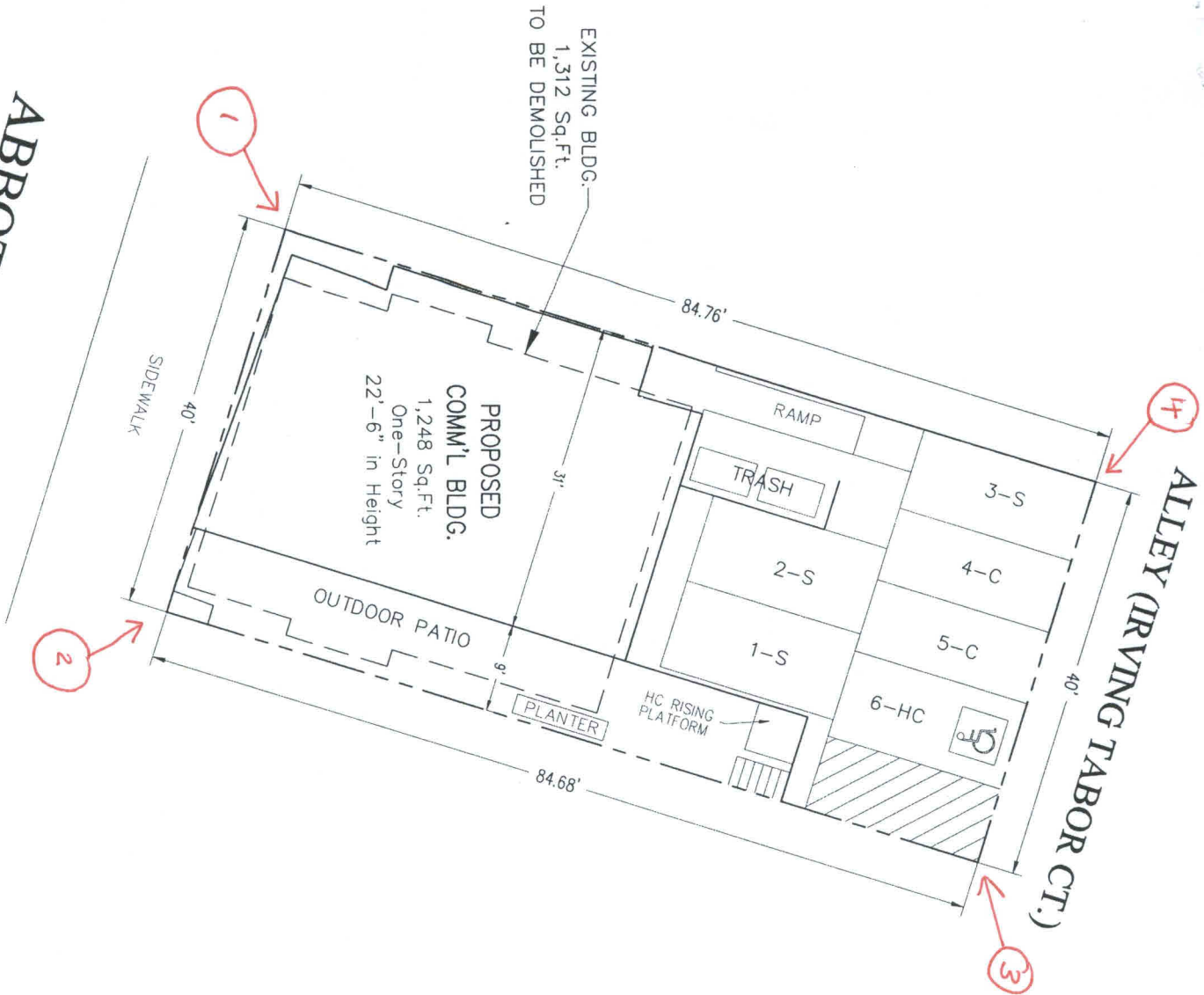


ABBOT KINNEY BLVD



INDEX MAP

PHOTO EXHIBIT



1



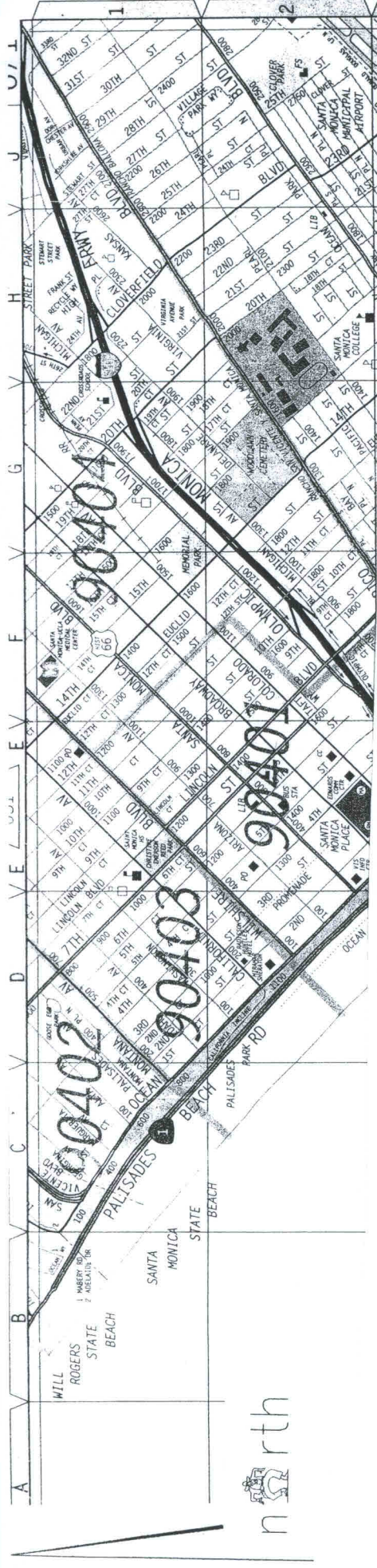
