the High Density category.

The Findings further display the Association between Alcohol Outlet Density and Alcohol-Related Harms. Having a high density of either on-premises or off-premises outlets was associated with significantly higher rates of alcohol related harms as follow:

- Alcohol-Involved Motor Vehicle Crashes are 3 times more likely
- Alcohol-Related Deaths are 5 times more likely
- Violent Crimes are 9 to 10 times more likely to occur

The location in question is in census tract 2733. ABC has authorized 3 on-sale licenses in that census tract. The ACTUAL current number of on-sale alcohol outlets operating in census tract 2733 is 14, which is almost 5 times the amount authorized by the ABC.

VENICE HAS AN UNDUE-CONCENTRATION OF ALCOHOL LICENSES. This undue-concentration places our entire community at increased risk of alcohol related harm. With this type of high-density concentration of alcohol, I believe the only way the City of LA could approve a CUB is by deeming a project to be a "Public Convenience or Necessity." Approving THIS alcohol-serving establishment for our residential neighborhood would actually prove the OPPOSITE. *It would be a public nuisance, a liability and a dereliction of duty by the City of Los Angeles, and the State of California,*

should an ABC license be allowed. Please do not place our community at this increased risk of accident, crime, and potential death.

The issuance of this alcohol conditional permit also places our coastal visitors in harms way.

4. Venice Neighborhood Council Recommendations Ignored by the City

On August 19, 2014, the Venice Neighborhood Council (VNC) Board approved the following motion to recommend denial of the project:

The VNC Board recommends denial of the project at 320 Sunset Ave.

In addition, on October 20, 2015, the VNC Board approved the following motion regarding due process concerns:

The VNC Board recommends to the West L.A. Area Planning Commission that they consider the numerous procedural due process issues in their decision on this Appeal, including:

- 1. Significant and ongoing ex-parte communications*
- 2. Inappropriate and insufficient Exhibit A plans*
- 3. That, in spite of the significance of the changes to it, the project was not sent back to the community to review through the Public City Hearing process*
- 4. That the ZA assigned was not changed to another ZA when the project changed significantly, as is usually done when a case has another Public City Hearing due to significant project changes*
- 5. Insufficient community outreach*

SEE EXHIBIT E

D. Summary/Conclusion

We ask that the Coastal Commission, see the truth for exactly what it is here. You have a community under siege, who were forced to accept a bad neighbor, under false pretenses. The operator, in concert with the city, had plans all along to usher through a bar/restaurant with full alcohol instead of the bakery/cafe he originally promised us....all within 13 feet of some of our homes and childrens' bedrooms.

Coastal Staff and Commissioners, all we ask is that you see to it that our rights to peace and quiet enjoyment of our homes, and safety of passage in our beloved community is protected. It has been a living hell for the past 2 years, fighting for our rights to due process and a peaceful life in our neighborhood.

This project is not in conformance with the Coastal Act Chapter 3. We respectfully request that you uphold our appeal and deny this CDP. Thank you.



MIKE BONIN

City of Los Angeles
Councilmember, Eleventh District

October 31, 2014

Re: Case No. ZA 2013-3376(CDP)(CUB)(SPP) - 320 Sunset Boulevard

Dear Zoning Administrator:

I am writing to strongly oppose the restaurant proposed at 320 Sunset Boulevard as currently designed.

I am strongly committed to revitalizing this area, which has seen unprecedented blight and deterioration. It makes absolute sense to bring in a new use that introduces the kind of positive activity that will help to make our streets safer and our communities a more active and vibrant place to live, work, and play. However, it is absolutely imperative that we do not sacrifice the sanctity and well-being of existing adjacent residential neighborhoods in the process. The success of one cannot be to the detriment of the other.

The design of the proposed project is fundamentally flawed because the majority of activity will be concentrated in the rear of the site, on the outside patio. The noise and other disruption that will result from the operation of the restaurant is an undue burden to place on the neighbors across the alley. I am deeply concerned that the noise and impacts from the patio, given the proximity to residences, cannot and will not be adequately mitigated. Furthermore, although the project may provide the parking required per Code, and the developers have made efforts to address parking concerns, it does not yet meet the real demand that a project of this scale will generate.

My office met with the applicant to try to find a reasonable solution to address these concerns. However, because the patio is integral to the project design and existing business plan, we have been unable to reach a compromise.

I look forward to seeing this site redeveloped in a way that will better this area, but unfortunately, the proposed project is not the answer. I, therefore, urge you to deny the project.

Regards,


MIKE BONIN

Councilmember, 11th District

Westchester Office
7166 W. Manchester Boulevard
Los Angeles, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall
200 N. Spring Street, Room 475
Los Angeles, CA 90012
(213) 473-7011
(213) 473-6926 Fax

West Los Angeles Office
1645 Corinth Avenue, Room 201
Los Angeles, CA 90025
(310) 575-8461
(310) 575-8305 Fax





MIKE BONIN

City of Los Angeles
Councilmember, Eleventh District

October 16, 2015

West Los Angeles Area Planning Commission
200 North Spring Street, Room 532
Los Angeles, CA 90012

Re: APC Case No. 2013-3376-CDP-CUP-SPP - 320 Sunset Avenue

Dear Honorable Commissioners,

For well over a year now, I have strongly opposed the restaurant proposed at 320 Sunset Avenue. I am writing in continuing opposition to the proposed project, which is before your Commission on October 21, 2015.

As I have said before, the area surrounding 320 Sunset is in great need of revitalization, and I am eager to support a project that would have a positive impact on the surrounding neighborhood. This project, however, has a clear and significant impact upon the neighborhood. By all accounts, it is a great restaurant, but it is a poor neighbor, unwilling and unable to mitigate its deleterious impacts on the residential neighbors nearby.

Despite the repeated concerns raised by my office and the community, the majority of the activity associated with this project remains concentrated to the rear of the project on the outside patio. The patio abuts people's homes. It is mere feet from the adjacent residences. The noise impacts, the intensity of the use, and the incompatibility of having a full-service dining area right next to residences cannot be mitigated. Even with the conditions placed on the project by the Zoning Administrator, there will still be unmitigated and unacceptable impacts to the surrounding neighborhood.

Additionally, I remain concerned about the parking impacts that this project will have on the neighborhood. While the applicant may be providing parking as required by the Code, it is demonstrably insufficient when compared to actual demand, and is causing parking and significant traffic problems on Sunset. Increased intensity of use will only exacerbate those problems.

Westchester Office
7166 W. Manchester Boulevard
Los Angeles, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall
300 N. Spring Street, Room 475
Los Angeles, CA 90012
(213) 473-7011
(213) 473-6926 Fax

West Los Angeles Office
1645 Corinth Avenue, Room 201
Los Angeles, CA 90025
(310) 575-8461
(310) 575-8305 Fax



My office previously worked with the applicant in an attempt to find a compromise that would address the neighborhood impacts. However, because the patio remains an integral part of the project and because there is not a sufficient plan to meet the actual parking demand, we remain at an impasse. Without a fundamental change to the project, I cannot support the project that you are being asked to consider. Therefore, I respectfully request that you grant the appeal of the Zoning Administrator's decision and deny the project proposed for 320 Sunset Avenue.

Regards,

A handwritten signature in black ink, appearing to read 'Mike Bonin', with a stylized flourish at the end.

MIKE BONIN

Councilmember, 11th District

LOS ANGELES POLICE DEPARTMENT



ERIC GARCETTI
Mayor

CHARLIE BECK
Chief of Police

P.O. Box 50151
Los Angeles, CA 90050
Telephone: (213) 482-4250
TDD: (213) 482-6419
Ref #: 6.2

November 5, 2014

RECEIVED
CITY OF LOS ANGELES

DEC 09 2014

CITY PLANNING DEPT
ZONING ADMINISTRATION

Linn Wyatt, Chief Zoning Administrator
Office of Zoning Administration
City of Los Angeles
200 North Spring Street, 7th Floor
Los Angeles, California 90012

Dear Ms. Wyatt:

3376
The Los Angeles Police Department, Pacific Area Vice Unit, has reviewed the Conditional Use Beverage (CUB) staff report (ZA 2013-2376-CUB) for a Restaurant located at 320 Sunset Avenue, Los Angeles, CA 90291. The restaurant is requesting a Type 47 license for on-site sales and consumption in conjunction with an existing 5,040 square-foot office to restaurant, with 25 indoor seats and 65 outdoor seats.

The Los Angeles Police Department is opposed to this CUB, of granting the on-site sales of beer and wine to this establishment. This area already has a high concentration of Alcohol Beverage Control establishments. Granting this CUB could adversely impact the surrounding communities.

If further information is needed, please contact Sergeant II Jeffrey Merlo, Pacific Area Vice Officer-in-Charge, at (213) 482-6418.

Very truly yours,

CHARLIE BECK
Chief of Police


BILL ANDERSON, Captain
Commanding Officer
Pacific Area

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER
www.LAPDonline.org
www.JOHNLAPD.com



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



October 21, 2015

BY EMAIL

james.k.williams@lacity.org

Honorable Commissioners
West L.A. Area Planning Commission
c/o James K. Williams
Commission Executive Assistant
City Hall, Room 532
200 N. Spring Street
Los Angeles, CA 90012

Re. 320 Sunset Ave Appeal: ZA-2013-3376-CDP-CUB-SPP-1A

Dear Commissioners,

Please be advised that at a regularly held public meeting of the Venice Neighborhood Council (VNC) Board of Officers on October 20, 2015, the following Motion was approved by a 13-0-1 vote:

MOTION:

The VNC Board recommends to the West L.A. Area Planning Commission that they consider the numerous procedural due process issues in their decision on this Appeal, including:

1. Significant and ongoing ex-parte communications
2. Inappropriate and insufficient Exhibit A plans
3. That, in spite of the significance of the changes to it, the project was not sent back to the community to review through the Public City Hearing process
4. That the ZA assigned was not changed to another ZA when the project changed significantly, as is usually done when a case has another Public City Hearing due to significant project changes
5. Insufficient community outreach

Thank you, and please don't hesitate to contact me if you have any questions regarding this letter of support.

Yours truly,

Mike Newhouse
President
Venice Neighborhood Council

It's YOUR Venice - get involved!



