



**CITY LAND USE**  
FOR EVERYTHING OUTSIDE THE BOX



### **28-46 E. MARKET STREET, VENICE, CA 90291**

A one-hundred-year-old manufacturing facility repurposed as a restaurant with outdoor dining.

**Project Site: 28-46 E. Market Street, Venice, CA 90291**

**Requested Actions: APCWLA-SPP-CDP-CUB-ZV**

**Applicant: Sonnyboy Hospitality, LLC.**

**Representative: Laurette Healey, City Land Use, Inc.**

**Zone: CM-1**

**Coastal:** California Coastal Zone: Dual Jurisdiction

North Venice Subarea

**Existing Site: 10,962.9 sf**

- 5,400 sf non-conforming manufacturing building (1922), non-historic
- 5,562.9 sf paved parking lot

**Applicable Codes, Ordinances, and Specific Plans**

- Los Angeles Municipal Code (LAMC Ord. No 77,000)
- Venice Specific Plan (LAMC Ord. No. 175,693; LAMC 11.57)
- VENICE Local Coastal Program - Land Use Plan (Certified Venice LUP Policies)
- LACTC Coastal Transportation Corridor (Ord. No. 168,999; 186104; LAMC 13B.4.2 of Ch. 1A)

## Requested Actions

1. Pursuant to Los Angeles Municipal Code Section 13B.9.1 of Ch. 1A, a Coastal Development Permit granting a change of use of a non-conforming 5400-sf single-story manufacturing facility to a restaurant with a 722-sf ground floor dining patio and 800-sf roof deck dining area.
2. Pursuant to the Los Angeles Municipal Code Section 13B.4.2 of Ch. 1A and the Venice Coastal Zone-Specific Plan (Ordinance No. 175,693), a Specific Plan Project Compliance for a project located in the Venice Coastal Zone-Specific Plan area.
3. Pursuant to Los Angeles Municipal Section 12.24 W .1, A Class 2 Conditional Use Permit to allow the sale of alcohol (Type-47) for onsite consumption at a 5,400-sf restaurant, 722-sf ground floor patio and 800-sf roof deck dining area. Proposed hours of Alcohol service are 9:00 a.m. to 2:00 a.m. daily. Hours of operation from 6:00 a.m. to 2:00 a.m. daily. No live entertainment or exterior amplification is requested.
4. Pursuant to Los Angeles Municipal Code Section 13B.5.3 of Ch. 1A, a Zone Variance permits ten off-site leased parking spaces at a CDP-permitted private parking lot approximately 20 feet from the subject site.

### A. EXISTING SITE CONDITIONS

The 10,962.9-sf project site, comprising four contiguous consolidated lots with a frontal perimeter of 120 linear feet and combined addresses of 28-46 Market Street, is zoned for CM-1 uses within the dual jurisdiction of the Coastal Zone. The site is currently improved by an existing non-conforming 5,400-sf single-story VB construction-type manufacturing facility and an adjacent 5,400-sf paved and striped parking lot. The proposed development is fully aligned with the North Venice Subarea of the Venice Local Coastal: Land Use Plan (LUP), Venice Specific Plan (VSP), Los Angeles Coastal Transportation Corridor Specific Plan (LACTC), the Los Angeles Municipal Code (LAMC), and the Los Angeles Department of Building and Safety (LADBS).

**Transportation Accessibility:** The project site is conveniently located on Market Street, an east-west one-way local street with a 36-foot roadway width. This street is the vehicular entrance to the nine on-site and ten off-site.<sup>1</sup> Valet parking spaces provide a convenient and efficient parking solution. Zephyr Court, to the rear of the building, is a west-east 20-foot asphalt alley that offers efficient vehicular egress and connects to Pacific Avenue, a 60-foot wide, two-way, medium highway, enhancing the project's practicality and accessibility.

The site is designated as a Transit Priority Area (TPA), with buildings within 1,500 FT. of a transit stop facility to replace up to 30% of the required vehicle parking spaces with bicycle parking.<sup>2</sup>

A single individual owns<sup>3</sup> All four contiguous lots. The Deed of Trust provides the following description: "38 Market Street: Lots 4,5, 6 and 7 in Block B of Venice of America, Venice area in the City of Los Angeles, California, per Map in Book 6, Pages 126 & 127 of Maps, County Recorder of Los Angeles."

