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CASE NO. ZA 2010-0206(CDP)(CUB)
(CU)(SPP)
COASTAL DEVELOPMENT PERMIT,
CONDITIONAL USE, AND SPECIFIC
PLAN PROJECT PERMIT COMPLIANCE
600 and 604 Venice Boulevard
Venice Planning Area
Zone : M1-1
D. M. : 108B145
C. D. : 11
CEQA : ENV 2010-205-MND(REC)
Legal Description: Lots 5-7, Tract 2299

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

a coastal development permit to allow the conversion, use and maintenance of retail/office space to restaurant space in the single jurisdiction of the California Coastal Zone; and,

Pursuant to Los Angeles Municipal Code Sections 12.24-W 1 and 27, I hereby APPROVE:

a conditional use permit to allow the sale and dispensing for consideration and on-site consumption of beer and wine in conjunction with a proposed restaurant; and,

a conditional use to permit a deviation from the operating hours and tandem parking restrictions established by Section 12.22-A,23 of the Municipal Code for a Commercial Corner/Mini-Shopping Center; and,

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

a Specific Plan Project Permit Compliance Review to ensure compliance with the provisions of the Venice Coastal Zone Specific Plan (Ordinance No. 175,693),

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.



2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Maximum seating for the restaurant shall not exceed 75 seats, of which a maximum of 29 seats are permitted in an outdoor patio on private property. No seating has been requested or approved herein on any public right-of-way.
8. The maximum square footage of the indoor portion of the restaurant shall not exceed 1,445 square feet. An outdoor patio area with a maximum of 296 square feet is permitted.
9. Hours of operation shall not exceed 6 a.m. to 12:30 a.m., Sunday through Wednesday and 6 a.m. to 2 a.m. Thursday through Saturday.
10. No after hours use of the premises is permitted. No cover charge or admission fee is permitted.
11. No jukebox, no disc jockey, karaoke or other form of live entertainment is permitted, except that a maximum of four acoustic musicians are permitted indoors only subject to a Café/Entertainment permit being obtained from the Police Commission, as applicable.
12. No pool tables or coin operated electronic, video or mechanical amusement devices shall be maintained on the premises.

13. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, Police Department or Department of Building and Safety.
14. No deviations from any parking requirements of the Municipal Code or the Venice Coastal Zone Specific Plan have been requested or granted herein. The project shall comply with all applicable parking requirements to the satisfaction of the Department of Building and Safety. The availability of on-site parking shall be made known to the public via any restaurant advertising and website restaurant page.
15. Tandem parking is permitted on the property subject to a parking attendant being available on the premises at all times that the restaurant is open for business. A parking affidavit to this effect, as required by the Department of Building and Safety, shall be recorded with a copy forwarded to the Zoning Administrator for inclusion in the case file.
16. The applicant shall be responsible for maintaining the area adjacent to the premises over which he/she has control free of litter, including the sidewalk. Any trash bin utilized by the applicant shall be kept locked and clear of any overflow trash. Frequency of trash pick-up shall be assured so that trash is not left outside of any trash bin under the control of the applicant.
17. Any exterior lighting shall be installed such that the light is directed onto the subject site. Lighting shall be adequate to identify anyone in the front of the building at night.
18. An electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sales location. These device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the utilization of this approval.
19. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.
20. **Within six months of the initiation of alcohol sales**, 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.** In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.

21. A kitchen shall be maintained in the restaurant in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be available at all times that the restaurant is open for business.
22. All licenses, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all of the ABC and conditional use permit conditions. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.
23. A camera surveillance system shall be installed which will cover all common areas as well as high-risk areas and entrances and exits, including the parking and patio areas. Video tapes shall be maintained for 30 days and shall be made available to the Police Department or other enforcement agency upon request.
24. The mitigation measures identified in ENV 2010-0205-MND (RC) shall be incorporated as conditions of this grant as summarized below, unless noted otherwise:
 - a. Aesthetics (Graffiti)
 - 1) Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
 - 2) The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.
 - b. Aesthetics (Signage)

On-site signs are limited to the maximum allowable under the code.
 - c. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - d. Public Services (Fire)

The following 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 unit 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.

e. Public Services (Police General)

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's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

f. Utilities (Local Water Supplies - Restaurant, Bar or Nightclub)

- 1) Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- 2) Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- 3) Install and utilize only restroom faucets of a self-closing design.
- 4) Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

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.

g. Utilities (Water Treatment or Distribution)

- 1) The project shall include a holding tank large enough to hold three times the project daily wastewater flow so that the tank would hold all project wastewater during peak wastewater flow periods for discharge into the wastewater collection system during off-peak hours.