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



CC:

L.A. Department of City Planning:

Michael.Logrande@lacity.org
Lisa.Webber@lacity.org
Faisal.Roble@lacity.org
David.Weintraub@lacity.org
Simon.Pastucha@lacity.org
Linn.Wyatt@lacity.org
Kevin.Jones@lacity.org
APCWestLA@lacity.org

California Coastal Commission:

Charles.Lester@coastal.ca.gov
John.Ainsworth@coastal.ca.gov
Steve.Hudson@coastal.ca.gov
Teresa.Henry@coastal.ca.gov
Chuck.Posner@coastal.ca.gov
AL.Padilla@coastal.ca.gov
Zach.Rehm@coastal.ca.gov

Council District 11:

Councilmember.Bonin@lacity.org
Tricia.Keane@lacity.org
Thuy.Hua@lacity.org
Debbie.DynerHarris@lacity.org
Jesus.D.Orozco@lacity.org

Venice Neighborhood Council:

Board@venicenc.org
LUPC@venicenc.org

It's YOUR Venice - get involved!



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



BY EMAIL

maya.zaitzevsky@lacity.org

November 9, 2014

Maya Zaitzevsky
Zoning Administrator
L.A. Department of City Planning
200 N. Spring Street
Los Angeles, CA 90012

Project: 320 Sunset Ave.

Case Nos: ZA-2013-1317-CEX and DIR-2013-1314-VSO (5-2-13), ZA-2013-3376-CDP-CUB-SPP (10-17-13) and ENV-2013-3377-MND (326 Sunset Ave, 10-24-13)

Description: Pursuant to the provisions of Section 12.20.2 of the Los Angeles Municipal Code, a Coastal Development Permit authorizing the conversion, construction, use, and maintenance of 5,040 square feet of office use into 5,040 square feet of restaurant use with 245 square feet of accessory retail space; pursuant to Section 12.24-W,1, a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and the sale of beer and wine only for off-site consumption, in conjunction with a 5,040 square-foot restaurant with a service floor area of 900 square feet, seating for 90 patrons total (25 indoors and 65 within an outdoor patio on private property), and hours of operation from 6 a.m. to 1 a.m., daily; and, Pursuant to Section 11.5.7-C, a determination of Specific Plan Project Permit Compliance with the Venice Coastal Zone Specific Plan for the construction, use, and maintenance of a new restaurant. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, adopt the Mitigated Negative Declaration (MND) for the above referenced project.

Dear Maya,

Please be advised that at a regularly held public meeting of the Venice Neighborhood Council (VNC) Board of Officers, the following Motion was approved:

MOTION: The VNC Board recommends denial of the project at 320 Sunset Ave.

BOARD ACTION: APPROVED 12-6-1, and 1 recusal, August 19, 2014

LUPC Staff Report available on the VNC website:

www.venicenc.org/wp-content/uploads/2012/09/320-Sunset_LUPCStaffReport_August192014_BoardMtg.pdf

It's YOUR Venice - get involved!

Coastal Commission Exhibit 3

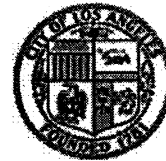
A-5-VEN-16-0059

Page 31 of 66



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



Please provide us a copy of your determination letter via email to president@venicenc.org and chair-lupc@venicenc.org, in addition to mailing it to the address indicated in the letterhead above, and please assure that this letter from the VNC is placed in all case files for the project, including the files for Appeals, if any.

Thank you, and please do not hesitate to contact me if you have any questions regarding this Venice Coastal Development Project recommendation from the Venice Neighborhood Council.

Yours truly,

Mike Newhouse
President
Venice Neighborhood Council

Cc: Los Angeles Department of City Planning:
Michael LoGrande: michael.logrande@lacity.org
Alan Bell: alan.bell@lacity.org
Lisa Webber: lisa.webber@lacity.org
Daniel Scott: dan.scott@lacity.org
Linn Wyatt: linn.wyatt@lacity.org
Shana Bonstin: shana.bonstin@lacity.org
Kevin Jones: kevin.jones@lacity.org
JoJo Pewsawang: jojo.pewsawang@lacity.org

California Coastal Commission:
Jack Ainsworth: john.ainsworth@coastal.ca.gov
Teresa Henry: teresa.henry@coastal.ca.gov
Chuck Posner: cposner@coastal.ca.gov
Al Padilla: al.padilla@coastal.ca.gov

Council District 11:
Councilmember Mike Bonin: mike.bonin@lacity.org
Tricia Keane: tricia.keane@lacity.org
Debbie Dynen Harris: debbie.dynenharris@lacity.org
Chris Robertson: chris.robertson@lacity.org
Cecilia Castillo: cecilia.castillo@lacity.org

Venice Neighborhood Council:
Venice Neighborhood Council Board: board@venicenc.org
Robin Rudisill, LUPC Chair: chair-LUPC@venicenc.org
Land Use & Planning Committee: LUPC@venicenc.org

Applicant:
Stephen Vitalich: steve@svarchitects.net

It's YOUR Venice - get involved!

Policy I. B. 8. Weekend Arts and Crafts Fair. To reinforce the intent of the artcraft district and to provide a visitor-serving attraction, weekend arts and crafts fairs may be permitted on City-owned property only if compatible with neighboring uses, public recreation, and public beach access.

Policy I. B. 9. Artcraft Overlay District Uses. Uses currently permitted by code in citywide designated artcraft overlay districts shall be evaluated for their appropriateness in the Venice Coastal Zone. In order to protect residents from the adverse effects of potentially detrimental uses (i.e., those that require use of toxic substances or create excessive noise), such uses shall either be eliminated or restricted in the Venice Coastal Zone.

Policy I. B. 10. Open Air Sales Ocean Front Walk. Ocean Front Walk is a significant tourist attraction where the operation of vendors shall be permitted at certain times of the year, with appropriate temporary use and parking requirements for vendors and their employees to ensure they are compatible with neighboring uses. Open air sales on private property shall be permitted through the City's conditional use permit/coastal development permit procedure. Constitutionally protected free speech activities on the seaward side of Ocean Front Walk shall be allowed and regulated by the Department of Recreation and Parks in order to ensure that public access and recreational opportunities are protected. Restaurant dining areas and other encroachments in front of commercial establishments on the inland side of Ocean Front Walk shall not be permitted to interfere with pedestrian access along the boardwalk.

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

Policy I. B. 12. Parking Structures. Multi-level parking structures may be permitted in all commercially designated areas provided that the use, design, scale and height of the structure is compatible with adjacent uses and the neighboring community.

Industrial and Rights-of-Way Land Use and Development Standards

Policy I. C. 1. Industrial Land Use. The Land Use Plan designates approximately 53 acres of land for Limited Industry land uses. It is the policy of the City to preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted. Artist studios with residences may be permitted in the Limited Industry land use category. Adequate off-street parking shall be required for all new or expanded industrial land uses consistent with Policies II.A.3 and II.A.4. The design, scale and height of structures in areas designated for industrial land uses shall be compatible with adjacent uses and the neighboring community.

Policy I. C. 2. Coastal Industry. Boat building, servicing, supply, and

marine support industry, as they are considered a coastal-related use and are particularly suitable for the industrially designated lands in the Venice Coastal Zone, shall be encouraged.

Policy I. C. 3. Coastal-dependent industrial facilities, multi-company use of existing industrial facilities, hazardous industrial development and the expansion and location of non-coastal-dependent industrial development shall be placed in appropriate land use categories and maintained or eliminated when appropriate.

Policy I. C. 4. Accessory Retail Use. On-site retail sale of goods produced in industrially designated lands and in areas recommended for aircraft shall be encouraged. Adequate off-street parking shall be required for all uses consistent with Policies II.A.3 and 4.

Policy I. C. 5. Oil Wells. All idle, non-operational oil wells shall be safely removed.

Policy I. C. 6. Hazardous Uses. Hazardous industrial uses shall not be located adjacent to residential uses.

Policy I. C. 7. Bus Yard Redevelopment. Should the site become available, priority uses for the future redevelopment of the former MTA (formerly Southern California Rapid Transit District (RTD)) bus service maintenance and storage facility, located on Main Street, between Sunset Avenue and Thornton Place, include affordable housing, which may be a mixed-use residential-commercial project, and public parking structure as a measure to improve public access.

Policy I. C. 8. Railroad Rights-of-Way. Abandoned railroad rights-of-way in the Venice Coastal Zone shall be developed with public transit including bikeways, residential uses, parking and/or open space uses, subject to a discretionary review by means of a coastal development permit. Compatibility with adjacent land uses and potential as a coastal resource shall be factors considered in evaluating use permits for railroad rights-of-way.

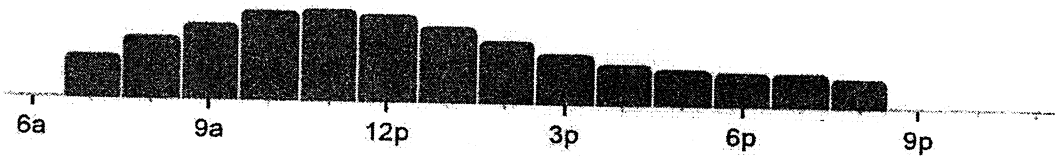
Policy I. C. 9. Public Rights-of-Way. Public rights-of-way in the Venice Coastal Zone shall be reserved for public transportation uses including use by private vehicles, pedestrians and bicyclists. Uses that do not interfere with coastal access, transportation and visual quality may be permitted, subject to a discretionary review by means of a coastal development permit. Vacations of public rights-of-way shall not be permitted in the area between the first public road and the sea, Ballona Lagoon or any canal except for public purposes consistent with all applicable local, state and federal laws.

**Development Within
Natural and
Recreational Resource
Areas/Protection of
Views**


Policy I. D. 1. Canals and Ballona Lagoon Waterways. The Venice estuaries and wetlands including the Ballona Lagoon, Venice Canals, and Grand Canal south of Washington Boulevard, are designated in the Land Use Plan as natural and coastal recreational resources, and are rezoned to the "Open Space" designation.