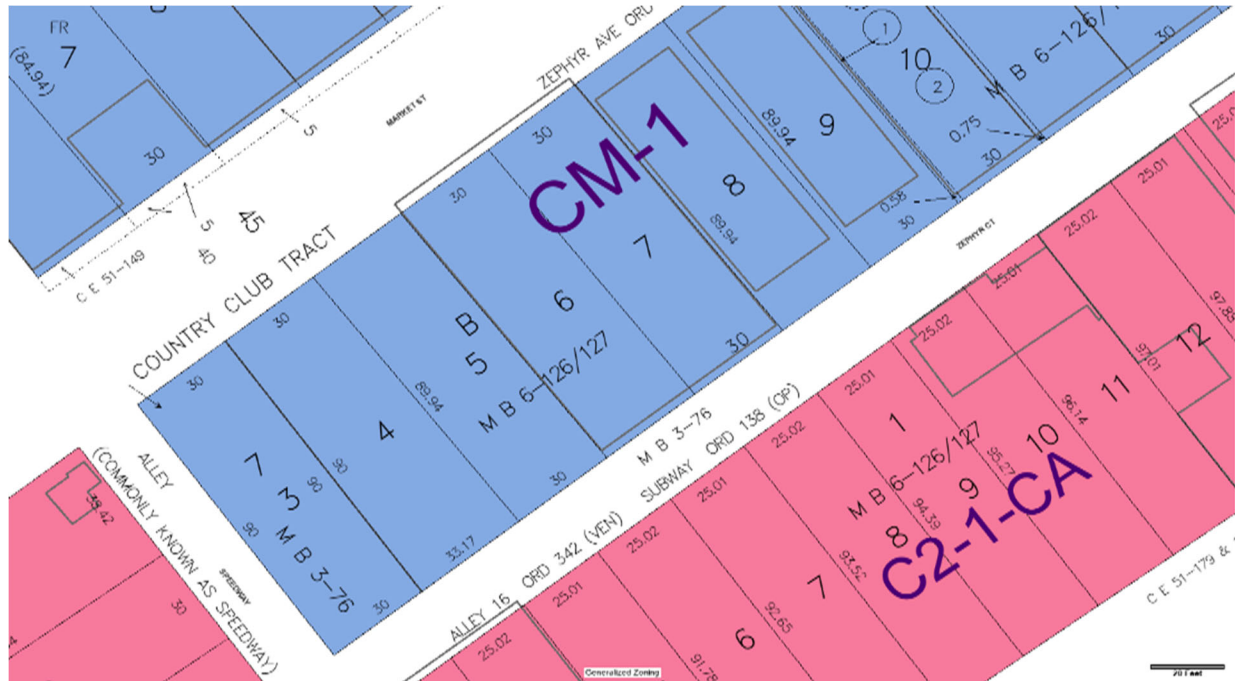
<sup>1</sup> Located 20 feet away from the project site.

<sup>2</sup> Ordinance 185480

<sup>3</sup> Deed of Trust filed with the Los Angeles County Recorder's Office on January 22, 2004, grants ownership to one person.



## B. PERMITTING HISTORY



### Lots 4 (28 & 30 E. Market St.) and 5 (34 & 36 E. Market St.)

1. 1963 Permit No. WLA47543 90'x90' paved parking lot on lots 3,4 & 5 on Market Street.
2. Lot 3 was sold separately, terminating the 1963 permit.
3. Lots 4 & 5 remain tied by continuous use as a parking lot.
4. LA County record No. 04-0143992 Grant Deed recorded for purchase of lots 4,5,6 and 7 held under new ownership.

### Lots 6 (38, 40, & 42 E. Market St.) and 7 (44 & 46 E. Market St.)

1. Lots 6 and 7 are improved with a 1922 one-story, non-conforming 5,400-sf VB construction-type manufacturing building, consistent with the site's zoning designation CM-1.
2. Before 1923, the Department of Building and Safety was not required to issue a Certificate of Occupancy for any building or structure<sup>4</sup>.
3. It was not until 1946 that non-residential buildings were issued certificates of occupancy for new uses<sup>5</sup>. The assessor's records identify the USE for buildings before 1946.
4. The earliest Assessor's Record (1935) confirms the USE is a dress manufacturing facility.
5. The Manufacturing Use remains in effect as of the filing of this Application.
6. December 6, 1962, Affidavit 30226 tied lots 6&7.
7. Lot Consolidation Application is submitted to consolidated tied lots 4&5 with tied lots 6&7.

<sup>4</sup> Los Angeles Municipal Code (LAMC) Section 91.109.

<sup>5</sup> Per LADBS bulletin P/BC 2017-108 "HISTORY OF CODE REQUIREMENTS FOR ISSUING CERTIFICATES OF OCCUPANCY,"



### C. Zoning Regulations

All use, height, and area regulations of the VSP, LUP, and LAMC are complied with in the development and use of the property, except as such laws are specifically varied or required herein.