- 2) A grey water system to reuse wastewater from the project.
- 3) Offset excess wastewater generation by restricting the wastewater generation of other land uses within the same service area (e.g., by dedicating open space); and
- 4) New wastewater treatment or conveyance infrastructure, or capacity enhancing alterations to existing systems.

h. Utilities (Solid Waste)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

i. 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.

Condition Nos. 25 through 30 are alcohol-specific conditions which have been volunteered by the applicant:

25. No cocktail lounge shall be maintained on the premises.
26. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages, except for the posting of a menu.
27. No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
28. No fortified wine (greater than 16% alcohol) shall be sold on the premises.
29. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand.
30. No off-site sales of alcohol as a secondary use to the on-site sales is permitted.
31. **Review** - No earlier than 10 months and no later than 12 months from the effective date of this action, the applicant/operator of the restaurant shall file for an "Approval

of Plans” for review of compliance with conditions of approval. The application shall be on appropriate forms and accompanied by the payment of fees as set forth in Section 19.01-I of the Los Angeles Municipal Code. The application must be accepted as complete by the Planning Department. Mailing labels shall be provided with the application for property owners and tenants within 500 feet of the subject property including the Council Office and the Los Angeles Police Department Area Commanding Officer and Vice Unit Officer in Charge of this area and the Neighborhood Council. The applicant may request at such time consideration for an extension of the closing hour to no later than 2 a.m. for days when such is not permitted by this grant. If requesting such, the application must clearly include such request so that it may be included in the hearing notice. **The applicant shall also submit with the application a summary and any supporting documentation of how compliance with each condition has been attained**

A public hearing shall be required. The purpose of the hearing will be to consider the effectiveness of the conditions and of the compliance record of the applicant. The Zoning Administrator may upon receipt of testimony and review of the effectiveness of the conditions, modify, delete or add conditions. If there has been substantiated evidence of non-compliance prior to the hearing, the hearing may be set as a revocation hearing.

32. The authorization granted herein for the sale of alcohol is for a period of **five (5) years** from the effective date of this grant. Thereafter, this authorization shall become null and void and new request to allow for the continuation of the conditional use will be required.
33. **Within 30 days of the effective date of this action**, 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and Conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this authorization is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after FEBRUARY 14, 2011, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.** Public offices are located at:

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

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

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of

the California Public Resources Code and Section 13105 of the California Administrative Code.

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

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on January 13, 2011, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

BACKGROUND

The ownership is a level, irregular-shaped corner parcel of land consisting of approximately 0.18 acres (approximately 8,062 square feet), having approximately 95 feet of frontage on the northerly side of Abbot Kinney Boulevard, sides for a distance of approximately 111.14 feet along Venice Boulevard and has a depth varying from 105 feet to 111.14 feet. The property is zoned M1-1 and is located in the Oakwood-Milwood-Southeast Venice Sub Area and is within the Venice Coastal Zone.

Property (Ownership No. 36) to the north across Venice Boulevard is zoned M1-1-O and developed with a three-story office building with retail space on the ground floor.

Beyond that (Ownership No. 19) to the east across Irving Tabor Court to the east is zoned M1-1-O and is developed with a one-story warehouse.

Adjoining property to the south is zoned M1-1-O and is developed with a one-story welding business. Vehicular ingress/egress is via a driveway apron along Abott Kinney Boulevard located in the immediate vicinity of that property's southwest corner.

Adjoining property to the east is zoned M1-1-O and is developed with a one-story business park (Venice Park). The business park consists of linear, one-story, multi-tenant buildings.