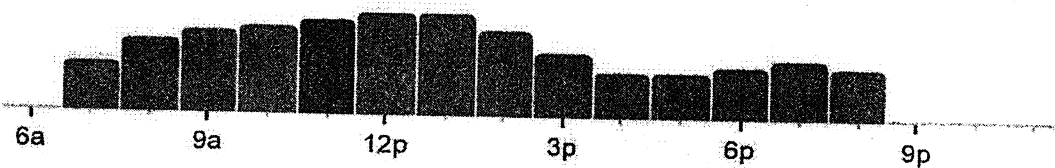
Popular times

Wednesdays 




Popular times

Thursdays 



Popular times

Fridays 

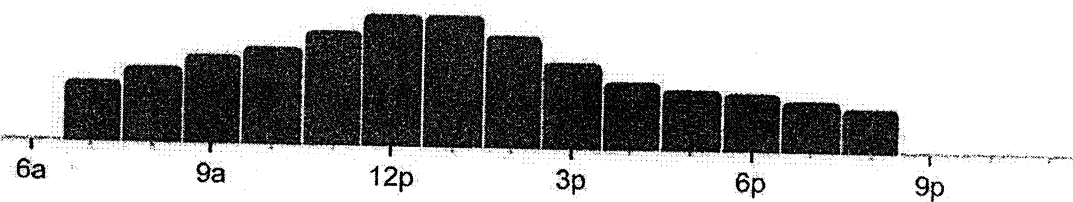

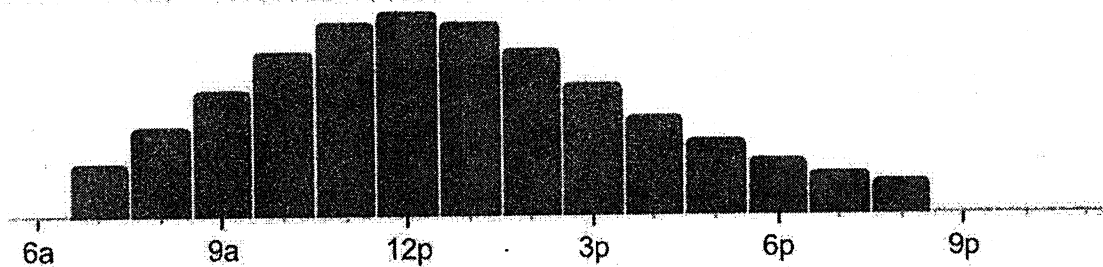


EXHIBIT 1A POPULARITY OF GJUSTA BAKERY BY TIME OF DAY THREE HIGHEST WEEKDAYS

Popular times

Saturdays 



Popular times

Sundays 

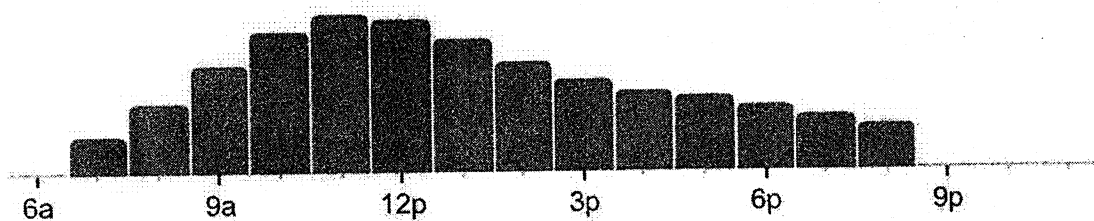


EXHIBIT 1B POPULARITY OF GJUSTA BAKERY BY TIME OF DAY WEEKEND DAYS

EXHIBIT 2: 320 SUNSET – DEVELOPMENTS IN PROGRESS NEARBY

1. **220 ROSE AVE** - "Rose79" Remodel now with full alcohol. Expansion consisting of 5757 sq. ft. restaurant. 2,000 sq. foot of patio space (2 outdoor patios) 99 indoor seats, 118 outdoor seats: - 217 seats total. (Originally about 80 seats.) (more people less parking) – late night. ½ area is bar.

37 PARKING SPACES, REDUCED FROM 47 ORIGINAL SPACES.

OPENED NOV 10.

2. **320 HAMPTON DVE** from Rose to Sunset. GOOGLE - under construction– Interior remodel of existing 43,800 sq. ft. office/industrial building, addition 13,220 sq. ft. mezzanine floor space, 212 parking spaces. - 53 additional spaces. Exit thru 3rd Ave and Hampton Drive. Lots more people and cars.

212 PARKING SPACES.

NEAR COMPLETION.

3. **259 HAMPTON** – Restaurant. Approved in July this year for 2-story expansion to seat 60-70 patrons, build 2-story restaurant. (#2 in Hirsh Green report). Illegally operating as sit down restaurant for last 5 years.

ZERO PARKING

COMPLETION ESTIMATED FOR EARLY 2016.

4. **609 ½ Rose** – "Wallflower" Restaurant with full alcohol. Mixed Use (Commercial office/Restaurant) Office approx. 2145 sq. ft. & Restaurant approx. 1448 sq. ft. with 62 SEATS. (40 indoor, 22 outdoor)

ZERO PARKING.

OPENED NOVEMBER 2, 2015

5. **542 ROSE (cnr Rennie)**– Mixed use - 2300 sq. ft. restaurant. 78 patrons. plus 2 residential dwellings above, 3000 sq. ft. each.

15 PARKING SPACES UNDER BUILDING

NEAR COMPLETION.

6. **910 ABBOT KINNEY** (cnr Main) – Restaurant and 5 retail stores. Limited parking. --- This one described in Hirsh Green report as #1

NEAR COMPLETION.

7. **613 - 615 ROSE** – Restaurant – full alcohol plus retail & 2 dwelling units. Two story Mixed Use. 912 sq. ft. service floor area Restaurant 106 SEATS (83 Indoor, 23 Outdoor)

26 PARKING SPACES WITH REAR ALLEY ACCESS.

COMPLETION 2016.

8. **342 SUNSET** – 3 story office building, at zone stage. 6000 Sq. feet.

26 PARKING SPACES.

ANTICIPATED COMPLETION LATE 2016.

9. **425 ROSE** –Restaurant with beer and wine to hold 50 person capacity.

ANTICIPATED COMPLETION 2016

10. **601 OCEAN FRONT WALK** - High tech office building , 28,000 SQ Foot. – Sunset and Speedway
– 400 employees – In planning stage.

PARKING FOR 90 CARS

11. **512 ROSE**– New Restaurant coming soon. Approximately 136 capacity with 2750 SQ. FT.

PARKING CURRENTLY UNDETERMINED.

12. **521 ROSE AVE** – Superba Restaurant, Current CUB application in for full alcohol.

ZERO PARKING.

13. PROPOSED HOTEL on **ABBOT KINNEY** from Westminster to BROADWAY (ENTIRE BLOCK).
84 HOTEL ROOMS. RETAIL. 5 RESTAURANTS/BARS.

14. **CLUTCH**. Corner of Lincoln and Sunset. Restaurant/bar. Opened in January.

15. Oscars Cervateca– 513, 515, 517 Rose – Zero Parking.

16. **FULL CIRCLE**- 5,000 email list – lots of people and partying with alcohol and no parking

17. **Café Gratitude** 512 Rose Ave. – Restaurant and bar 80-100 seats.

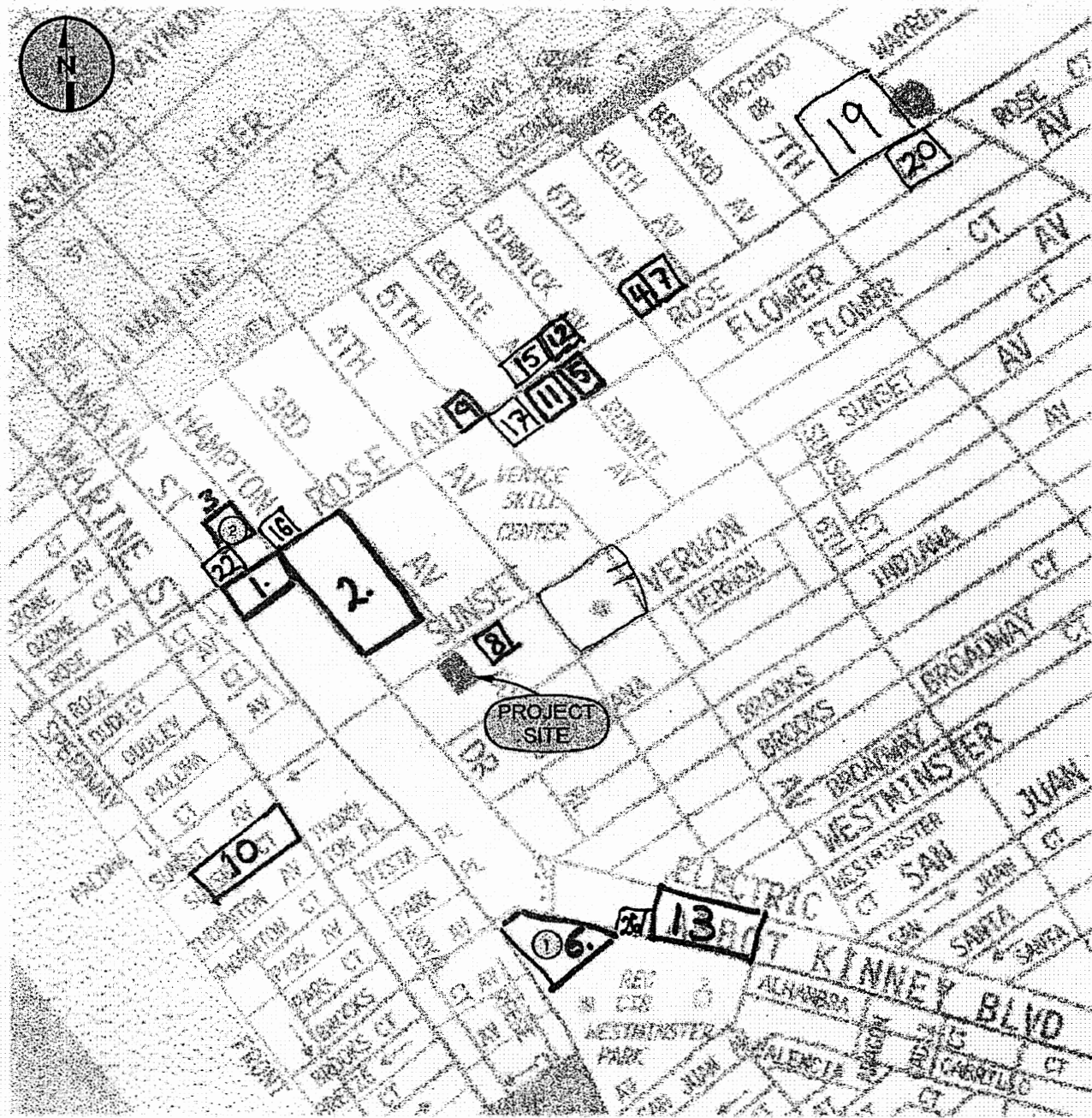
19. Whole Foods – wine and beer

20. La Cabana – restaurant and bar

22. Firehouse restaurant and Bar on Rose between Hampton and Main

EXHIBIT 3
LOCATION REFERENCE MAP FOR RELATED PROJECTS
In the Vicinity of 320 Sunset Avenue

Notes: Source for Base Map is Hirsch/Green Transportation Consulting, Inc.
Related Project Numbers are in Red. Projects 3 and 6 are included in the Hirsch/Green analysis as their numbers 2 and 1, respectively. Developments identified with black numbers are existing developments and are shown for information purposes only; they are not included in the trip estimate presented in Paragraph 1.E in this report.