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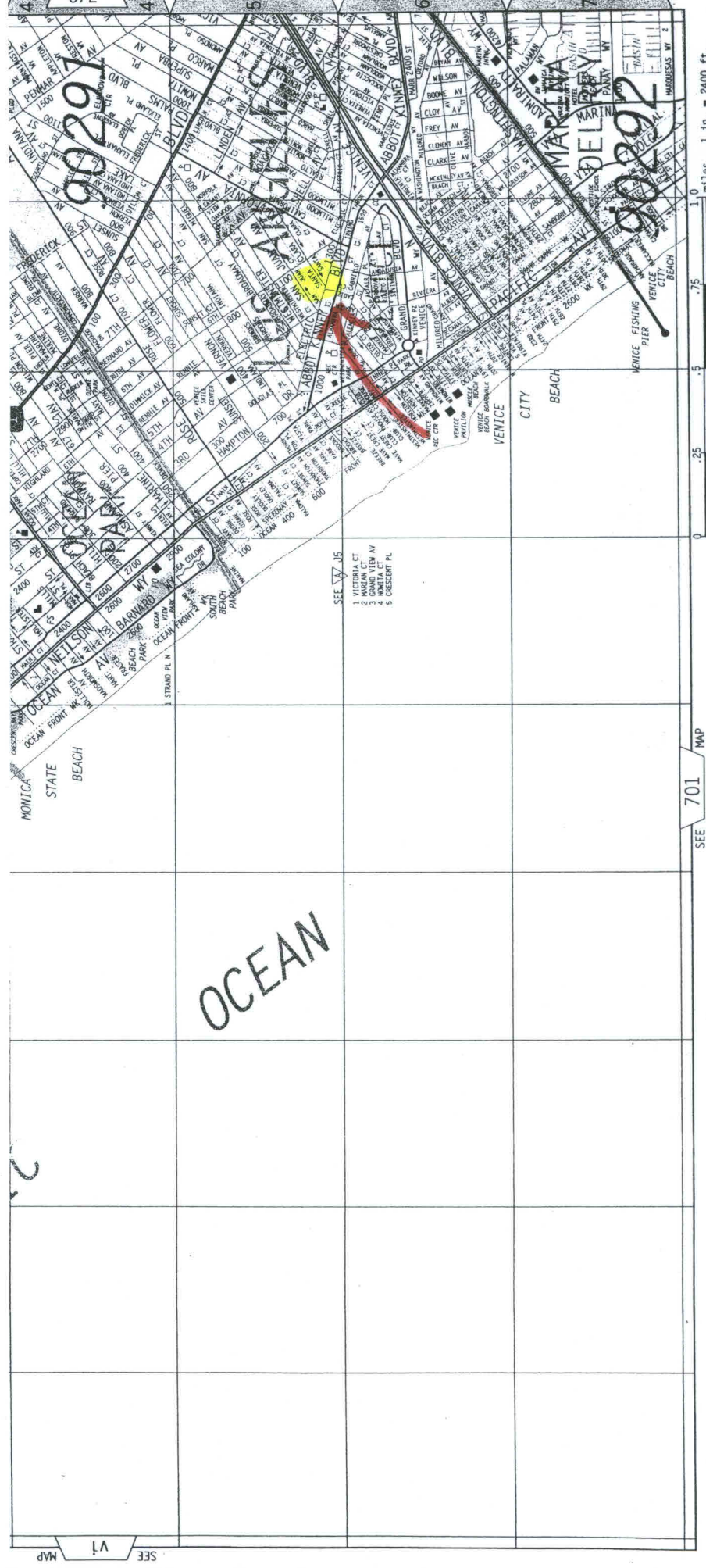
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4