There is a driveway apron along Venice Boulevard located in the near vicinity of that property's northwest corner in addition to an additional driveway apron along Venice Boulevard located approximately mid-distance along the ownership's frontage.

Properties to the west across Abbot Kinney Boulevard are zoned C2-1-O and are developed with one-and two-story multi-tenant residential units consisting of duplexes, small apartments buildings, a three-story condominium building and a very small percentage of commercial businesses.

North Venice Boulevard, in the near vicinity of the property to the north is a one-way westbound Scenic Secondary Highway with a width of 30 to 45 feet and improved with curb, gutter and sidewalk. It should be noted that a landscaped median strip divides Venice Boulevard.

South Venice Boulevard, adjoining the property to the north is a one-way eastbound Scenic Secondary Highway with a width of 35 to 44 feet and improved with curb, gutter and sidewalk. It should be noted that a landscaped median strip divides Venice Boulevard.

Abbot Kinney Boulevard, adjoining the property to the west is a Major Highway with a width of 80 to 95 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions in the area include:

Case No. ZA 2006-5028(CUB)(PA1) – On September 30, 2010, a request for the review per Condition No. 29 associated with the sale of a full line of alcoholic beverages for on-site consumption at a restaurant located at 1427-1429 South Abbot Kinney Boulevard was before the Zoning Administrator. A letter of determination was issued on January 25, 2011.

Case No. ZA 2009-0793(CUB) – On September 29, 2010, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 2,732 square-foot restaurant with live entertainment (limited to a maximum four-person acoustic group), located at 1635-1637 Abbot Kinney Boulevard.

Case No. DIR 2010-2276(VSO) – On August 12, 2010, a request was approved for a change of use from a 1,044 square-foot retail store to a restaurant (no walk-up service), located at 1427-1429 Abbot Kinney Boulevard.

Case No. ZA 2009-2569(CUB) – On April 9, 2010, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for

on-site consumption in conjunction with and existing restaurant, located at 1449-1661 Abbott Kinney Boulevard.

Case No. ZA 2007-3515(CDP)(CUB)(SPP) – On September the Zoning Administrator approved the following requests at 2321 Abbot Kinney Boulevard: a Coastal Development Permit to allow the change of use of a 2,167 square-foot market/deli to market/deli and café on a 14,483 square-foot lot located within the single jurisdiction of the California Coastal Zone; and a Conditional Use to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with the market/deli and café; and a Specific Plan project permit Compliance for the proposed change of use from a market/deli to market/deli and café.

Case No. DIR 2008-1678-SPP, on August 21, 2008, a designee of the Director of Planning approved a Specific Plan Project Compliance, to permit the change of use of a maximum of 1,974 square feet to restaurant use within an existing 5,000 square-foot ground floor commercial space currently approved for retail use, up to 974 square feet may be restaurant service floor area on the ground floor, allotted in one proposed restaurant, or 774 square feet may be used for one restaurant of 200 square feet used for the seating area of a grocery or foods store in another tenant area, project located at 1645 Abbot Kinney Boulevard.

Case No. ZA 2006-5028(CUB), on May 4, 2007, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine for on-site consumption in lieu of the applicant's request for a full line on-site permit, in a proposed 2,000 square-foot restaurant, located at 1427 and 1429 Abbot Kinney Boulevard.

Case No. ZA 2006-6646(CDP), on April 19, 2007, the Zoning Administrator approved the following requests at 636 East Venice Boulevard: a Coastal Development Permit for and existing restaurant with a new 200 square-foot patio-dining use located within the single jurisdiction of the California Coastal Zone; a Conditional Use to permit an upgrade for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at an existing restaurant with new patio dining; and the Zoning Administrator, determined that the existing restaurant and patio dining area use project is in permit compliance with the applicable regulations of the Venice Coastal Specific Plan, Ordinance No. 175,693.

Case No. ZA 2004-4297(CUB) – On October 14, 2004, the Zoning Administrator approved a Conditional Use to allow the sale of beer and wine for on-site consumption with a restaurant with outdoor searing, located at 1633 Abbot Kinney Boulevard.