Review of
MITIGATED NEGATIVE DECLARATION (MND),
REVISED MND, AND RELATED DOCUMENTS

for

Case Number ENV-2013-3377-MND-REC1
ZA-2013-3376-CDP-CUB-SPP

PROPOSED RESTAURANT
at
320 E. SUNSET AVENUE IN VENICE, CA

Prepared by

Herman Basmacıyan, P.E.
herman.b@roadrunner.com
949-903-5738

February 8, 2016

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 1

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 40 of 66

INTRODUCTION

Throughout this report, shaded areas indicate comments added to the November 14, 2015 report after a review of the Revised MND, dated December 28, 2015.

This report was prepared to document the results of my review of documentation for the proposed high-turnover restaurant to be developed at 320 E. Sunset Avenue in the Venice area of the City of Los Angeles, to be referred to as the Project in this report. The review was requested by Concerned Neighbors of 320 Sunset. I reviewed in their entirety, or portions of, the following documents that pertain to traffic, transportation, circulation, and parking:

- Revised Mitigated Negative Declaration (MND), dated December 28, 2015. In the MND, the proposed development is identified as ENV-2013-3377-MND-REC1, Case Number ZA-2013-3376-CDP-CUB-SPP.
- Mitigated Negative Declaration (MND), dated February 18, 2014. In the MND, the proposed development is identified as Case Number ZA-2013-3376-CDP-CUB-SPP.
- Letter dated April 27, 2015 from Hirsch/Green Transportation Consulting, Inc. to Mr. Fran Kamaj, Re: Trip Generation and Traffic Impact Assessment for Proposed Seating/Dining Area Addition to Existing Bakery/Retail Facility at 320 Sunset Avenue in Venice, California.
- City of Los Angeles Inter-departmental Memorandum dated May 6, 2015 from Eddie Guerrero (DOT) to Karen Hoo in the Planning Department on the subject of Traffic Assessment for the proposed High Turnover Restaurant Use to be Located at 320 E. Sunset Avenue.
- Appeal Application by Concerned Neighbors of 320 Sunset submitted to the Los Angeles City Department of Transportation (LADOT), dated May 28, 2015.
- Letter dated June 17, 2015 from LADOT to Concerned Neighbors of 320 Sunset, denying the Appeal.
- Letter dated October 12, 2015 from Steven Vitalich Architects to the City of Los Angeles Planning Commission on the subject of required parking and two alternative layouts for the parking lot.
- Venice Coastal Zone Specific Plan effective January 19, 2004
- Zoning Administrator's Determination Letter to Fran Camaj et. al., dated August 11, 2015.

My findings and conclusions, grouped into two major categories, are presented following this Introduction. Section 1 (Paragraphs A through F) addresses omissions and deficiencies in the traffic impact assessment report. Section 2 (Paragraphs A through E) addresses parking and site access.

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 2

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 41 of 66

1. OMISSIONS AND DEFICIENCIES IN THE TRAFFIC IMPACT ASSESSMENT REPORT

A. Two signalized intersections have not been analyzed, but they should have been. - The following two signalized intersections are not included in the analysis of traffic impacts, even though both are closer to the Project than others along the same route:

- Rose Avenue and 7th Avenue – This intersection is immediately adjacent to heavy traffic generators such as Whole Foods Market and CVS Pharmacy.
- Abbot Kinney Boulevard and California Avenue – This intersection is within very close proximity of the 4-way STOP-controlled intersection of California Avenue and Electric Avenue.

In summary, no explanation is provided for the exclusion of these signalized intersections. As a result, the full range of the potential impacts of the project, especially traffic operational and safety matters (excessive queuing in left-turn pocket causing overflow, excessive queuing on California Avenue) may not have been addressed. The Revised MND presents no additional information about this matter, leaving potential traffic operational and safety matters un-addressed.

B. Even though Lincoln Boulevard is a portion of State Route 1, the signalized intersection at Lincoln Boulevard and Rose Avenue is not analyzed in accordance with procedures prescribed by Caltrans. The LADOT uses the Critical Movement Analysis (CMA) methodology to analyze signalized intersections. On the other hand, Caltrans recommends the use of a different methodology for the analysis of Caltrans facilities. The Caltrans methodology is described in the Highway Capacity Manual (HCM), a document that is used widely by transportation professionals throughout the United States and by many elsewhere. The Caltrans methodology takes into consideration such matters as queuing and delay at signalized and un-signalized intersections, weaving and merging operations on freeway mainline segments, and physical roadway conditions such as lane width and other factors that affect roadway capacity, such as pedestrian traffic.

In the traffic impact assessment performed by Hirsch/Green, the signalized intersection of Lincoln Boulevard and Rose Avenue was not analyzed using the

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 3

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 42 of 66

Caltrans methodology; it was analyzed using only the Critical Movement Analysis (CMA) methodology. Either the Caltrans methodology or both methodologies should have been used to satisfy the requirements of Caltrans and the LADOT. Since the intersection at Lincoln Boulevard/Rose Avenue was analyzed using LADOT's CMA methodology, it cannot be determined if the use of the Caltrans' HCM methodology might have resulted in different conclusions about delay and levels of service.

In summary, operating conditions on Caltrans facilities in the area are not adequately addressed. As a result, the full range of the potential impacts on traffic operations may not have been addressed. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters un-addressed.

- C. **Un-signalized intersections are not analyzed.** Per the LADOT Policies and Procedures, the traffic impact analysis is focused on signalized intersections. Yet, some analysis of un-signalized intersections is required. Page 15 of the LADOT Policies and Procedures states that:

"When determining which intersections should be included in the impact analysis for development projects, only signalized intersections should be selected. Unsignalized intersections should be evaluated solely to determine the need for the installation of a traffic signal or other traffic control device, but will not be included in the impact analysis. When choosing which unsignalized intersections will be reviewed, intersections that are adjacent to the project or that are expected to be integral to the project's site access and circulation plan should be identified. For these intersections, the overall intersection delay should be measured pursuant to procedures accepted by LADOT during the scoping process. If, based on the estimated delay, the resultant LOS is E or F in the "future with Project" scenario, then the intersection should be evaluated for the potential installation of a new traffic signal. The study shall include a traffic signal warrant analysis prepared pursuant to Section 353 of LADOT's Manual of Policies and Procedures and submitted to LADOT for review and approval."

Per the guidelines in the Policies and Procedures, un-signalized intersections "adjacent to the project or that are expected to be integral to the project's site access and circulation plan" should have been evaluated first on the basis of estimated delay; subsequently, signal warrant analyses should have been performed depending on the outcome of the delay analysis. At the least, the following intersections along Sunset Avenue should have been evaluated because they meet the criteria in the Policies and Procedures:

- Sunset Avenue at Pacific Avenue – Major marked pedestrian crossing

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 4

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 43 of 66

- Sunset Avenue at Main Street – Adjacent to major bus stop with heavy pedestrian activity, crossing protected with flashing amber warning signal
- Sunset Avenue at Hampton Drive – 4-way STOP-controlled intersection
- Sunset Avenue at 3rd Avenue - 3-way intersection immediately adjacent to Project with STOP control on 3rd Avenue
- Sunset Avenue at 4th Avenue - 4-way STOP-controlled intersection
- Sunset Avenue at 5th Avenue - 4-way STOP-controlled intersection
- Sunset Avenue at 6th Avenue - 4-way STOP-controlled intersection
- Sunset Avenue at 7th Avenue - 4-way STOP-controlled intersection
- Sunset Avenue at Lincoln Boulevard – intersection on major approach route

In addition, 4-way STOP-controlled intersections along Rose Avenue are adjacent to high vehicular and pedestrian traffic generators. These intersections are also not analyzed for delay or other traffic operational matters.

There has been rapid growth and development in Venice over the last five to ten years, and this trend continues. Because of the City's policy of not identifying potential impacts at un-signalized intersections, traffic operational and safety issues do not get any attention. This lack of attention to conditions at un-signalized intersections is especially troublesome in a fast growing area such as Venice, and especially where there are high levels of pedestrian and bicycle activity and a large number of visitors.

In Venice, many projects have been completed recently or are in various stages of development. Invariably, each project adds to vehicular traffic to some extent. Yet, the City has no information on conditions at un-signalized intersections and is in the dark as to traffic operational and safety issues that may exist. Since Gjusta generates truck traffic for food and beverage deliveries, the effect and potential traffic operational and safety matters on Sunset Avenue and at un-signalized intersections in the proximity of the project should have been assessed.

The lack of any analysis of these un-signalized intersections is non-compliant with the LADOT Policies and Procedures. As a result, the full range of potential traffic operational and safety issues associated with the Project are not addressed. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters un-addressed.