1. **Height.** Section 10.F.3 of the Land Use Regulations for commercial developments in the North Venice subarea limits the height of a Flat roof to 30 FT. The existing building, which has a flat roofline, is 15.9 and extended by a two-foot parapet with a total height of 17.3 FT. The roof deck trellis over the dining area extends the height of the building by eight feet from the roofline for a total height of 23.9 FT as measured from the centerline of Market Street.
2. **Parking.** The project requires 55 parking spaces. The project provides 55 parking spaces as follows:
  1. Nine vehicle parking spaces onsite, including one ADA parking space.
  2. Sixteen bike parking substitutions.
  3. Twenty grandfathered parking credits.
  4. Ten off-site leased valet parking spaces approximately 20 FT from the subject site
3. **FAR.** The building is nonconforming concerning the FAR, which limits commercial buildings to 0.5 to 1 FAR. However, erected in 1922, the structure precedes the VSP and LUP FAR limitations with a FAR of 1:1.
4. **Outdoor Dining** is permitted in the CM zone; outdoor dining areas incidental to the eating establishment may be placed at any level. The Applicant shall provide code-compliant parking for the ground floor patio and the roof deck dining area.

### D. CONDITIONAL USE FINDINGS

- i. ***The project will enhance the surrounding neighborhood's built environment and perform a function and service that is essential or beneficial to the community, city, or region.***

The applicant requests the on-site sale and dispensing of a full line of alcoholic beverages for all patron dining areas, with daily hours of operation from 6:00 a.m. to 2:00 a.m. and alcohol service from 9:00 a.m. to 2:00 a.m. The restaurant is less than 150 yards from Venice Beach's Ocean Front Boardwalk, a pedestrian coastal-access walkway, and its companion 22-mile Marvin Braude Coastal Beach Bike Trail traverses alongside the pedestrian walkway from Malibu to Hermosa Beach. More than three million bike riders annually utilize the beach bike trail. With its outdoor dining areas and bike parking capabilities, the restaurant offers a convenient interval for recreational bike riders who will find a newly developed, safe, comfortable, and convenient location to enjoy a brief respite.

The demand for quality tourist-serving amenities along the boardwalk, less than 150 yards from the subject site, exceeds all other areas in Los Angeles. In 2019, the year before the pandemic, the Los Angeles Tourism Board reported a record-breaking fifty million tourists visiting the city, with over half of the tourism reported to be visitors to Venice Beach. Venice Beach is Southern California's second most popular visitor destination, second only to Disneyland.

Market Street is part of an area that comprises entirely commercial uses ranging from restaurants, hostels, hotels, co-working office facilities, and retail stores—all designed to serve the local community



and visitors throughout the year. Restaurants on Market Street and nearby Windward Avenue offer similar hours of food and alcohol service, 9:00 a.m. to 2:00 a.m., as requested in this Application. The proposed project is compatible with other businesses in the neighborhood and will add more than one hundred jobs suitable for employment by the local workforce.

The proposed project consists primarily of interior tenant improvements that will repurpose a manufacturing facility into a Bonafide restaurant. While most seating will be situated in the interior of the building, the applicant shall install an outdoor dining patio on the adjacent lot-tied parking lot owned by the same owner. Ingress and egress openings to the patio will be less than 10% of the West-facing wall. An exterior stairway on the patio area will allow patrons to access the roof deck dining area. There will be no change to the building's character, mass, or scale. It will continue to align with this neighborhood's community characteristics for over 100 years.

The proposed restaurant is in a Transit Priority Area (TPA) with public bus transit connections to an MTA light rail depot less than 10 minutes away by bus, thus providing convenient accessibility for a large population of visitors. Public transit access promotes inclusivity and sustainability by providing accessible and affordable transportation options. This accessibility ensures that people from diverse backgrounds can reach the proposed restaurant without relying on personal cars.

The requisite parking complies with the Venice Specific Plan requirements through on-site parking spaces, bike substitution parking, grandfathered parking credits, and off-site leased parking at a CDP-permitted private parking lot approximately 20 feet from the project site. A valet stand shall be placed at the driveway entrance to the property to service both the on-site and off-site patron parking.

The proposed use's commercial nature makes it an ideal location, as it naturally fits within the existing vibrant and diverse commercial environment. Strict adherence to operational and alcohol-related conditions will ensure public welfare and enhance the built environment. The project's location, size, height, operations, and other significant features will remain compatible and will not adversely affect adjacent properties, the surrounding neighborhood, or public health, welfare, and safety.