Case No. ZA 20001-3132(CDP)(CUB)(ZV)(SPP) – On February 27, 1992, the Zoning Administrator approved the following requests at 1432 Abbot Kinney Boulevard: a Coastal development permit to allow a 1,516 square-foot sushi bar with a 1,996 square-foot dwelling unit within the single permit area of the California Coastal Zone; a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant; a variance to permit three deep tandem parking instead of the permitted two deep tandem

spaces; a variance to allow two compact spaces instead of one; and a Director's determination for Specific Plan Project Permit Compliance to permit the construction, use and maintenance of a three-story restaurant and dwelling in compliance with Ordinance No. 172, 897.

Case No. ZA 2000-0343(CUB) – On April 27, 2000, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant, located at 1635 Abbot Kinney Boulevard.

Case No. ZA 94-0191(CUB) – On May 25, 1994, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing market, located at 2321 Abbot Kinney Boulevard.

COASTAL DEVELOPMENT PERMIT FINDINGS

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

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

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

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

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving development with public transportation ...

The proposed project does not consist of new construction. However since it involves a change of use from an office/retail to a restaurant space, it triggers a coastal development review. The project's location within an already developed area does not change. A new parking requirement is triggered which must conform to the Venice Coastal Specific Plan (Ordinance No. 175,693) which surpasses the parking requirements of the citywide provisions of the Municipal Code.

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

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

Currently there is no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone. Therefore, the adopted Venice Community Plan and the Venice Specific Plan serve as the functional equivalent plan. The Community Plan designates the subject property for Limited Industrial with a corresponding zone of M1, MR1 and P and Height District No. 1-O. The basic use is permitted by the Plan designation and the corresponding zone. On an individual basis, the project is not anticipated to prejudice the ability of the City to prepare a Local Coastal Plan.

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

Such Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. The standards of the Venice Specific Plan associated with new development as these relate to a change of use have been considered in this action.

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

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

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

The project site is not so located.

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

On July 7, 2010, the Department of City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2010-205-MND. The mitigation measures in said document have been incorporated as conditions of this grant. A subsequent reconsideration was issued noting a change

to the request. The Environmental Review Section determined that the original document remained applicable.

CONDITIONAL USE FINDINGS

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

The proposed request is to permit the sale of beer and wine for on-site consumption in conjunction with a proposed new restaurant/cafe which will involve a conversion of existing office/retail space. Since the location is also a Commercial Corner location as defined by the Municipal Code, there is an associated request for deviations to permit operating hours that extend past 11 p.m. and for tandem on-site parking, which otherwise are not allowed on a Commercial Corner location. The proposed restaurant will provide required on-site parking. The restaurant will be located at the intersection of Venice Boulevard and Abbott Kinney.

The restaurant/café will have a full kitchen with a variety of food offerings ranging from breakfast and dessert items to small plates which include sandwiches. A copy of a proposed menu has been submitted for the case file. Original hours of operation proposed were 6 a.m. to 2 a.m. daily. Under this grant, the hours have been modified to reflect a 2 a.m. closing hour for Thursday through Saturday with a 12:30 a.m. closing hour for the remaining days. Subsequent to the hearing the applicant had offered a revision to reduce alcohol sale hours for certain weekdays. Under this grant, the hours are modified for the restaurant rather than only for alcohol sales which are otherwise difficult to monitor if a venue remains open later. These modifications address in part testimony provided by a Washington Way residential neighbor who had concerns about late hour noise and parking spillover impacts along his street. Under a required subsequent review of compliance with conditions, the 2 a.m. closing hour may be considered for the other days which can then be evaluated in the context of the actual operation.

The request is for a venue that provides for a variety of options to patrons, including creating a more neighborhood-serving and casual eatery. Seating is proposed for 75 patrons which includes seats in a new patio. Parking will be provided on-site. No reduction from the requirements of the Municipal Code or the Venice Coastal Zone Specific Plan regarding required parking have been requested. Given, the scarcity of parking in the area, the ability to provide the required parking on-site is a significant asset to the proposal.