VICINITY MAP





WEST LOS ANGELES AREA PLANNING COMMISSION

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

Site

Determination Mailing Date: APR 08 2008

CASE NO.: ZA 2007-3442-CUB-SPP-1A
CEQA: ENV 2007-3443-CE

Council District: 11
Plan Area: Venice
Location: 1305 S. Abbot Kinney Boulevard
Zone: C2-I-0-CA
District Map: 108B145
Legal Description: Lot 2, Block C, Ralph Rogers
Subdivision of Block V, Ocean Park Villa Tract No. 2

Applicant: Carol Ahn; Hadar Aizernan, ADC Development
Appellants: 1) James Murez 2) Carol Ahn

At its meeting on March 19, 2008, the following action was taken by the West Los Angeles Area Planning Commission:

Denied appeal number one (first vote).

Granted appeal number two in part (second vote).

Sustained, the Zoning Administrator's approvals of: 1) Pursuant to Los Angeles Municipal Code Section 12.24-W, 1, a Conditional Use to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with the conversion of a commercial retail space to a new 1,248 square-foot restaurant in the C2 Zone; and 2) Pursuant to Los Angeles Municipal Code Section 11.5.7-C, a Specific Plan Project Permit Compliance for the conversion of a retail space to restaurant use.

Adopted Modified Conditions of Approval (attached).

Adopted Findings (attached).

Adopted ENV 2007-3443-CE.

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

This action was taken by the following vote:

Moved: Foster
Seconded: Martinez
Ayes: Brown, Washington
Absent: Burton
Vote: 4-0

Moved: Foster
Seconded: Washington
Ayes: Brown, Martinez
Absent: Burton
Vote: 4-0


James Williams, Commission Executive Assistant I
West Los Angeles Area Planning Commission

Effective Date/Appeals: This action of the West Los Angeles Area Planning Commission is effective on the mailing date of this Determination. There is no further appeal period for the subject cases.

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.