Market Street is a quieter version of other commercial streets in Venice. The restaurant will be consistent with this street's lower-key, fine-dining offerings. There will be no exterior amplification or dancing.

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

The proposed commercial uses on the property align with zoning and planning regulations. Situated within the North Venice Local Coastal Land Use Plan (LUP), the property falls under the applicable Commercial Art craft land use category, which includes the conditional uses proposed in this application. Specifically zoned CM (Commercial Manufacturing) within Height District No. 1 of the Municipal Zoning Code, the project is in accordance with the Venice Community Plan, which endorses development within a CM Zone and aligns with the Commercial Art craft outlined in the LUP.

While the issue of alcoholic beverage sales is not explicitly addressed in the Community or Specific Plan, authorization for the sale of alcoholic beverages on-site can be granted by approval of the Zoning Administrator. The findings show that the proposed restaurant will not significantly affect surrounding land uses and will be compatible with the neighborhood's desired land use characteristics.



The proposed USE aligns with Goal 2 of the Community Plan for Commercial Developments, which promotes a strong and competitive commercial sector center that serves the community's needs through well-designed, safe, and accessible areas while preserving the community's historic, commercial, and cultural character.

**iii. *The proposed Use will not adversely affect the welfare of the pertinent community.***

The proposed commercial development will not alter the character of the building, which was constructed in 1922 as a manufacturing facility. While the building is not considered historic, it is in line with the historic features of Market Street and aligns with the intent and provisions of the Venice Community Plan.

The existing location is well-suited for the intended uses and will, as a result, promote the community's economic welfare with no adverse effect. The restaurant will establish a new economic base, create employment opportunities, and generate city tax revenue. The availability of a full range of alcoholic beverages is a common request and vital to the success of quality restaurants in the area. It is proven that increased patron foot traffic, new exterior lighting, and security measures will improve safety in the immediate surrounding area.

The applicant is a long-term resident of Venice and has a successful record of operating restaurants in the area. The project, as proposed, mitigates noise and loitering.

## **E. ADDITIONAL CUB FINDINGS**

The approval of the application will not lead to an excessive concentration of premises selling or dispensing alcoholic beverages in this area of the city. Venice Beach attracts more than twenty-five million tourists annually, making it the most visited region in Southern California. The number of hospitality venues and CUB permits in the area corresponds with the number of tourists visiting the area and will visit for years to come. The significantly high foot traffic and bicycle riders in this tourist destination are conducive to the success of multiple alcohol establishments, as they rely on a steady flow of patrons to thrive. Precedent can be found in other popular tourist destinations in Los Angeles, such as Little Tokyo, Century City, the commercial corridor along Wilshire, La Cienega, Beverly Boulevards, and 3rd Street – all of which have similar CUB permits due to tourism demand. As with Venice, these areas are characterized by various commercial services that provide diverse entertainment venues that serve alcoholic beverages.

- a) The restaurant will employ security, cameras, and exterior lighting, and all employees will be STAR-trained, ensuring the establishment is adequately secured. The restaurant will provide employee meals during operation.
- b) Other establishments sell alcohol for on-site and off-site consumption within the area. Since the establishment is in a prime commercial location, diversity amongst the Uses is not uncommon. It is also representative of the effort to bring in a variety of uses that will cater to residents and tourists alike. Loitering is prohibited in and around the premises or the area under the applicant's control. "No Loitering or Public Drinking" signs will be placed outside the facility.



- c) The restaurant is responsible for maintaining the area adjacent to the premises free of debris or litter over which it has control, including the sidewalk in front of the establishment.
- d) No coin-operated game machines, pool tables, or similar activities or equipment are requested.
- e) An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed at each point-of-sales location. This device shall be maintained in operational condition, and all employees shall be instructed in its use.
- f) At least one on-duty manager with authority over the activities within the facility shall be on the premises when the facility is open for business. The on-duty manager's responsibilities shall include monitoring the premises to ensure compliance with all applicable State laws, Municipal Code requirements, and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken to manage the facility to discourage illegal and criminal activity on the premises.

## F. COASTAL DEVELOPMENT PERMIT FINDINGS

### The development conforms to Chapter 3 of the California Coastal Act 1976.

The project proposes a change of use to convert the manufacturing space to a restaurant and adds a ground-floor outdoor patio and roof deck dining area as part of the proposed restaurant. The project also includes a conditional use to permit alcohol sales (full line) for onsite consumption. Fifty-five vehicle parking spaces are required; the project provides 55 code-compliant parking spaces (9 onsite, 16 bike substitutions, 20 grandfathered parking credits, and ten off-site parking spaces.).

Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. Applicable Coastal Act Policies are as follows:

***Section 30211 requires that developments do not interfere with the public's right to access the sea.***

The proposed development will not infringe on the public's right of way to the sea. It achieves code-compliant parking requirements identified in Policy II.A.3. and II.A.4. Parking Requirements.

***Section 30244 reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.***

The proposed use change and tenant improvement will not require grading or excavation. Further, the subject site is not located within an area with known Archaeological or Paleontological Resources.

***Section 30250 states that new development shall not significantly impact coastal resources.***

The proposed project is in an existing commercial 100-year-old manufacturing building. The subject site maintains frontage access along Market Street and egress on Zephyr Court to the rear of the site. Zephyr Court and Market Street are part of the city's more extensive circulation access to coastal resources



without significant impact. The project is within a developed area of similar uses. The building will be upgraded with low-flow efficient bathroom fixtures, water-saving dishwashers, and drought-resistant foliage to conserve water usage. The building envelope will be redesigned with energy-efficient insulation and ventilation to minimize reliance on HVAC systems. Sustainable recycling practices will be instituted once operations commence.

***Section 30251 states that coastal areas' scenic and visual qualities should be considered and protected as a resource of public importance. Permitted development shall be sited and designed to preserve views to and along the ocean and scenic coastal areas, minimize the alteration of natural landforms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas.***

The subject site and surrounding area are flat, with no direct views of the Pacific Ocean and no natural landforms altered as part of the project. The project proposes a change of use from 5,400 sf of manufacturing space to a restaurant with 1,246 SFA for patron seating and the addition of a 722-sf ground floor dining patio and 800-sf roof deck dining area. The proposed project is in a commercial hub with primarily commercial structures ranging from two to four stories in height. As such, the proposed improvement adapts a 100-year-old manufacturing building into a restaurant that is visually compatible with the scale and massing of existing structures and the surrounding area's character.

***Section 30252 -new development should maintain and enhance public access to the coast.***

No improvements are proposed or required within the right-of-way, and the project makes concerted efforts to ensure public access to the coast. The property is about 150 yards from Venice Beach's Ocean Front Boardwalk.

Although the proposed outdoor dining patio is exempt from parking under Al Fresco guidelines, the Applicant instead opts to supply a parking reservoir compliant with the Venice Specific Plan (VSP) parking code. To this end, the 14 parking spaces required for the outdoor dining patio will be supplied onsite and offsite to further coastal access. Additionally, the Applicant will not utilize the on-street Al Fresco curbside dining option either, thus ensuring that the on-street parking along the 120 frontal perimeter of the project site (approximately ten parking spaces) will remain secured for public parking.

The proposed development supplies an array of secure bike parking during its hours of operation. This infrastructure affords a much-needed tourist amenity for the millions of annual cyclists who enjoy the 22-mile Marvin Braude Coastal Beach Bike Trail, which traverses alongside the pedestrian walkway from Malibu to Hermosa Beach.

***Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, minimize impacts along bluffs and cliffs, and protect special communities and neighborhoods that are popular visitor destination points for recreational uses.***

The property is not located within a Flood Zone. However, the project shall comply with Zoning, Building, and Fire Safety Code requirements to minimize risks to life and property.

The proposed change of use and outdoor dining addition would have no adverse impacts on public access, recreation, public views, or the marine environment. The project will neither interfere with nor reduce access to the shoreline or beach. No dredging, filling, or diking of coastal waters or wetlands





will be associated with the request, and no sensitive habitat areas or archaeological or paleontological resources are identified on the site. The proposed tenant improvements will not block any designated public access or views. As conditioned, the proposed project conforms with Chapter 3 of the California Coastal Act.

***Section 30211 of the Coastal Act states the 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.***

The subject property is not located between the nearest public road and the shoreline of any body of water within the coastal zone; the site is approximately 150 yards east of Venice Beach. No work is proposed in the right of way; the project will not interfere with public access to the coast. The project has been conditioned to minimize impacts to the surrounding properties. No adjoining public access point or public recreation facility will be affected by this request.

**The development will not prejudice the City of Los Angeles's ability to prepare a local coastal program that conforms to Chapter 3 of the California Coastal Act of 1976.**

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The city is in the initial stages of preparing the LCP; prior to its adoption, the guidelines contained in the certified LUP are advisory.

The subject site is zoned CM-1 with a General Plan Land Use Designation of Commercial Manufacturing.