- D. The number of peak hourly vehicular trips estimated for the Project is less than it should be and the full range of traffic impacts have not been identified.** The reasons for this assertion are:

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 5

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 44 of 66

In accordance with the web page of Gjusta Bakery, the most popular times for the bakery occur outside the weekday peak commuting periods of 7:00 AM to 10:00AM and between 3:00 PM to 7:00 PM that are analyzed in the Hirsch/Green study. On the other hand, the most popular times for the bakery are outside the commuter peak periods, generally between 11:00 AM to 2:00 PM. The information on the bakery's web site also indicates that the bakery is substantially more popular on Saturdays and Sundays, compared to weekdays. Please see Exhibit 1 for the temporal and daily variation for Gjusta Bakery.

Since no information about non-commute peak periods is presented in the Hirsch/Green analysis, it is not possible to ascertain whether or not the Project might have traffic impacts outside of the typical commuting peak periods. It is certain, on the other hand, that any traffic operational and safety issues in the immediate vicinity of the Project, such as vehicle/vehicle, vehicle/pedestrian, and vehicle/bicycle conflicts would be more severe during the hours of 11:00 AM to 2:00 PM on weekdays and more severe on weekend days compared to weekdays.

Furthermore, since Venice is a Coastal community, the lack of any information about seasonal variation in traffic conditions introduces yet another layer of uncertainty as to whether or not traffic impacts are adequately addressed. The traffic counts for the five signalized intersections analyzed in the Hirsch/Green study were made in the months of February, March, and April, 2015. To the extent that the summer months attract more persons to the Coastal area, the full range of impacts may not be identified.

In summary, the full range of potential traffic impacts and especially of potential traffic operational and safety matters has not been identified because the peak periods of the operation of the Project are not addressed in any of the analyses presented. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters un-addressed.

- E. **The cumulative impact of Related projects on the street system in the vicinity of the Project is not analyzed.** Information compiled by Concerned Neighbors of 320 Sunset indicates that at least 15 other commercial projects in the general vicinity of the Project are ready to start operation, are under construction, or are in various stages in the planning process. Exhibit 2 is a list of the related projects and Exhibit 3 is a reference map for the location of each related project. In addition, several have started operation during the last year or so.

These "Related" projects -- consisting primarily of restaurant, retail, office and hotel uses -- would add, cumulatively, about 8,000 daily trips to the street system

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 6

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 45 of 66

in the area. In each of the weekday morning and afternoon peak hours about 700 to 800 trips would be added. The cumulative traffic from these related projects is far in excess of the thresholds established by the LADOT to trigger the need for the preparation of a Traffic Impact Assessment report. Yet, the potential cumulative impacts of these related projects are not addressed in LADOT's evaluations of the Project.

The amount of peak hourly traffic associated with the "Related" projects would also trigger the need to perform an analysis of the arterials and intersections designated in the Los Angeles County Congestion Management Program (CMP) in accordance with the guidelines of the Los Angeles County Metropolitan Transportation Authority (LACMTA), the agency that administers the CMP. Through Venice, State Route 1 (Lincoln Boulevard) is a designated CMP arterial, as are the intersections of Lincoln Boulevard at Venice Boulevard and the terminus of the State Route 90 Freeway. Potentially, there could be impacts on State Route 90, also.

The "cumulative" analysis in the Revised MND misses the point of this comment entirely because it addresses the impact of the Gjusta Project in a "cumulative" condition where only two related projects are assumed. This does not constitute a true cumulative analysis because all known related projects are not included. Please see Exhibits 2 and 3 for a much larger list (115 or more Related Projects) of known Related Projects and the location of these projects.

In summary, on a daily basis and during the morning and afternoon peak hours, large amounts of traffic will be added cumulatively by the Project and "Related" projects on CMP facilities, on the arterial street system in the area, on local residential streets, and on intersections. The full range of the potential cumulative impacts on these facilities, under City of Los Angeles or Caltrans jurisdiction, has not been identified. The Revised MND presents no additional information about this matter, leaving the potential cumulative traffic operational and safety matters un-addressed.

- F. **No analysis of cumulative impacts on local streets is presented.** As the "Related" projects, many of them along Rose Avenue, are completed and start adding more and more vehicular traffic to the street system, there will be spill-over traffic that will use residential streets to avoid congestion on arterials. The lack of a comprehensive analysis of the cumulative impacts of all developments makes it impossible to assess how residential streets might be impacted.

Also, many of the restaurant uses, including the Gjusta Project, are asking for licenses to serve alcoholic beverages and are seeking approval for late closing times, extending into early morning hours. In the case of the Gjusta Project,

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 7

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 46 of 66

--- vehicles will exit from the parking lot to an east-west alley that on its south side abuts residential developments.

According to Figure II-4 on Page 10 of the Revised MND, there would be no exit to the east-west alley. On the other hand, the parking lot layout presented in Figure II-4 of the Revised MND, that would use Sunset Avenue for both entry and exit, is not workable. Therefore it is not known at this time whether or not traffic would be added to the east-west alley. The features that make the parking lot layout in Figure II-4 unworkable and the potential effects of allowing exits onto Sunset Avenue are discussed subsequently.

In addition to the potential traffic operational and traffic safety issues associated with added traffic in the alley (discussed in Paragraph 2.E), there would be potential increased noise from vehicles and Gjusta customers getting into and out of vehicles in the adjoining lot, as well as Gjusta patrons seated on the patio. The Project Description in the Revised MND states that the dining area adjacent to the east-west alley would be fully enclosed, but does not specifically state that the enclosure would include the construction of a wall, or walls, and a non-retractable roof, rather than the fence and tarpaulin attached to it that represent the current condition of "enclosure." The matter of noise from the dining area in the late night and early morning hours remains unresolved.

In summary, cumulatively, the Related projects would add traffic to residential streets, that could potentially reach levels to be considered significant. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters unaddressed. In addition there would be traffic operational and safety issues associated with added traffic in the alley serving the parking lot of the Project. Whether or not this issue remains will depend on the decision on the layout of the parking lot and whether or not exiting to the alley will be possible. Since the parking layout in Figure II-4 of the MND, that has both entry and exit via Sunset Avenue is not workable, the layout ultimately selected would likely allow (or even require) an exit onto the alley. Access to the east-west alley appears to be non-compliant with the LAMC provisions on alley access. Neither the impacts on residential streets nor the potential problems in the alley have been addressed in the Revised MND.

2. PARKING AND SITE ACCESS

- A. **The Project, as proposed, would not have sufficient parking.** Per the October 12, 2015 letter from Stephen Vitalich Architects, the Project will have a Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 8

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 47 of 66

restaurant Service Floor Area of 723 square feet, and it would need to provide 14 parking spaces, that would be in accordance with the Venice Coastal Zone Specific Plan. The computation of the number of required parking spaces is incorrect for two reasons:

- The specific Plan requires one parking space per 50 square feet of Service Floor Area. The computation would yield a requirement of 14.46 parking spaces (723 sq.ft. divided by 50). In establishing the requirement for parking spaces, the computed result is customarily rounded up to the next higher integer; it is not customary to ignore the fractional space. In this case the appropriate requirement should have been 15 parking spaces. It should be noted that if the square footage were 726, instead of 723, the rounding process used for the computation of parking spaces would yield a result of 15 (726/50 is 14.52; rounding to the closest integer). Also, it should be noted that if the restaurant's maximum Service Floor Area were to be 717 sq.ft. per the Zoning Administrator's Determination Letter dated August 11, 2015, the parking requirement would still be 15 (717 divided by 50 would be 14.34, that would result in a requirement of 15 spaces when rounded to next higher integer).
- The Project Description in the MND (and the Revised MND) states that the Project, when completed, would have a maximum Service Floor Area of 717 sq. ft. plus 559 sq. ft. of retail space. The definition of Service Floor Area, per Paragraph V on Page 6 of the Venice Coastal Zone Specific Plan, is:

"All areas where the customer can be served, except the restroom, including the indoor and outdoor dining area, bar, waiting room and tavern."

- Per this definition, the total Service Floor Area would be 1,276 square feet (717 for the restaurant plus 559 for the retail) and the parking requirement would be 26 spaces (1,276 divided by 50, rounded to the next higher integer). Not including the retail service area in the parking computation would be fallacious because this area is used for stand-up meal and beverage consumption, for the circulation of wait staff, as a waiting room, and for selling baked and other goods to the public. When the Project is completed as approved by the Zoning Administrator, the 559 sq. ft. area can also be used as the "tavern" area.
- Since the Project proposes to provide 11 spaces, as approved by the Zoning Administrator, it would be under-parked by 15 spaces, and motorists would need to seek on-street parking that is already in short supply. Figure III-4 in the Revised MND has a parking lot layout with 17 spaces and both entry and exit via Sunset Avenue; no exit via the alley is provided, contrary to

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page 9

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 48 of 66

the approval of the Zoning Administrator. With 17 parking spaces, the Project would be under-parked by 9 spaces. Moreover, the parking lot layout in Figure II-4 in the Revised MND is not workable, as explained in Paragraph C. So, a parking deficiency will remain no matter which layout is ultimately selected.

The proposed designation of a loading zone in front of Gjusta will result in the loss of two, possibly three, on-street parking spaces, resulting in the present on-street parking shortages. Presently, during much of the evening business hours, Gjusta parks its own large van in the parking lot adjacent to the bakery. Per the parking lot layout in Figure II-4 in the Revised MND, there would be no room to park the large van on-site. So the large van would need to be parked on street – either in the loading zone area requested by Gjusta or in other legal parking space – taking away the use of that space from others. The van is long enough to take up two regular car spaces in length. Whether the van is parked in the loading zone or other legal parking space, the existing on-street parking shortage will worsen.

Since the parking requirement would be 26 spaces and the Project proposes to provide 11 spaces, there would be a deficiency of 15 parking spaces, causing impacts on on-street parking in the neighborhood and added traffic while circling to find an on-street space, with its attendant undesirable effects of added noise and air pollutants. The Revised MND presents a parking layout with 17 spaces, but the layout is not workable, as explained in Paragraph C. The Revised MND does not explain why this layout was used instead of the layout approved by the Zoning Administrator.