Attachments: Modified Conditions of Approval and Findings.
Zoning Administrator: Anik Charron

CONDITIONS

- 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. Hours of operation shall not exceed 10 a.m. to ~~11:00 p.m.~~ 12:00 midnight daily.
 7. The maximum service area of the restaurant shall not exceed 600 square feet, and seating capacity of the subject restaurant shall not exceed 50 patrons, or as determined by the Fire Department, whichever is less.
 8. There shall be no separate bar or cocktail lounge on the premises.
 9. No pool tables, coin operated amusement devices or video games shall be maintained on the premises.
 10. No karaoke, dancing, live entertainment or jukeboxes shall be permitted on the subject restaurant
 11. Noise from the premises shall not be audible beyond the property lines.
 12. The premises and its parking facility shall maintain security lighting, which shall be bright enough for identification of persons but shall not be intrusive onto any adjacent residential property.
 13. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which the applicant has control including the parking area which

is used by patrons of the subject premises. The applicant shall assure that collecting of litter and debris shall be performed a minimum of once per day.

14. The establishment shall have a fully operable kitchen where food is prepared, which shall be made available to all patrons, together with a full service menu, at all times the establishment is open for business. Food services shall be made available to all areas of the subject premises providing patrons seating. The applicant shall furnish the premises with tables and/or booths at which food may be comfortably consumed and with all cutlery and condiments with which an eating establishment is customarily equipped.
15. The applicant shall not allow the premises to be used for private parties in which the general public is excluded from the premises nor shall the premises be sublet for nightclub activity.
16. Signs shall be prominently posted in English and the predominant language of the facility's clientele and a notice shall be placed therein that California State Law prohibits the sale of alcoholic beverages to persons who area under the age of 21 years, or intoxicated and no such sales shall be made.
17. There shall be no public telephone located outside the premises.
18. Prior to issuance of a Certificate of Occupancy for the restaurant, the applicant shall provide the Zoning Administrator with documentation showing that ~~a minimum of 14~~ parking spaces are provided as follows:
 - a. Pursuant to Section 13D (Parking) of the Venice Specific Plan, a minimum of 1 space per 50 square-foot of service area (12 spaces).
 - b. Pursuant to Section 13E (Beach Impact Zone Parking) of the Venice Specific Plan, a minimum of 1 parking space per 640 square-foot of Ground Floor area (2 spaces).
 - c. Pursuant to Section 13C and E of the Venice Specific Plan (Existing Developments, and Beach Impact Zone Parking Requirements), any parking space which cannot be accounted for, on-site or by means of a valet parking, in compliance with Section 12.24-A,4(g) and 12.26-E,5 of the Municipal Code, shall be subject to an in lieu fee of \$18,000 to be paid into the Venice Coastal Parking Impact Trust Fund.

The Department of Building and Safety shall determine the number of nonconforming parking spaces, if any, which may be credited to the applicant pursuant to applicable Department policies.
 - d. Parking attendant(s) shall be provided free of charge to the patrons at all times the restaurant is open to the public in order to park patrons vehicles on site, in compliance with Section 12.21-A,5(h) of the Municipal Code.

- e. Should some of the required parking be provided off-site by means of a valet service, the applicant shall provide to the satisfaction of the Zoning Administrator:
 - 1) a contract with a valet company showing specific parking instructions including routes, and Conditions 18f, 18g and 18h below,
 - 2) a parking plan identifying the availability of parking, noting location and number of spaces, the hours when such parking is available, and the route to be used by valets, and
 - 3) an agreement (to be recorded pursuant to Section 12.26-A,5 of the Municipal Code) with the owner of the property where such parking is to be provided (not to be located more than 750 feet from the premises).
 - f. No Valet Parking Zone shall be permitted on Abbot Kinney Boulevard.
 - g. Valets shall not be permitted to double park, block traffic or park cars on public streets. No stand advertising valet parking shall be placed so that it prevents access to an available on-street public parking space.
 - h. Valet parking shall be free of charge to patrons.
 - i. The availability of free valet parking shall be included in the menu and in any written advertising for the premises.
19. Within six months of the date of effectiveness of this grant, and within six months of employment of all new hires, all employees shall be required to complete the STAR Training Program regarding alcohol sales, as sponsored by the Los Angeles Police Department (LAPD). A copy of a letter from the LAPD attesting to the completion of such training shall be forwarded to the Zoning Administrator for inclusion in the file.
20. A laminated copy of these conditions of approval shall be posted in public view within the restaurant, retained on the property at all times and be produced immediately upon the request of the Zoning Administrator or Police Department. The on-site manager and all personnel shall be cognizant of these conditions and the necessity of their implementation at all time of operation.
21. ~~Deleted - The applicant shall install an electronic age verification devices(s) to determine the age of any individual attempting to purchase an alcoholic beverage at every point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their respective use.~~
22. Environmental impacts may result from the release of toxins into the stormwater drainage channels during the routine operation of restaurants, bakeries, and food producers. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance

No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- a. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Promote natural vegetation by using parking lot islands and other landscaped areas.
- d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- e. Cleaning of oily vents and equipment to be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer's specifications.
- f. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
- g. Reduce and recycle wastes, including oil and grease.
- h. Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, or dikes. Use drip pans or absorbent materials whenever grease containers are emptied.
- i. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO

OCEAN") and/or graphical icons to discourage illegal dumping.

- j. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
 - k. The storage area must be paved and sufficiently impervious to contain leaks and spills.
 - l. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
 - m. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
 - n. Prescriptive methods detailing BMPs specific to the "Restaurant" project category are available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the City's website www.lastormwater.org.
23. Prior to sign-off by the Zoning Administrator and issuance of a Certificate of Occupancy, whichever comes first, the same set of plans to be submitted to the Zoning Administrator for sign-off shall be reviewed and stamped as approved by the Fire Department.
24. Prior to sign-off by the Zoning Administrator and issuance of a Certificate of Occupancy, whichever comes first, the applicant shall obtain the appropriate clearance pursuant to applicable provision of the California Coastal Act.
25. ~~Modified - At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 10.01 C (Plan Approval 12.24 M \$1,993 or as in effect at the time of filing), the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department corresponding Division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review the Zoning Administrator may modify, add or delete~~

~~conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.~~

Within one year of the date of issuance of a Certificate of Occupancy for the restaurant, the applicant shall file for a plan approval application together with associated fees pursuant to LAMC Section 19.01-C (Plan Approval 12.24-M \$1,993, or as in effect at the time of filing), the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, and the Council Office. Upon this review the Zoning Administrator may modify, add or delete conditions. The Zoning Administrator further reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

26. The life of this grant shall be valid for a period of ~~three (3)~~ five (5) years from the effective date of this determination after which time it shall become null and void, and the applicant shall be required to file for and obtain a new Conditional Use Permit from the Planning Department in order to continue the sale of beer and wine for on-site consumption at this location.
27. Within 30 days of the date of effectiveness of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the 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.

FINDINGS

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

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

The property consists of a 3,389 square-foot, level, rectangular-shaped interior lot, with a frontage of 40 feet on the north side of Abbot Kinney Boulevard and a uniform depth of 85 feet. It is zoned C2-1-O-CA, and developed with a one-story, 1,312 square-foot commercial building built in 1922, and associated surface tandem parking proposed for seven automobiles, with vehicular access via a public alley to the rear of the property.

The applicant is requesting a Conditional Use to permit the sale of beer and wine only for on-site consumption in conjunction with the conversion of an existing commercial retail use into a 1,278 square-foot restaurant seating 50 patrons. Hours of operation are proposed to be from 10 a.m. to 12 midnight daily.

The proposed facility is a small scaled restaurant with seating for 50 patrons. The property is located in the midst of the Abbot Kinney Boulevard Commercial Artcrafts District, north of Venice Boulevard. This portion of Abbot Kinney Boulevard is teeming with pedestrian oriented small commercial retail uses and restaurants, now interspersed with several residential joint living/work quarters.

The sale of beer and wine, in conjunction with the consumption of food, has become

a commonly accepted and expected public convenience by the general public. The proposed use is incident to the operation of a restaurant not that of a bar, entertainment venue or nightclub. Additionally, the size of the facility, as well as the hours of operation as approved, are consistent with those of a neighborhood-oriented eating establishment. A number of conditions addressing operational issues are imposed to safeguard public welfare and enhance public convenience. This will ensure a use which will be desirable to the public convenience and the general welfare of visitors, local patrons and nearby residents.