The following confirms that the proposed restaurant development comports with the Commercial and Industrial Design Standards of the Venice Local Coastal: Land Use Plan (LUP) as follows:

***Policy I.E.2. Scale.*** *The proposed restaurant development maintains the scale and massing of the existing building and character with a minimal enclosure addition.*

***Policy I.E.4. Redevelopment.*** *The proposed restaurant development shall extend the life of the existing one-hundred-year-old manufacturing facility with new structural reinforcements.*

***Policy I. F. 4. Windward Historic Arcade.*** *The project site is within the Historic Windward Arcade District. The proposed development preserves and repurposes the existing building on the site from a manufacturing facility to a needed tourist serving amenity while preserving the character of the historic arcade area.*

***Policy 11.A.3 and 11. A.4. Parking.*** *Fifty-five parking spaces are required, and 55 spaces are provided; the restaurant shall maintain nine vehicle parking spaces onsite, utilize TPA Ordinance 185480 to replace 30% of vehicular parking spaces (16 bike parking spaces) and apply for twenty grandfathered parking credits. To satisfy parking code compliance, the Applicant requests a Zone Variance for ten off-site parking spaces approximately 20 feet away at a CDP-approved parking lot to be serviced by Valet.*



**Policy 1.B.7. Lot Consolidation.** Two commercial lots may be consolidated. The existing building on lot 6 (38, 40, & 42 E. Market St.) and lot 7 (44 & 46 E. Market St.) is APN#4226008005. Lots four and five have been tied by continuous use as a parking lot since the 1960s. A Lot Consolidation Application to connect lots four, five, six, and seven are submitted.

**Policy 1.B.7. Ground Floor Development.** Commercial developments must include a Street Wall with a minimum height of thirteen feet extending at least 65 percent of the street frontage. As shown in "Exhibit A," the proposed building will maintain a street wall on Market Street that is 18.6 FT feet in height, extending to a length of at least 58.5 feet along Market Street. No Blank Walls are proposed. At least 50% of the street wall is devoted to pedestrian entrances and windows.

**Policy 1.B.7. Landscaping.** Any portion of the lot not used for parking, buildings, driveways, or other features shall be landscaped. The project includes planters located in the parking lot and outdoor dining areas.

**Policy 1.B.7. Access.** Driveways and vehicular access shall be provided from Market Street and Zephyr Court. No new curb cuts are required.

**Policy 1.B.7. Trash.** Projects shall provide and maintain trash enclosures for all trash, including recyclables. A trash enclosure is indicated in "Exhibit A."

**Policy 1.B.7. Light.** Light for the proposed development shall be downward facing and fixed along the building frontage and parking area.

**Policy 1.B.7. Signage.** No roof deck or billboard signs are permitted. All sign lighting shall be designed to minimize glare and prevent light pollution.

## G. CATEGORICAL EXEMPTION

The Class 1 exemption allows existing structures provided that the addition will not increase to more than 1,000 square feet provided that: A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and B) the area in which the project is located is not environmentally sensitive. The project will add less than 1,000 square feet of new outdoor dining adjacent to the existing commercial structure. The project's site is within a commercial manufacturing zone and does not encroach on access to all public services and facilities.

Furthermore, the Exceptions outlined in Public Resources Code Section 15300.2. do not apply to the project:

**Cumulative Impact.** The project is consistent with the type of development permitted for the area zoned CM-1 and designated for Limited Manufacturing use, as approved by previous discretionary actions. The proposed change of use will not exceed thresholds identified for impacts to the area (i.e., traffic, noise, etc.) and will not result in cumulative impacts.

**Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will significantly affect the environment due to unusual circumstances. The project is changing its use from manufacturing to restaurant. The project is similar in scope to



surrounding commercial development. Thus, there are no foreseeable impacts on the environment resulting from the project.

**Scenic Highways.** The only State-designated Scenic Highway in the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of the Topanga State Park. The property is not located on a Scenic Highway. Therefore, the proposed project will not impact scenic resources within a State-designated Scenic Highway.

**Hazardous Waste Sites.** According to EnviroSource, the State of California's database of hazardous waste sites, neither the subject property nor any property in the vicinity is identified as a hazardous waste site.

**Historical Resources.** The subject site and existing structure have not been identified as a historic resource or within a historic district (Survey LA, 2015); the project is not listed on the National or California Register of Historic Places or identified as a Historic-Cultural Monument (HCM).