The project was presented to the Venice Neighborhood which recommended approval for the request. A representative of said Council testified at the hearing indicating that the project had been reviewed in November and in December, 2010, respectively. He noted that the Council had no opposition to the requested hours given the location which was considered to be better buffered from residential uses than many other similar establishments in the area. One of the recommendations of the Neighborhood Council noted in correspondence of its action was a requirement for a review of condition compliance in a year. The letter also recommended the

provision of a bike rack and no deviations from the specific plan or the parking requirements. The request is consistent with these recommendations.

As noted, one speaker at the hearing who is a neighbor within 500 feet expressed concerns with the hours of operation and possible impacts on noise and traffic. He noted support for the business and a preference for a 12 midnight closing hour. A condition of this grant has addressed the hours and the potential for modifications in the future. No other speakers testified at the hearing.

The restaurant will serve the local community as well as visitors to the area by providing an alternative more casual concept. The proposal is in keeping with the nature of the development in the area. As such, the use will serve a public convenience and welfare and as sited and conditioned, the location will remain compatible with the character of the surrounding uses. In addition, the proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will safeguard public welfare and enhance public convenience.

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

The grant authorized herein incorporates a number of conditions which have been imposed upon the use as well as many which have been volunteered by the applicant. Alcohol training for staff is required. Seating is limited and parking will be provided on-site, which is a convenience to patrons. A camera surveillance system has been required to improve monitoring, with video tapes retained for review for a period of 30 days. Additionally, the mitigation measures identified in the environmental document for the project are incorporated as conditions of this grant. A review of conditions is required with a subsequent public hearing. At this time, the applicant may request the originally requested hours of operation. At said review, consideration can be given to the operational history of the venue based on a documented track record rather than on speculation. If the operation has been problematic, modifications of conditions can be imposed to assure a compatible use or the case may be set as a revocation hearing. As approved, all the conditions will continue to make the use more compatible with other uses in the surrounding community.

The subject grant for alcohol sales is authorized for a term of five years. Prior to the expiration of the term grant, the applicant will have to file a request to allow for the continuation of the original grant. This allows the City an opportunity to review the operation of the restaurant anew. If the operation has been conducted appropriately and without creating problems, then a subsequent decision on a new request may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not grant the continuation of the entitlement and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus, as conditioned the request is anticipated to be compatible with the surrounding area.

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

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

No specific references in the Plan Text are made relative to the sale of alcoholic beverage sales. The sale of alcohol is permitted by conditional use provided that the findings are made in the affirmative. Such findings have been made for this request.

ADDITIONAL FINDINGS - SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION

10. **The proposed use will not adversely affect the welfare of the pertinent community or result in an undue concentration of premises for the sale of alcoholic beverages after given consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration after giving consideration to the number and proximity of these establishments within a 1,000-foot radius of the site, and giving consideration to crime rates in the area.**

According to the State's Department of Alcoholic Beverage Control licensing criteria, 3 on-site and 2 off-site licenses are allocated to subject Census Tract No. 2738. There are currently 3 on-site and 3 off-site licenses in this Census Tract.

The subject location is within an area where the threshold of allocated licenses has been reached however the request is also within a commercial corridor where there are a variety of eating establishments that cater to a range of needs. As such, the addition of this license is not unexpected given the development in the area.

Statistics from the Police Department reveal that in the subject Crime Reporting District No. 1443, which has jurisdiction over the subject property, a total of 159 crimes were reported in 2008, compared to the citywide average of 235 crimes and the high crime-reporting district average of 282 crimes for the same period. These numbers do not reflect the total number of arrests in the subject-reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in the previous years.

The number of crimes in the Reporting District is lower as compared to the average for the City. Nonetheless, conditions have been imposed to mitigate any adverse impacts on the area, including a camera surveillance system requirement. No communication was received from the Police Department in opposition to the request.