In light of the above, it can be deemed that the location of the proposed use will be desirable to the public convenience and welfare, and proper in relation to adjacent use and the character of the immediate area.

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

The property is located on the north side of Abbot Kinney Boulevard, a 70-foot wide dedicated Secondary Highway. The nearest residential uses are located to the north of Electric Avenue, across City-owned property currently used as unimproved parking, and on the south side of Electra Avenue across Santa Clara Avenue from the site.

The applicant states: "The subject property is currently undergoing change of use application through Building and Safety from retail to restaurant. The proposed sale of beer and wine in conjunction with the operation of a proposed restaurant is intended to provide a convenience to those residences at the neighboring community who seeks fine quality dining. The applicant does and will apply policies that dictate stringent age verifications prior to sales of alcoholic beverages as well as security measures ensuring that the proposed project operate harmoniously and without nuisance to the surrounding community."

The property is developed with a 1,278 square-foot one-story commercial building oriented towards Abbot Kinney Boulevard. It is separated from the nearest single-family residential uses by a former railroad right-of-way, now under City Ownership, and used as unimproved parking, and 40-foot wide Electric Avenue. However, recent multiple-family residential developments are located to the rear of commercial properties fronting Abbot Kinney Boulevard to the west. The number of restaurants and other attractive commercial uses on Abbot Kinney Boulevard have resulted in some noisy evening inconveniences to new residents. However, the major problem in the immediate area results from the high parking demand generated by commercial uses, and proximity to the beach, combined with the lack of parking facilities to accommodate said parking demand.

The previous use of the property consisted of retail commercial. The proposed use, as a restaurant, while not falling under the strict definition of a change of use per the Venice Specific Plan, does constitute a change in intensity of use inasmuch as the restaurant use results in 1) a change in the number of trips as calculated in Trip Table, Appendix C (Retail: 4 trips/1,000 square feet of gross floor area, Low

turnover restaurant: 7.5 trips/1,000 square feet of gross floor area), and 2) results in a change of required parking spaces as calculated in Section 12D and E of the Venice Specific Plan (Retail: One space/1225 square feet of floor area; Restaurant: One space/150 square feet of floor area). As proposed the restaurant is to provide 1) Pursuant to Section 13D (Parking) of the Venice Specific Plan, a minimum of 1 space per 50 square-foot of service area, that is 12 spaces for a maximum of 600 square feet of floor area, and 2) Pursuant to Section 13E (Beach Impact Zone Parking) of the Venice Specific Plan, a minimum of 1 parking space per 640 square-foot of Ground Floor area, that is two spaces. However, the applicant may benefit from a parking credit pursuant to applicable policies of the Department of Building and Safety, taking into consideration the existence of a commercial building with legally nonconforming parking. Seven parking spaces are proposed on-site. It must be noted that six are proposed in tandem and that Pursuant to Section 12.21-A,5(h) of the Municipal Code, Parking attendant(s) must be provided at all times the restaurant is open to the public in order to park patrons vehicles in the tandem parking spaces. The remaining required parking spaces may be provided off-site, provided they are within 750 feet of the property, and a covenant is recorded against the off-site property to secure permanent provision of the parking on the off-site property. As an alternate, the Venice Specific Plan allows in lieu parking fees of \$18,000 per missing parking space to be paid into the Venice Coastal Parking Impact Trust Fund. It must be noted however that only one of the Beach Impact Zone Parking spaces may benefit from the in lieu alternative. The instant grant is so conditioned.

Additionally, while no valet parking plan was submitted by the applicant, the applicant is permitted by this grant to provide valet parking, but only under certain conditions of operation which prohibit the removal of any on-street parking space for a valet zone, the double parking or parking on-street of cars by the valet service.