B. The parking lot layout approved by the Zoning Administrator presents some circulation and access problems. These problems are:

- A vehicle in the loading zone would block the existing gate completely, making it impossible for any vehicles to exit to the alley. Since the layout would accommodate one-way traffic only, no vehicles would be able to exit to Sunset Avenue, and the parking lot would become land-locked. The loading zone should be placed elsewhere, perhaps at the expense of losing one or two more parking spaces. Of course, that would make the parking shortfall greater than that described in Paragraph 2.A. If there is any intent to relocate the existing gate to rectify the problem, this should be depicted on the parking lot layout, since this may affect the residential area on the south side of the east-west alley.

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

10

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 49 of 66

- It is not clear where service vehicles of the electric company, the gas company, cable/satellite providers and the vehicles of providers of such services as electricians, plumbers, and others will be expected to park. If they use the loading zone in the parking lot, then vehicles that deliver food and beverages and other essential supplies to the bakery/restaurant will need to park elsewhere.
- If a vehicle is parked in space Number 9, the path of any vehicle exiting from spaces Number 1 through 8 would encroach into the "No Parking" area adjacent to the handicapped parking space. This may interfere with the use of the "No Parking" area to board or de-board a handicapped passenger, or passengers.
- Exit to the alley with less than adequate width presents another set of issues that are discussed in Paragraph 2.D.

In summary, the placement of the loading zone and the potential for exiting vehicles encroaching into the Handicapped "No Parking" area are matters that merit further deliberation and resolution prior to the approval of the project. In addition, if there is any intent to change the location of the existing gate at the exit to the alley, this should be disclosed, since there may be impacts on the residences on the south side of the east-west alley. The Revised MND is based on a parking lot layout other than that approved by the Zoning Administrator. It does not offer additional information about this matter, so no comments are presented. The reasons for not addressing the layout approved by the Zoning Administrator are not set forth in the Revised MND.

- C. The two alternative parking lot layouts submitted by Stephen Vitalich Architects, by letter dated October 12, 2015, present operational problems and have inadequacies.

In reference to the layout presented in Sheet A1.1, the issues are:

This layout with 17 spaces and a single entry/exit point is used in the Revised MND, even though the Zoning Administrator has already rejected this concept. Maneuvering vehicles into and out of any of the parking spaces on the south side of the lot would be extremely difficult, and in some cases may be impossible. There would be a need for extensive additional maneuvering to turn vehicles around to make it possible to exit to Sunset Avenue. This may preclude the use of all 17 parking spaces at any one time. To the extent that drivers, or parking attendants, forgo

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

11

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 50 of 66

turning the vehicles and attempt to exit by backing onto Sunset Avenue, severe traffic operational and safety issues would arise.

- Both ingress and egress would be via a driveway on Sunset Avenue. The width of the driveway would be more than that of the entry-only driveway with a curb cut of 20 ft. on Sunset Avenue, rather than 15 ft and ½ in. in the approved layout.
- Attendant parking would be required to make all 17 spaces useable; in fact, several attendants may be needed to cope with all the tasks that would need to be performed to get a vehicle into or out of the parking lot with any degree of efficiency. Without a parking attendant, 11 spaces would be available to motorists because spaces numbered 7 through 9 and 15 through 17 would be unusable, in order not to block access to spaces 13, 14, and 10 through 12. With or without an attendant, the number of spaces would be less than the minimum requirement (please refer to Paragraph 2.A).
- When no parking attendants are on-site and parking spaces 15 through 17 are not used, motorists in spaces 13 and 14 would have to perform multiple back and forth maneuvers to be able to turn around and exit to Sunset Avenue. When parking space 13 is occupied, these maneuvers would be especially difficult for a motorist in space 14 because the motorist in space 14 would not have the room to move forward that would be available for a motorist in space 13.
- Even when parking attendants are on-site, it will be extremely difficult to access the cars parked in parking spaces 13 and 14. The attendants would need to move any cars parked in spaces 15, 16, and 17 out of the way before cars parked in spaces 13 and 14 can be moved. Similarly vehicles parked in spaces 7, 8, and 9 would need to be moved before vehicles parked in spaces 10, 11, and 12 can be moved.
- No on-site loading space is provided.
- The "No Parking" area adjacent to the van-accessible handicapped parking space is on the driver's side, rather than the passenger's. Also, the handicapped space would be no wider than the other parking spaces.
- Having both entry and exit via Sunset Avenue and the need to provide attendant parking will worsen the current traffic operational and safety problems described in Paragraph 2.D. For the layout to have a chance to be

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

12

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 51 of 66

workable, there would need to be several parking attendants, who would need to be very skilled and careful.

- Attendants would need to park very precisely into each parking space because very little room would be available for maneuvering. As an example, if the vehicle in space number 13 were to extend outside the boundary of the space, the vehicle in space number 9 would be blocked.
- If space number 15 were occupied, an incoming vehicle would need to stop and partially block the driveway apron, interfering with pedestrian traffic on Sunset Avenue and possibly, blocking the path of another vehicle attempting entry; alternatively, the incoming vehicle would need to swerve into the path of an exiting vehicle.

The Revised MND does not explain why this layout is preferable to the layout approved by the Zoning Administrator.

In reference to the layout presented in Sheet A1.2, the issues are:

The Revised MND does not offer any information about this layout, so no additional comments are presented.

- Attendant parking would be required to make all 17 spaces useable. Without a parking attendant, 14 spaces would be available to motorists because spaces numbered 15 through 17 would be unusable, in order not to block access to spaces 2 through 5 and 7 through 14. With or without an attendant, the number of spaces would be less than the minimum requirement (please refer to Paragraph 2.A).
- The need to provide attendant parking will worsen the current traffic operational and safety problems described in Paragraph 2.D.
- No on-site loading space is provided.
- Parking spaces 2 through 6 are compact spaces, but they are not designated as such.
- The "No Parking" area adjacent to the van-accessible handicapped parking space is on the driver's side, rather than the passenger's. The handicapped space would be narrower than the approved layout and layout A1.1.

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

13

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 52 of 66

- With attendant parking, it is unclear how vehicles in parking spaces numbered 1 through 11, and possibly 12, will exit in the likely event that spaces 15, 16, and 17 are occupied. Also, if a vehicle is parked in space 17, a vehicle parked in space 15 or 16 would not have a way to exit; parking attendants would need to perform an extensive set of maneuvers to clear a path.
- If space number 15 is occupied, two incoming vehicles arriving simultaneously or within a short time of one another would need to stop and potentially block a portion of the driveway apron, interfering with pedestrian traffic on Sunset Avenue and possibly blocking the path of another vehicle attempting entry.

In summary, alternative layouts presented by Stephen Vitalich Architects have undesirable features and both would worsen the traffic operational and safety problems described in Paragraph 2.B. Neither alternative would provide sufficient parking spaces to meet the parking requirement (please refer to Paragraph 2.D). The interrelated issues of parking and site entry/exit remain unresolved. The Revised MND creates confusion, rather than clarification, by presenting a layout that is not in accordance with the approval of the Zoning Administrator. The layout proposed by the Applicant in the Revised MND appears to be totally un-workable in a real world situation.

- D. Under existing conditions, there are traffic operational and safety issues associated with site access and egress; these will worsen as the Project adds traffic to the street system and lengthens operating hours, especially if the parking lot layout presented in the Revised MND with the single entry/exit were to be used. Sunset Avenue is a local street, primarily residential in character between Lincoln Boulevard and 4th Avenue. Parking is allowed on both sides along the entire length as well as the portion of Sunset Avenue between 4th Avenue and Main Street. When cars are parked on both sides of the street, about 20 ft is available for two vehicles to go by one another. Because of the narrow space available between parked vehicles, often, one or the other vehicle pulls right as far as possible and stops to allow the other to go past. In addition, there is substantial bicycle traffic on Sunset Avenue and a large amount of pedestrian activity in the vicinity of Gjusta. These conditions, coupled with the short distance (about 70 ft.) between the Gjusta parking entrance and the intersection of Sunset Avenue and 3rd Avenue, result in traffic operational and safety issues at the entrance to the Gjusta parking lot and its vicinity.

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

14

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 53 of 66

As explained in Paragraph C, the parking lot layout presented in the Revised MND would have a single entry/exit point via a 20-foot wide driveway on Sunset Avenue. Up to 17 vehicles would be parked in, or crammed into, a rectangular lot that is 120 ft. long and 50 ft. wide. A trash container, bicycle parking, and a large tree (existing tree to remain) would also share space in the 6,000 sq. ft. (50 by 120 ft.) parking lot, leaving very little area in which to maneuver vehicles into and out of spaces.

In addition, it would be very difficult to turn vehicles around - vehicles would be facing South coming into the lot, but would need to be facing North to exit via Sunset Avenue. These difficulties may lead parking attendants to attempt backing out onto Sunset Avenue, instead of taking the time to turn the vehicle around. During busy periods there will be delays for entering vehicles to the extent that parking attendants are busy moving vehicles around to create a path for the incoming vehicles. These maneuvers will require multiple repetitions of backing up and moving forward; in the case of the tandem spaces, vehicles will need to be moved multiple times. There is also insufficient space to "idle" remaining vehicles which were in the way, while performing these convoluted maneuvers. Potential delays to incoming vehicles and the potential of additional vehicles attempting to exit by backing out will worsen the traffic operational and safety issues described in the following bullet items.

During a site visit to the vicinity of Gjusta on Saturday, November 7, 2015, I personally observed several traffic operational and safety issues associated with the operations of Gjusta on Sunset Avenue between 3rd Avenue and Hampton Drive. Specifically, operational and safety issues I observed include:

- The Gjusta parking lot was full at approximately 9:45, when I first arrived at the site. Entry from Sunset Avenue was prevented by cones placed on the entry driveway. Because of vehicles parked at the curb, the cones were not visible until I was very close to the driveway. The lot may have been closed for an unknown period of time prior to 9:45.
- Later in the day - from about 12:00 Noon to 1:30 PM - I was able to observe traffic conditions continuously. The entry to the parking lot was coned off most of the 1^{1/2} -hour period. The parking attendant would remove the cones occasionally to allow a vehicle to enter the lot. During this period I observed the following traffic operational problems:
- Drivers approaching the parking lot would not become aware that the lot had been coned off until they were just short of the driveway. In many cases, at

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

15

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 54 of 66

the time they became aware of the cones, the drivers had already begun to make the left or right turn into the lot, blocking traffic behind them.