## H. PROJECT PERMIT COMPLIANCE REVIEW

*In granting a Specific Plan Project Compliance in the Venice Coastal Zone, the Director of Planning shall make each of the findings in LAMC Section 13B.4.2 of Ch. 1A and Venice Coastal Zone-Specific Plan Section 8. C.*

**The project complies with the applicable regulations, findings, standards, and Venice Coastal Zone-Specific Plan provisions.**

The proposed development requests a change of use from a 5,400 sf manufacturing facility to a restaurant with 1,246 SFA, a 722-sf outdoor ground floor dining patio, and an 800-sf roof deck dining area. The Application requests a Type-47 Class 2 Conditional Use Permit for onsite sale and consumption for all patron dining areas, with hours of operation from 6:00 a.m. to 2:00 a.m. daily. The project satisfies the findings required by Section 8. C of the Venice Coastal Specific Plan. The project is compatible in scale and character with the existing neighborhood and would not be materially detrimental to the immediate neighborhood. The project also complies with the applicable General Land Use and Development Regulations outlined in Section 9 and the Land Use and Development Regulations for the North Venice Subarea summarized in Section 10. F, and the parking provisions outlined in Section 13 of the Specific Plan as evidenced below:

### A. Section 8. C. Findings

**The project meets the required findings outlined in Section 8. C of the Venice Coastal Zone-Specific Plan, as follows:**

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

The proposed project is located on Market Street in the Windward Historic Arcade Area, which is primarily developed with commercial structures ranging from one to four stories in height. As proposed, the repurposing of the existing 100-year-old, single-story building is already visually compatible with the scale and massing of existing structures and the surrounding area's character. The project and proposed



uses are consistent with existing commercial developments and will not be materially detrimental to adjoining lots or the immediate area.

**(2) *The Venice Coastal Development Project conforms to the Certified Venice Local Coastal Program.***

See Section F of this document, "Coastal Development Permit Findings."

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

The project proposes changing the use of an existing commercial building from a manufacturing facility to a restaurant. Therefore, it is not subject to the inclusionary Residential Unit requirement of the Mello Act.

**(4) *The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review that would mitigate the project's adverse environmental effects to the extent physically feasible.***

See Section G of this document, "Categorical Exemption."

## I. ZONE VARIANCE

All five legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 13B.5.3 of Ch. 1A for this zone variance request is made in the affirmative.

**1. *The strict application of the zoning code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.***

The applicant requests a Zone Variance to allow ten (10) valet parking spaces off-site by a binding lease agreement instead of a recorded covenant less than 20 feet from the project site. The project provides all required parking under the Venice Coastal Zone-Specific Plan. The change of use results in fifty-five required vehicle parking spaces; the restaurant shall maintain nine onsite vehicular parking spaces, 16 Bike substitutions, 20 grandfathered parking credits, and ten offsite valet parking spaces secured at a CDP-approved private parking lot approximately 20 feet from the project site through a Lease-in-lieu parking agreement. Under LAMC Section 13B.5.3 of Ch.1A, the grant of a Zone Variance permits relief from Section 13.D and E. of the VSP..

A recorded covenant is impractical since finding a private parking owner willing to encumber their property is not feasible. Securing dedicated parking by a multi-year lease agreement with a local parking operator is a viable alternative that is already available to surrounding businesses in the same zone.

The general purpose and intent of the zoning classifications are to limit uses to specific zones to comply with the general plan, provide compatibility between respective properties, and provide buffering between land uses. Such regulations, however, are written citywide and cannot consider the dynamic changes in the economy and land use. A variance is a grant of permission to depart from the literal enforcement of a zoning ordinance and to allow the property to be redeveloped from a manufacturing

---

facility to a needed tourist-serving restaurant amenity with adequate parking that can be achieved without detrimental impacts to the community or unnecessary hardship to the immediate neighborhood.

**2. Special circumstances apply to the subject property, such as size, shape, topography, location, or surroundings, which do not apply to other properties in the same zone and vicinity.**

The proposed development shall maintain nine vehicular parking spaces onsite, accessible via Market Street. The additional ten required vehicular parking spaces are satisfied by an off-site leased parking agreement at a CDP-permitted private parking lot approximately 20 feet away from the subject site to be serviced by a valet. It is infeasible to require a deed restriction for the ten parking spaces required for compliance, as it will encumber the subject parking lot. The requirement to obtain a deed-restricted Covenant for the ten offsite parking spaces constitutes a special circumstance that has not been required of other properties in the same zone and vicinity. Therefore, the grant of the Zone Variance to allow a lease instead of a parking agreement is necessary for full compliance with the Venice Specific Parking Code.

