

ADDITIONAL INFORMATION & FINDINGS

Site Address: 636 Venice Boulevard
Zone: M1-1-0
Community Plan: Venice Planning Area
Council District: 11 – Councilmember Bill Rosendahl
District Map: 106.5 A 147
Legal Description: **Lot:** PT Unnumbered lots **Arbs:** 218, 219,220,221& 264
Tract: Portion of Rafael and Andres Machado Tract

REQUEST

The applicant is seeking a Conditional Use Permit to allow the on-site sale and consumption of a full line of alcoholic beverages in an established restaurant and patio, as allowed under section 12.24 W 1 of the Los Angeles Municipal Code. This application is for an upgrade of an existing approval for the on-site sale of beer and wine approved by CUB-77-405. Also requesting an extension of operating hours as follows: Sunday to Wednesday 11am to midnight; Thursday to Saturday 11 am to 2 am.

The applicant is also requesting a Coastal Development Permit for the restaurant and patio as allowed under section 12.20.2 of the Los Angeles Municipal Code. Although the restaurant use has been in existence since 1977 and a Coastal Development Permit has been issued for the site, the restaurant which did receive a Coastal sign-off was not mentioned in the CDP.

In addition the applicant is requesting a Project Permit as allowed under section 11.5.7 C of the Los Angeles Municipal Code to certify compliance with the Venice Specific Plan.

PROJECT DESCRIPTION

The project consists of an existing 1,440 square foot restaurant with a 200 square foot patio dining area. The restaurant contains a service area of 500 square feet on the interior and 200 square feet on the patio dining area for a total of 700 square feet of service area. There are a total of 49 seats in the restaurant with 39 seats inside and 10 seats on the patio. The restaurant is open from 11:00 am to midnight seven days a week currently.

SUBJECT PROPERTY

The subject property is an irregular-shaped, level, record lot, with a frontage of approximately 291 feet along the south side of South Venice Boulevard and has a varying depth of approximately 580 to 690 feet. The subject site backs on to Abbot Kinney Boulevard for a distance of 130 feet. The subject site is approximately 94,525 square feet and is currently developed with a multi-tenant commercial retail, restaurant, office and grocery buildings with parking dispersed throughout the site and adjacent to the buildings.

SURROUNDING PROPERTIES

North

Properties to the north of the subject site, across Venice Boulevard, are zoned M1-1 and are developed with commercial and light industrial buildings.

South

Properties to the south of the subject site, are zoned RD1.5-1 and are developed with residential uses.

East

Properties to the east of the subject site, are zoned M1-1 and are developed with are developed with a public storage facility and maintenance yard.

West

Properties to the west of the subject site, are zoned M1-1 and are developed with are developed with commercial and light industrial uses.

STREETS AND CIRCULATION:

Venice Boulevard, adjacent to the subject site to the north, is a Major Highway dedicated to a variable width of 160 feet and improved with curbs, gutters, and sidewalks (including south Venice Boulevard, north Venice Boulevard and the median between the two streets).

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Abbot Kinney Place, located easterly of the subject site, is a Local Street dedicated to a width of 80 feet and improved with curbs, gutters and sidewalks.

FINDINGS FOR CONDITIONAL USE

a. Describe briefly how the proposed project will be proper in relation to adjacent uses or the development of the community.

The subject property is an irregular-shaped, level, record lot, with a frontage of approximately 291 feet along the south side of South Venice Boulevard and has a varying depth of approximately 580 to 690 feet. The subject site backs on to Abbot Kinney Boulevard for a distance of 130 feet. The subject site is approximately 94,525 square feet and is currently developed with a multi-tenant commercial retail, restaurant, office and grocery buildings with parking dispersed throughout the site and adjacent to the buildings.

This area along Venice Boulevard is characterized by a variety of small retail shops, office buildings and light manufacturing uses. There are a number of service-oriented businesses as well such as automobile service and body shops, fitness center and market. There is only minimal, scattered residential development in the immediate area.

The restaurant has been operating at this location and serving beer and wine since 1978 and has proven to be a neighborhood oriented establishment easily accessible for breakfast lunch and dinner by those who live or work in the neighborhood and those who might be visiting the Venice area.

b. Why does applicant believe the location of the project will be desirable to the public convenience and welfare.

As mentioned above, The restaurant has been operating at this location and serving beer and wine since 1978 and has proven to be a neighborhood oriented facility easily accessible for breakfast lunch and dinner by those who live or work in the neighborhood and those who might be visiting the Venice area. The restaurant is easily accessible by foot to tourists, area employees and residents and with parking available, will also be able to serve those who drive to the location. The addition of the 10 seats in the patio area and the upgrade to a full line of alcoholic beverages is not a significant change to the operation of the restaurants and therefore will not create any additional impacts to the surrounding community.