Hours of operation have been maintained for a closing time of 12 midnight. Further, the grant is subject to a term of five years after which the operator will have to file for and obtain a new conditional use in order to continue the operation of the restaurant, including the sale of alcohol, at this location. This will provide the Office of Zoning Administration and the community with the opportunity to review the appropriateness of the use at this location. The grant is also conditioned to mandate the applicant to file for a plan approval, within one year of the issuance of a Certificate of Occupancy for the restaurant, to hold a public hearing where conditions of approval may be modified to address any possible negative impact the use may result in at this location.

Otherwise, the small size of the restaurant is more of a guarantee of its neighborhood orientation than the large operations which become in themselves destination points, and operate longer hours to accommodate larger demand.

Considering the location of the restaurant in the midst of a vibrant pedestrian oriented district, and as conditioned, the request is not expected to be materially detrimental to the character of the development in the immediate neighborhood. The proposed use is consistent with and would rather complement and support

other uses in the area. As a bona fide, full service restaurant it will further offer a convenience for nearby retail workers and patrons, as well as local residents.

A number of conditions are imposed which promote the responsible operation of the restaurant. The conditional use grant authorized herein is for a term of five years. After such a period of time, the grant is null and void and a new conditional use permit must be requested, which will allow the City to review the quality of the operation and appropriateness of the use at this location, as detailed above.

In light of the above, the grant, as conditioned, is not expected to be materially detrimental to the character of the immediate neighborhood.

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

The property is located in the Venice Community Plan area and designated for Community Commercial uses with corresponding zones of CR, C2, C4, RAS3 and RAS4, and Height District No. 1. It is located within the Venice Coastal Zone specific plan area as well as in the area of the Los Angeles Coastal Transportation Corridor Specific Plan. It is not located within the area of any interim control ordinance.

The restaurant use is permitted by right in the C2 Zone. The General Plan does not specifically address the issue of the sale of alcoholic beverages. The intent and purpose of the General Plan, is to allow for an arrangement of land uses which are compatible with each other. The Plan encourages the proximity of services to the areas they serve. As conditioned, the grant of the instant request is consistent with these objectives.

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

The California Department of Alcoholic Beverage Control statistics indicate that for Census Tract No. 2733.00, which includes the subject property, a total of 4 on-site licenses are allowed and 7 exist. Within a 1,000-foot radius of the property, 5 establishments selling alcoholic beverages for on-site consumption can be found.

Statistics from the Police Department reveal that in the subject Crime Reporting District No. 1413, which has jurisdiction over the subject property, a total of 236 crimes were reported in 2006, compared to the citywide average of 263 crimes and the high crime reporting district average of 316 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 previous years.

The above figures indicate that there is a slight over-concentration of on-site licenses, as can be expected from a pedestrian oriented area vibrant with

commercial arts and crafts retail shops and restaurants, in reasonable proximity to the beach. As for the crime statistics, the reporting district does not reach the "high crime" threshold of 316, and is even slightly under the citywide crime average.

As detailed above, the location of the existing restaurant indicates that the addition of the service of a limited range of alcoholic beverages (Beer and Wine only) for on-site consumption will only contribute to the diversity of service available to the patrons of this pedestrian oriented commercial area, and the nearby community of local residents, and business workers and patrons.

5. **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 uses, religious facilities, school and other public uses and other establishments selling and dispensing alcoholic beverages.**

Sensitive uses within 1,000 feet of the property include residential uses fronting on Electric Avenue to the north and west, three churches, and the Westminster Avenue School, as well as a child care center at the intersection of Westminster Avenue and Abbot Kinney Boulevard.

As detailed earlier, the restaurant is oriented away from the residential uses, towards Abbot Kinney Boulevard. The limited size of the restaurant reflects a use more commonly associated with a neighborhood oriented restaurant. Further, this grant imposes numerous conditions on the operation and prohibits certain uses of the property which might create potential nuisances for the surrounding community. Such imposition of conditions will make the use a more compatible neighbor to the surrounding uses than would otherwise be the case, especially as the restaurant would still be permitted by right without any conditions, if no alcohol permit were sought.