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

The project requests a variance to provide ten off-site parking spaces for code compliance. Other properties in the area have been granted a Zone Variance to lease off-site parking on CDP-permitted parking lots when their on-site parking is insufficient for code compliance. Denying the proposed development a similar right means denying the public greater access to the coast and less on-street parking for the neighboring community. As previously stated, encumbering a separate property with deed-restricted covenants for off-site parking is not feasible. Denying the Zone Variance only deprives the local community of greater access to on-street parking. As such, it is found that the variance is necessary for the preservation and enjoyment of the neighborhood at large. It is a property right executed by other properties with the same uses, in the same zone, and in the same neighborhood. The variance request considers the local community's needs and the applicant's desire to develop this project to benefit the neighborhood.

The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. Though a large amount of surface parking is available in the area because the site is one block away from Venice Beach, existing parking property owners are not willing to encumber their property with covenants for off-site parking; they are willing to lease the required parking spaces.

**4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone of the vicinity in which the property is located because the operator will provide the required parking, both on-site and off-site.**

Ninety percent of the structures west of Pacific Avenue on Market Street and Windward Avenue were built in the early 20<sup>th</sup> century when most Angelinos accessed Venice of America by Trolley from Downtown LA. Today's beach visitors use a variety of options recently made available by mass transit connections, bike-sharing, or on-demand ridesharing. The few newer structures in the area lease surface



parking lots to accommodate patrons who prefer to travel with their automobiles. However, this modality is giving way to more sustainable options as mass transit, ridesharing, and bike-share programs continue to surge. There is available surface parking in the area for the proposed use even beyond the ten off-site spaces requested in this action. Therefore, it can be found that, as conditioned, the granting of this variance will not be materially injurious to the property or improvements in the same zone or vicinity in which the property is located.

**5. The variance's granting will not adversely affect any element of the General Plan, the applicable community plan, or any applicable specific plan.**

The property is in the Venice Community Plan area in a CM Zone and Height District No.1. The project is in the LA Coastal Transportation Corridor Area. The project proposes ten parking spaces off-site via a lease agreement approved by a decision maker's action. One of the objectives of the General Plan is to encourage the maintenance of viable commercial uses, which operate in a manner compatible with adjoining uses, to maintain a healthy and varied economic basis throughout the community and provide services to the adjoining community. As such, granting the requested variance will not harm the neighborhood and will be compatible with other commercial uses in the immediate area.

Granting the requested actions allows the applicant to operate a sustainable business that provides local jobs, necessary services, and tax revenue to the city. This is consistent with Goal 7 A of the Framework, which strives to create a "vibrant economically revitalized City."

Granting the requested actions is consistent with Objective 7.2, which seeks to "establish a balance of land uses that provides for commercial and industrial development which meets the needs of residents, sustains economic growth, and assures maximum feasible environmental quality."

Granting the requested actions for on-site dining with the incidental sale of alcoholic beverages at a Bonafede restaurant is consistent with the following Venice Community Plan policies:

Policy 2-1 .5: This commercial project is designed and developed to achieve high quality, distinctive character, and compatibility with surrounding uses and development.

Policy 2-3.2: This commercial project preserves community character, scale, and architectural diversity.

Policy 2-3.3: This commercial project improves the aesthetics of its parking lot and enhances its structure's time-honored characteristics.

The restaurant, dining patio, and parking lot enhance the existing commercial use in a building constructed in the 1920s and, as such, are in conformance with the spirit and intent of the General Plan and other City policies, which aim to promote the subject property and its immediate area with healthy and viable commercial activity.

Granting the requested actions to allow a restaurant use located in a building constructed in the 1920s is consistent with the following LUP policies:

Policies 11.A.3 and 4. Adequate off-street code-compliant parking is provided.

Policy I.F.1: Historic and Cultural Resources. The historical, architectural, and cultural character of this 1920's commercial structure is protected and restored as appropriate.



Policy I.F.2: Reuse and Renovation. An exceptional adaptive reuse and renovation of the original 1920s structure has preserved the harmony and integrity of the building and its compatibility with the surrounding community.

Section 30210: Maximum Access and Recreational Opportunities. The development does not inhibit the public's access to recreational opportunities in the Coastal Zone.

Section 30250 (a): The project with onsite and offsite parking and complimentary bike parking is located within an existing developed area able to accommodate it and, as such, will not have significant adverse impacts, either cumulatively or individually, on coastal resources.

As conditioned, the project is consistent with the General Plan, the Venice Community Plan, the Venice Local Coastal – Land Use Plan, and the Los Angeles Coastal Transportation Corridor Specific Plan.