- Often, westbound vehicles attempting to, but not allowed to, enter the lot would block on-coming eastbound traffic, as well as traffic behind them, because they would be partially into the turn, encroaching into the path of on-coming traffic.
- It appeared that eastbound drivers had greater difficulty in realizing that the lot had been coned off, and they drove partially onto the driveway apron; then, they backed up to resume traveling eastbound, presumably in search of another place to park. In two cases, two westbound drivers also drove sufficiently into the driveway that they had to back up to be able to continue traveling westbound.
- Many drivers, both eastbound and westbound, stopped to discharge passengers then moved on to park elsewhere. Many entered the Gold's Gym parking lot then walked to Gjusta Bakery.
- During the 1^{1/2} -hour period of observation, I saw approximately 60 bicyclists traveling on Sunset Avenue, creating numerous conflicts between bicycles and vehicles with some near-misses. One case was especially noteworthy: an SUV approaching Gjusta westbound on Sunset Avenue, stopped in front of Gjusta when the driver became aware that the parking lot was full and was asking the parking attendant for directions to another location to park. A bicyclist also traveling westbound on Sunset Avenue realized that his path was blocked and swung to the left to pass the SUV and into the path of an approaching eastbound car. In this near-miss situation the eastbound car was able to stop in time to allow the bicycle to move to the right after passing the stopped SUV.
- A similar situation involving a bicyclist occurred later, again when a westbound SUV was stopped in front of the parking lot. In this instance, a southbound car on Third Avenue approaching Sunset Avenue made a rolling right turn (without coming to a complete stop). Because of the stopped SUV, the driver swung to the left to pass into the path of another car approaching eastbound. In the meantime a bicyclist was approaching Gjusta westbound on Sunset Avenue. Both cars and the bicyclists were able to stop and avoid a collision in this near-miss situation.
- During the 1^{1/2} -hour period of observation, I saw about 10 skate-boarders on the vehicular travel path (not the sidewalk) on Sunset Avenue and

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

16

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 55 of 66

numerous pedestrians crossing Sunset Avenue, all representing potential conflicts with vehicular traffic.

- I could not ascertain a number, but I observed instances of persons parking in the Gold's Gym parking lot and walking to Gjusta.
- Although Gjusta Bakery is using the vacant lot at 318 Sunset Avenue for parking, I saw no evidence that accommodations were made for handicapped persons. There was no designated handicapped parking space or a designated path.
- The gate to the Venice Skill Center's parking lot that is accessible via 5th Avenue was closed when I drove by it twice – once around 9:40 AM and once around 1:40 PM. Gjusta has stated that there is an agreement between Gjusta and the Center to designate this location as a place for Gjusta patrons to park when the Gjusta parking lot is full. Obviously, this was not the case on Saturday November 7, 2015. The appellant has informed me that as of November 12, 2015 she has information that the purported LAUSD lease for additional parking is no longer valid, having expired, and therefore is no longer relevant to this report.

On Page III-13 of the Revised MND is a statement that the parking lot at the Skill Center is available to Gjusta for restaurant patron and employee parking. Since this is contrary to the Appellant's understanding, there is concern about the validity of the statement on the Revised MND. Also, it is unclear if the Gjusta parking lot attendants will drive the patrons' cars to and from the remote lot or whether it will be used for self-parking only. It is unclear when patrons will become aware that the Gjusta parking lot is full and that they must park either on street or at the Skill Center. As stated earlier in this Paragraph, under existing conditions, motorists do not become aware that the lot is full until they arrive at the driveway, causing confusion, blockage on Sunset Avenue and traffic operational and safety issues. These issues will worsen, especially during darkness hours.

If parking attendants will be used to park patrons' cars at the Skill Center, the number of trips to/from Gjusta will double: one trip to Gjusta for the arriving motorist, one trip for the parking attendant to drive to the Skill Center, one trip by the parking attendant to drive the patron's car back to Gjusta, and one trip for the motorist to depart. Increased trips will create additional opportunities for vehicle-vehicle, vehicle-pedestrian, and vehicle-bicyclist conflicts. If the Skill Center will be used for self-parking, additional pedestrian traffic to/from Gjusta will be

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

17

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 56 of 66

created, resulting in more potential safety issues, especially during darkness hours.

- Most motorists approaching Sunset Avenue from 3rd Avenue and turning right did not make a full stop at the STOP sign at the intersection; instead, they reduced speed enough to make the right turn comfortably. Left turning motorists were more likely to stop, but some proceeded into the intersection then completed the turn without stopping if there was no oncoming traffic on Sunset Avenue. Due to the presence of substantial bicycling and traffic activity at this intersection, the practice of not making a full stop creates many opportunities for vehicle-with-vehicle, vehicle-with-bicycle, and vehicle-with-pedestrian collisions. When the Gjusta operating hours are extended beyond daylight hours, more opportunities for such collisions will be created – especially due to the lesser visibility of bicyclists and pedestrians during nighttime darkness.

In summary, there are traffic operational and safety issues on Sunset Avenue in the immediate vicinity of Gjusta. If the sale of alcoholic beverages and the late night and early morning operating hours are approved, more traffic will be added, resulting in more traffic operational problems and potential safety issues, as well as impacts on the residences on the south side of the east-west alley. The fact that traffic will increase during darkness periods the traffic operational and safety issues will be exacerbated, especially those involving pedestrians and bicyclists. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters unaddressed.

- E. **The effect of traffic to be added to the alley behind the Gjusta bakery has not been addressed.** The comments in this paragraph are based on the parking lot layout approved by the Zoning Administrator. These comments would not be applicable to the parking lot layout presented in the Revised MND because that layout has a single point of entry and exit via Sunset Avenue, with no access to the alley. The single access entry/exit layout is not functional and may be unworkable because of problems and issues discussed in Section 2, Paragraph C of this report.

- Traffic will exit from the Gjusta parking lot onto an east-west alley that extends from 4th Avenue on the east to a north-south alley on the west located about 60 to 65 ft. west of the Gjusta exit. The east-west alley does not connect directly to the street system on the west.

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

18

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 57 of 66

- Per the parking lot layout approved by the Zoning Administrator, the east-west alley has a nominal width of 15 ft. However, the approved parking layout does not take into consideration that there are utility poles and other fixed objects throughout the alley, reducing the effective width of the alley to about 12 feet or less at some locations. In addition there are objects in the alley that appear to be semi-permanent. The north-south alley lies between Sunset and Vernon Avenues and also has a nominal width of 15 feet, but an effective width of less than 15 feet due to the presence of permanent and semi-permanent objects in the alley.
- Making a right turn westbound from the east-west alley onto the north-south alley is difficult because both alleys are 15 feet or less in width. Also, the sight distance available for the driver is very short because the building in the northeast corner (316 Sunset Avenue) of the intersection of the two alleys is built up to the property line with no set-back.
- These physical constraints lead to traffic operational and safety problems that will be worsened if more traffic is added to the alley resulting from alcohol sales and the change of closing time from 9:00 PM now to 1:00 AM as proposed. The proposed expansion of the operating hours is indicative of Gjusta's expectation of a lively late night and early morning restaurant patronage and alcoholic beverage sales.
- Added traffic in the alley would also create more opportunities for illegal parking in the alley that could block emergency vehicle and other traffic. Any blockages would have the most severe impact on the residents on the south side of the east-west alley who have access only via the alley.
- Potential alley blockages may also occur during the construction period to the extent that construction workers park in the alley and construction material and equipment deliveries are made via the alley. During on-going operations of Gjusta, any food and beverage delivery trucks and service vehicles may choose to or be forced to park in the alley because a loading area large enough for only one delivery truck would be available on-site.
- The pavement in both the east-west and the north-south alleys is substantially deteriorated, with numerous large pot holes in both alleys. Several of these large potholes are in the immediate vicinity of the exit from the Gjusta parking lot and would very likely be used by Gjusta patrons. Potholes can be a safety hazard because they may cause the driver to lose control and/or force the driver to make a sudden maneuver to avoid the pothole. Increased traffic in

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

Page

19

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 58 of 66

the alley, especially heavy vehicles such as delivery and other trucks, will accelerate the deterioration of the pavement.

In summary, additional traffic in the alley will introduce more opportunities for blockages in the alley potentially affecting emergency vehicle residential access. Added traffic will also create more opportunities for vehicles colliding with objects in the alley, such as utility poles, and scraping against a wall or a fence while making turns from one alley to the other. Added traffic will also accelerate the deterioration of the pavement in the two alleys. This matter cannot be resolved with the information at hand because the MND and the Zoning Administrator's Approval have differing schemes.

Review and Critique of Documents for 320 E. Sunset Avenue in Venice, including Revised MND

Note: Shaded text indicates commentary added to the Nov. 14, 2015 Report

February 8, 2016

20

Page

HERMAN BASMACIYAN, P.E.

Coastal Commission Exhibit 3

A-5-VEN-16-0059

Page 59 of 66

Curriculum Vitae

Herman Basmacıyan, P.E.