FINDINGS - PROJECT PERMIT COMPLIANCE

In order for a project permit compliance to be granted, all two of the legally mandated findings delineated in Section 11.5.7-C of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The property is located within the North Venice area of the Venice Specific Plan. It is designated for Neighborhood Office Commercial uses in the certified Venice Local Coastal Program Land Use Plan and is zoned C2-1-O-CA. The project is consistent with the intents and purposes of the Land Use Plan and the Specific Plan, which are parts of the Venice Coastal Program. Their policies and provisions support this type and scale of commercial development in the North Venice Subarea. The project complies with all applicable development requirements of the

Venice Coastal Specific Plan (Ord. No. 175,693)-Sections 10F, 11B and 13. No modification or exception of any of the provisions of the Specific Plan are requested or are hereby granted. In brief:

- a. **Density.** The commercial/retail structure does not contain residential units. A new determination would be required for the construction of new residential units on-site or the conversion of the existing structure.
- b. **Height.** The project complies with the height requirements that limit projects with a flat roof in the North Venice Subarea to 30 feet. The proposed project is 15 feet in height as measured from the centerline of Abbot Kinney Street.
- c. **Access.** The subject parcel does not have an Alleyway. Vehicular access is provided from the rear.
- d. **Parking.** The project is conditioned to comply with the parking requirements set forth in the Venice Specific Plan (Ordinance No. 175693) Section 13 D, which states, "One parking space shall be required for each 50 square feet of service floor area." The project proposal includes the development of 1,278 square feet of restaurant space, including 600 square feet of service area, thereby requiring 12 parking spaces. Pursuant to section 13C of the Venice Specific Plan, "A change of use that results in a Change in *Intensity* of Use shall be required to comply with the parking standards set forth in Subsections D and E as if it were a new project or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for any deficiency created due to the change of use." Due to constraints on the lot, the applicant can only provide 7 on-site parking spaces, six of which in tandem. The applicant is therefore instructed to either provide off-site parking or pay an in-lieu fee for the remainder of the parking spaces which are required, but not provided on site. The in-lieu fee is currently set at \$18,000 for each parking space not provided on site. Pursuant to Section 13 E of the Venice Specific Plan, the project is also required to provide 2 parking spaces due to its location in a Beach Parking Impact zone. Only one of these spaces may qualify for an in-lieu fee payment. Additionally, the Department of Building and Safety may determine that the location can benefit from a parking credit due to the Inonconforming parking requirements applying to the previous retail use. In-lieu fees must be paid into the Venice Coastal Parking Impact Trust Fund. The funds are be collected by the Department of Transportation.

In light of the above, it can be found that the project, as conditioned, substantially complies with the applicable regulations, standards and provisions of the specific plan.

7. **The project incorporates mitigation measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically possible.**

As detailed in Finding No. 2 above, no impact is expected from the project, subject to the parking arrangements as required, as well as other conditions of approval aiming at making the proposed use compatible with the character of the immediate area.

A Categorical Exemption was issued for the project pursuant to the California Environmental Quality Act, which identifies categories of projects known not to result in any significant impact.

As such, it can be deemed that the project is not expected to result in any negative impact on its immediate environment, and that conditions of operation as imposed are adequate to mitigate any possible impact from the proposed use.

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

This finding was addressed under Finding Nos. 2, and 6 above.

9. The project is in conformity with the certified Venice Local Coastal Program.

The Land Use Plan (LUP) component of the Venice Local Coastal Program (LCP) was adopted by the City Council on March 28, 2001, and certified by the Coastal Commission on June 14, 2001. The property is designated for Community Commercial uses in the Venice LUP. The project does not exceed 30 feet in height, as applicable to this location.

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

No residential units are removed as a result of the project. Further, the project consists of 100% commercial use and does not contain any residential unit.

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

This Finding was addressed under Finding No. 10 above.

ADDITIONAL MANDATORY FINDINGS

12. 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 B, areas between limits of the 100-year flood and 500-year flood.

13. On July 19, 2007, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2007-3443-CE, for a Categorical Exemption, Class 5, Category 34, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.

14. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.