11. **The use will not detrimentally affect the nearby residentially zoned communities in the area after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public**

playgrounds and other similar uses and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

There are residential uses across Abbott Kinney as well as other establishments that sell alcohol for on-site consumption. The area is characterized by a mixture of uses which co-exist to create the more unique qualities that define the Venice community. This grant has placed numerous conditions on the proposed project and not authorized uses of the property which might create potential nuisances for the surrounding area. Such imposition of conditions, as well as the imposition of a required review with a public hearing within one year and a five-year term grant, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.

ADDITIONAL FINDINGS - MINI-SHOPPING CENTERS AND COMMERCIAL CORNER DEVELOPMENTS

12. **The Mini-Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety;**

The Commercial Corner development already exists and has been part of this area since approximately 1953. The deviation requested from the applicable provisions is only for hours to allow for operation after 11 p.m. and to allow for tandem parking. As such, the request and use remain consistent with public welfare and safety.

13. **Access, ingress and egress to the Mini-Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, based on data provided by the City Department of Transportation or by a licensed traffic engineer.**

There is no new construction associated with the request and all building permits for the center would have required the review and approval of all affected City Departments at the time of original construction.

14. **There is not a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Mini-Shopping Center or Commercial Corner Development;**

No such concentration is evident.

15. **The Mini-Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented area or zone, or, if the lot or lots are located in an identified pedestrian oriented area or zone, that the Mini-Shopping Center or Commercial Corner Development would not have an adverse impact on the pedestrian oriented area or zone.**

The site is not located within an identified pedestrian oriented area or zone.

FINDINGS –VENICE SPECIFIC PLAN PROJECT PERMIT COMPLIANCE REVIEW

16. **The project is compatible in scale and character with the existing neighborhood, and would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The site is improved with a one-story building which includes office and retail space. The request will not result in any physical additions to the building but will consist of interior tenant improvements and the addition of an outdoor patio. The grant will not result in a development that is incompatible in scale and character with the existing neighborhood. As conditioned, the project would not be detrimental to adjoining properties in the vicinity.

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

The subject property is designated for Limited Industrial land uses with corresponding zones of M1, MR1 and P and Height District No. 1-O. The proposed project is consistent with the intent and purposes of the Land Use Plan and the Specific Plan, which are part of the Venice Coastal Program. The proposed restaurant is in conformance with applicable development standards of the Venice Coastal Specific Plan (Ord. No. 175,693), Section 10, G (Southeast Venice Subarea) as follows:

Southeast Venice Subarea:

- a. **Density** - The subject application entails a proposed restaurant with a patio addition which does not result in changes to any density as the matter does not involve any addition or modification of any dwelling units.
 - b. **Height** - The Southeast Venice Subarea, in which the property is located, permits a maximum height of 25 feet for flat-roof buildings or 30 feet for projects with varied rooflines. The proposed project will not result in a change to the height of the existing building on the site.
 - c. **Access** - Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys, unless the Department of Transportation determines that it is not feasible. The subject application does not affect access to the property nor does the request fall within the definition criteria in the Specific Plan of a Venice Coastal Development Project.
 - d. **Parking** – All required parking will be provided on-site. The applicant has worked with the Department of Building and Safety to determine the required parking count which was noted to be 14 parking spaces excluding two grandfathered parking spaces. A minimum of 14 spaces will be provided on-site
18. **The applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed project and to**

register the Replacement Affordable Units with the Los Angeles Department of Housing.

The proposed project will not result in a loss of affordable housing units.

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

There are no residential dwelling units on-site. The proposed conversion to a restaurant will not result in any demolition of existing dwelling units or additional dwelling units.

ADDITIONAL MANDATORY FINDINGS

20. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
21. On July 7, 2010, the Department of City Planning Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2010-205-MND and determined that by imposing conditions, project-related impacts could be reduced to less than significant levels (Section 15074, State CEQA Guidelines).

Subsequently, a modification of the project request was submitted. The Environmental Review Section of the Department of City Planning has determined that the previously issued Mitigated Negative Declaration (ENV 2010-205-MND) serve to address the potential environmental impacts of the project, however, republication of the MND with the revised request clause was necessary. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



LOURDES GREEN
Associate Zoning Administrator
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LG:lmc

cc: Councilmember Bill Rosendahl
Eleventh District
Adjoining Property Owners