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c. Describe how the proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

The proposed conditional use for on-site consumption of alcoholic beverages at the subject restaurant will only be incidental to the main restaurant use. The restaurant will be easily accessible by foot to tourists, area employees and residents and with parking available, will also be able to serve those who drive to the location. Restaurants serving alcohol with meals are typical rather than atypical. There will be no separate bar, and alcohol service will be in conjunction with food service. The gross sale of alcohol will not exceed the gross sale of food at any time, and the closing hours of the restaurant are in line with a typical family style restaurant in the surrounding community. For these reasons the use will not likely be detrimental to the character of development in the immediate neighborhood or to nearby uses in the community.

The Venice Community Plan designates the subject property as Limited Industrial with corresponding zones of CM, MR1 and M1 and Height District 1. The subject site M1 zoning and restaurant use conforms to the plan. The restaurant has existed with a conditional use permit for beer and wine on the site for the past 28 years and the current request will not alter the conforming use of the property. The restaurant use, together with the sale of alcoholic beverages will remain in harmony with the spirit and intent of the Venice Plan and with the various elements of the General Plan.

d. Will the approval of the Conditional Use at this location adversely affect the economic welfare of the community? Why?

The approval of the conditional use at this location will not adversely affect the economic welfare of the community. To the contrary, the restaurant has proven to be a successful business in the community, and as such adds to the economic health of the area. Thriving businesses tend to attract more people, which in turn attracts more thriving businesses. Therefore the proposed use will most likely serve to stimulate the economy of the community.

e. Will the approval of the Conditional Use result in or contribute to an undue concentration of such establishments? Why?

The State Department of Alcoholic Beverage Control licensing criteria allocates 3 on-site licenses for the Census Tract. There is currently only one existing on-site license in the census tract and that is the one issued to the applicant. Therefore there is no undue concentration of existing establishments in the area. In addition the current beer and wine license will be exchanged for the new distilled spirits license therefore there will be no net increase in licenses in the area.

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f. Will the approval of the Conditional Use detrimentally affect nearby residentially zoned properties? Why?

As mentioned above, there are no substantial areas of residential use within the immediate vicinity. The restaurant has operated at this location without incident and there is no reason to expect that this will change. In addition the restaurant serves the local community and is therefore an amenity to the community rather than a detriment.

g. What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?

The hours of operation are as follows: Sunday, Monday, Tuesday, Wednesday
11:00 am to Midnight;

Thursday, Friday, Saturday
11:00 am to 2:00 am

h. What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?

The occupancy load for the restaurant is 59. The restaurant has 49 seats.

i. Is parking available on the site? If so, how many spaces? If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Where? How many off-site spaces?

There are 126 parking spaces available on site.

j. Is there to be entertainment such as a piano bar, jukebox, dancing, live entertainment, movies, etc.? (Specify?) (On-site only)

There will be no entertainment or dancing on site.

k. Is a full line of alcoholic beverages to be served or just beer and wine?

Yes, the application is for a distilled spirits permit.

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l. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? (Off-site only)

N/A

m. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only)

There will be no cocktail lounge.

n. Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons?

No, the owner and lessee have not been suspended or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days.

o. Will video game machines be available for use on the subject property and if so, how many such machines will be in use?

No video games will be available on site.

p. Will you have signs visible on the outside which advertise the availability of alcohol?

Yes – The word “Cocktails” appears on the front and rear signage.

q. Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in Section 12.03 of the Los Angeles Municipal Code?

Although alcohol will be available without a food order, the primary use of the site has been and will continue to be a restaurant; there is full kitchen on the premises. Food sales will be the primary source of revenue of the restaurant.

r. Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?

Beer and wine coolers will be offered for sale in single “glass” serving for on-site consumption.

s. Will "fortified" wine (greater than 16% alcohol) be sold?

Yes.

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t. Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out)?

No. There will be no off-site sale of alcoholic beverages.

u. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?

No, but may be offered in the future.

v. Will security guards be provided and if so, when and how many?

There will be no security guards on site. The restaurant has operated at this site for over 28 years and has never had the need for security guards.

w. Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?

No.

x. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?

No. The gross sale of alcohol will not exceed the gross sale of food on a quarterly basis.

y. Provide a copy of the proposed menu if food is to be served.

A copy of the menu is included in the application package.

z. How many employees will you have on the site at any given time?

Approximately 10-15 employees will be on site at any given time.

aa. What security measures will be taken including:

(1) Posting of Rules and Regulations on the premises.

Rules and regulations as they apply to the serving of alcoholic beverages will be posted on site.

(2) To prevent such problems as gambling, loitering, theft, vandalism and truancy.

Closed circuit security system operational and posting is on front door.

(3) Will security guards be provided and if so, when and how many?

There will be no security guards on site. The restaurant has operated at this site for over 28 years and has never had the need for security guards.

bb. Will there be minimum age requirements for patrons? If so, how will this be enforced.

Although there will not be a minimum age for patrons, the sale of alcohol will be restricted to persons 21 years of age and older. All persons purchasing or consuming alcohol will have to provide adequate proof of age.

cc. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 ft. of your proposed business? Where?

See attached list for sensitive uses and radius map for the locations.

dd. For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater)?

N/A

ee. For off-site sales, where will the alcohol be stored and displayed (indicate on floor plan)?