Profile

- Over 50 years of transportation planning and traffic engineering experience, including consulting services to legal professionals
- Expert witness services in San Diego, Orange, Los Angeles, Riverside, and San Mateo Counties in California and in Maricopa County, Arizona in eminent domain, traffic engineering, transportation engineering/planning, and parking matters
- Experience in numerous traffic impact studies, transportation planning projects, parking studies, public transportation system planning and operations, analysis of land use/transportation system interrelationships, and other traffic/transportation engineering projects
- Management of, or key role in, a wide variety of transportation, transit, and traffic engineering projects in California, Oregon, Washington, Arizona, Nevada, Colorado, Montana, New Mexico, Ohio, and Louisiana

Education

- Master of Science in Civil Engineering, University of Virginia, 1962
- Bachelor of Science in Civil Engineering, Robert College, 1960
- Numerous Short Courses in Transportation and Traffic Engineering

Registration

Professional Engineer:

- California, Civil
- California, Traffic
- Arizona (retired status)
- Florida (retired status)
- Washington (retired status)

Professional Organizations

- Institute of Transportation Engineers
- American Society of Civil Engineers

HERMAN BASMACIYAN

Employment History

- **Individual Providing Expert Witness and Consultant Services, Corona del Mar, CA, since January 2005**
- **Transportation Consultant, County of Riverside, Riverside, CA, 2005-2011**
- **Vice President, Kimley-Horn and Associates, Inc, Orange, CA 1992-2004**
- **Principal, Basmaciyani-Darnell, Inc., Irvine, CA 1978-1992**
- **Principal, Herman Basmaciyani and Associates, Newport Beach, CA 1976-1978**
- **Senior Associate, VTN Corporation, Irvine, CA, and Bellevue, WA 1971-1976**
- **Senior Transportation Planning Engineer, DeLeuw, Cather and Company, San Francisco, CA 1970-1971**
- **Advisory Analyst, Service Bureau Corporation (then a subsidiary of IBM), Palo Alto, CA 1967-1970**
- **Director, Puget Sound Regional Transportation Study, Seattle, WA 1962-1967**
- **Research Assistant, Virginia Council of Highway Research, Charlottesville, VA 1960-1962**

HERMAN BASMACIYAN

HERMAN BASMACIYAN, P.E.

**Traffic, Transportation, Parking
Expert Witness and Consulting Services
701 Marguerite Avenue
Corona del Mar, CA 92625
Tel: 949-903-5738
herman.b@roadrunner.com**

February 8, 2016

Concerned Neighbors of 320 Sunset
Att: Ms. Ilana Marosi
615 E. Sunset Avenue
Venice, CA 90291

Subject: Proposed High-Turnover Restaurant at 320 E. Sunset Avenue Review
and Critique of Revised Mitigated Negative Declaration
ENV-2013-3377-MND-REC1; Case Number ZA-2013-3376-CDP-CUB-SPP

HB Proj. No. 151101

Dear Ms. Marosi:

On November 14, 2015, I submitted to you a report summarizing my review and critique of the Mitigated Negative Declaration (MND), dated February 18, 2014 along with documents related to the MND. Subsequently, the City of Los Angeles issued a Revised MND (dated December 28, 2015). Per your request, I have reviewed the portions of the Revised MND that pertain to traffic and parking matters.

In my opinion, the Revised MND does not address any of the deficiencies and inadequacies I had identified in my November 14, 2015 report. To the contrary, it introduces a major issue associated with parking and site access because the layout used in the Revised MND differs from the layout approved by the Zoning Administrator. The Revised MND presents a parking lot layout that has a single entry/exit point via Sunset Avenue, with no exit onto the east-west alley behind Gjusta. No explanation is provided in the Revised MND for this discrepancy and no explanation for not addressing at all the layout approved by the Zoning Administrator. This omission leads the reader to the conclusion that the Applicant has rejected and is not planning to accept the parking lot layout approved by the Zoning Administrator.

The Revised MND does not provide any information to help resolve the deficiencies and inadequacies in the analysis of potential traffic and parking impacts that I identified in my November 14, 2015 report. These unresolved matters are listed on the next page along with the Section and Paragraph where they are discussed in detail.

Section 1 in November 14, 2015 Report addresses Section 1 (Paragraphs A through F) addresses omissions and deficiencies in the traffic impact assessment report. Section 2 (Paragraphs A through E) addresses parking, traffic operational, and site access matters.

SECTION 1:

- A. Two signalized intersections have not been analyzed, but they should have been. No explanation is provided for the exclusion of these signalized intersections. As a result, the full range of the potential impacts of the project, especially traffic operational and safety matters (excessive queuing in left-turn pocket causing overflow, excessive queuing on California Avenue) may not have been addressed. The Revised MND presents no additional information about this matter, leaving potential traffic operational and safety matters un-addressed.
- B. Even though Lincoln Boulevard is a portion of State Route 1, the signalized intersection at Lincoln Boulevard and Rose Avenue is not analyzed in accordance with procedures prescribed by Caltrans. operating conditions on Caltrans facilities in the area are not adequately addressed. As a result, the full range of the potential impacts on traffic operations may not have been addressed. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters un-addressed.
- C. Un-signalized intersections are not analyzed. The lack of any analysis of un-signalized intersections is non-compliant with the LADOT Policies and Procedures. As a result, the full range of potential traffic operational and safety issues associated with the Project are not addressed. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters un-addressed.
- D. The number of peak hourly vehicular trips estimated for the Project is less than it should be and the full range of traffic impacts has not been identified. The full range of potential traffic impacts and especially of potential traffic operational and safety matters has not been identified because the peak periods of the operation of the Project and seasonal peaks are not addressed in any of the analyses presented. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters un-addressed.

- E. The cumulative impact of Related projects on the street system in the vicinity of the Project is not analyzed. On a daily basis and during the morning and afternoon peak hours, large amounts of traffic will be added cumulatively by the Project and "Related" projects on CMP facilities, on the arterial street system in the area, on local residential streets, and on intersections. The cumulative analysis includes only 2 Related Projects, but the Appellant has identified at least 15 Related Projects that should have been included. The full range of the potential cumulative impacts on these facilities, under City of Los Angeles or Caltrans jurisdiction, has not been identified. The Revised MND presents no additional information about this matter, leaving the potential cumulative traffic operational and safety matters un-addressed.
- F. No analysis of cumulative impacts on local streets is presented. Cumulatively, the Related Projects would add traffic to residential streets that could potentially reach levels to be considered significant. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters unaddressed. In addition there would be traffic operational and safety issues associated with added traffic in the alley serving the parking lot of the Project. Whether or not this issue remains will depend on the decision on the layout of the parking lot and whether or not exiting to the alley will be possible. Since the parking layout in Figure II-4 of the MND, that has both entry and exit via Sunset Avenue, is not workable, the layout ultimately selected would likely allow (or even require) an exit onto the alley. Neither the impacts on residential streets nor the potential problems in the alley have been addressed in the Revised MND.

SECTION 2:

- A. The Project, as proposed, would not have sufficient parking. If computed correctly, the parking requirement would have been 26 spaces. Since the Project proposes to provide 11 spaces, there would be a deficiency of 15 parking spaces, causing impacts on on-street parking in the neighborhood and added traffic while circling to find an on-street space, with its attendant undesirable effects of added noise and air pollutants. The Revised MND presents a parking layout with 17 spaces, but the layout is not workable, as explained in Paragraph C, and differs from that approved by the Zoning Administrator. The Revised MND does not explain why this layout was used instead of the layout approved by the Zoning Administrator.
- B. The parking lot layout approved by the Zoning Administrator presents some circulation and access problems. The placement of the loading zone and the potential for exiting vehicles encroaching into the Handicapped "No Parking" area are matters that merit further deliberation and resolution prior to the approval of the project. In addition, if there is any intent to change the location of the existing gate at the exit to the alley, this should be disclosed, since there may be impacts on the residences on the south side of the east-west alley. The Revised MND is based on a parking lot layout other than that

approved by the Zoning Administrator. It does not offer additional information about this matter. The reasons for not addressing the layout approved by the Zoning Administrator are not set forth in the Revised MND.

- C. The two alternative parking lot layouts submitted by Stephen Vitalich Architects, by letter dated October 12, 2015, present operational problems and have inadequacies. In summary, alternative layouts presented by Stephen Vitalich Architects have undesirable features and both would worsen the traffic operational and safety problems described in Paragraph 2.B. Neither alternative would provide sufficient parking spaces to meet the parking requirement (please refer to Paragraph 2.D). The interrelated issues of parking and site entry/exit remain unresolved. The Revised MND creates confusion, rather than clarification, by presenting a layout that is not in accordance with the approval of the Zoning Administrator.
- D. Under existing conditions, there are traffic operational and safety issues associated with site access and egress; these will worsen as the Project adds traffic to the street system and lengthens operating hours, especially if the parking lot layout presented in the Revised MND with the single entry/exit were to be used. There are traffic operational and safety issues on Sunset Avenue in the immediate vicinity of Gjusta. If the sale of alcoholic beverages and the late night and early morning operating hours are approved, more traffic will be added, resulting in more traffic operational problems and potential safety issues, as well as impacts on the residences on the south side of the east-west alley. The fact that traffic will increase during darkness periods the traffic operational and safety issues will be exacerbated, especially those involving pedestrians and bicyclists. The Revised MND presents no additional information about this matter, leaving the potential traffic operational and safety matters unaddressed.
- E. The effect of traffic to be added to the alley behind the Gjusta bakery has not been addressed. Additional traffic in the alley will introduce more opportunities for blockages in the alley potentially affecting emergency vehicle access to residences. Added traffic will also create more opportunities for vehicles colliding with objects in the alley, such as utility poles, and scraping against a wall or a fence while making turns from one alley to the other. Added traffic will also accelerate the deterioration of the pavement in the two alleys. This matter cannot be resolved with the information at hand because the MND and the Zoning Administrator's Approval have differing schemes.

Yet another issue that remains unresolved is whether or not Gjusta has a valid contract with the Los Angeles Unified School District for the use of the Venice Skill Center for overflow parking. The Revised MND states that Gjusta will use the LAUSD lot to mitigate weekend overflow parking, yet this is not a condition of the Zoning Administrator's Determination. It does not address mitigating week day peak times overflow parking either. It is also unsubstantiated if there

exists a current, permanent contract with the Venice Skill Center for sufficient parking spaces. This matter should be clarified so that incorrect information in the files can be corrected and the public is not misled.

I have attached a revised report that consists of the November 14 report, with comments added that reflect the results of my review of the Revised MND. The added comments in the report are highlighted in the same manner as this sentence.

I am a Registered Civil and Traffic Engineer in the State of California (Registration Numbers 20137 and 525, respectively) and a Registered Engineer (in retired status) in the States of Washington, Arizona, and Florida. I have over 50 years of experience in traffic and transportation engineering, traffic modeling and forecasting, parking studies, and the preparation of traffic impact studies.

In view of my conclusions pertaining to the Revised MND, I repeat my recommendation that City staff thoroughly consider the deficiencies and inadequacies in traffic, parking, and potential safety matters prior to the approval of the Project by the Planning Commission.

Please contact me if I can provide further details or clarification about any matters covered in this letter.

Sincerely,

Herman Basmaciyen. P.E.