N/A

FINDINGS FOR COASTAL DEVELOPMENT PERMIT:

▪ COASTAL DEVELOPMENT PERMIT - PROJECT IMPACTS

The relationship of the development to the following items must be explained fully. Attach additional sheets if necessary.

a. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands?

No.

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b. Will the development maintain, enhance or conflict with public access to the shoreline and along the coast?

No.

c. Will alternatives to private vehicle use be provided or facilitated? How will the development affect traffic on coastal access roads?

The use is a neighborhood-oriented restaurant, which encourages pedestrian travel. The relatively small increase in use is not an environmentally significant trip generator.

d. Is the development proposed within or in close proximity to an existing developed area? Will it be visually compatible with the character of surrounding areas? If in a special community or neighborhood, how will it protect the unique local character?

The subject restaurant has enhanced and contributed to the vitality and quality character of the neighborhood. The patio dining will create additional ambiance and enjoyment of the dining experience for Venice Community members.

e. Describe how grading will be conducted so as to minimize alterations to landforms. If on a bluff or in an area of high geologic risk, how will the project design assure stability and minimize erosion?

No grading.

f. Does the development involve diking, filling or dredging of open coastal waters wetlands, estuaries or lakes? What alternatives are available? How will the adverse environmental effects of this be minimized?

N/A

g. Is the proposed development coastal-dependent? Will it displace any coastal-dependent facilities?

No.

h. How will the development affect biological productivity of coastal waters?

It will not affect it at all.

i. Is the development proposed near sensitive habitat areas, parks or recreation areas? How will the project design prevent adverse environmental impacts on these areas?

N/A

j. Is the development proposed within or adjoining land suitable for agriculture? Will it convert agricultural land to another use? How is the project consistent with continued local agricultural viability?

N/A

k. What water conservation features are included in the project?

No development proposed and very low intensity of use.

l. What energy conservation features are included in the project?

No development proposed and very low intensity of use.

m. Describe current location of service lines for necessary utility connections and any extensions or relocations of service lines.

No development proposed and very low intensity of use.

n. Will the development protect existing lower cost visitor and recreational facilities? Will it provide public recreational opportunities?

N/A.

o. Will the development protect or provide low- and moderate-income housing opportunities? Will it displace low- or moderate-income housing?

No.

p. Is the development proposed within or near a known archeological, paleontological or historic site? How will impacts on such sites be minimized?

No.

q. List all permits, permissions or approvals required from public agencies for this development and indicate those already applied for or granted.

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Already granted:

Conditional Use Permit, CUB-77-405 to permit the on-site sales of beer and wine for an existing restaurant.

Applied for:

1. CONDITIONAL USE as permitted under Section 12.24 W of the Zoning Code to allow 10 additional seats on the patio area and upgrade to a full line of alcoholic beverages.

3. COASTAL DEVELOPMENT PERMIT as permitted under Section 12.20.2 of the Zoning Code.

4. PROJECT PERMIT to certify compliance under the Venice Specific Plan as allowed under Section 11.5.7 C of the Zoning Code.

r. **Is the project located:**

1) Between the sea and the first public road paralleling the sea?

No.

2) Within 300 feet of the inland extent of any beach?

No.

3) Within 300 feet of the top of the seaward face of any coastal bluff?

No.

▪ **COASTAL DEVELOPMENT PERMIT - JUSTIFICATION**

Justify the proposed project by addressing the following criteria:

a. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code.)

This application is to legalize an existing restaurant and patio, which is small in scale and unobtrusive in design. Although the restaurant has been legally existing since 1977 and received Coastal sign-offs when the change of use was applied for, there appears

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to be no CDP on file for the restaurant. By clearing up the restaurant's entitlements and improving the functionality of existing space the request will improve the quality and character of the neighborhood.

b. The permitted development will not prejudice the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

The approval of the restaurant and patio is already consistent with the City of Los Angeles' Venice Local Coastal Program certified by the California Coastal Commission on June 14, 2001.

c. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making its determination.

The subject application is a minor request, which is consistent with the historic use of the site. There is nothing being proposed which hinders the implementation of the Coastal Commission Guidelines on this or any other property.

d. The decision of the permit-granting agency has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625 (c) of the Public Resources Code.

There is nothing about this application which requires interpretation of California Coastal Commission actions. The applications and the use are all designed to clarify the entitlements on the property and preserve a community-oriented neighborhood use. There will be no development or negative impact on Coastal Commission guidelines.

e. If the development is located between the nearest public road and the sea of shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

N/A

FINDINGS FOR PROJECT PERMIT COMPLIANCE:

1. That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

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The subject use is a neighborhood-oriented commercial use, which provides daily convenience services to persons living and working in the area. The use is a historic use, which will have adequate parking on site. The intensification of use is minor while the aesthetic and dining quality is significantly improved through making this a genuinely pleasant and accessible dining experience.

The Plan states under its most relevant Purpose,

“To regulate all development, including use, height, density, setback, buffer zone and other factors in order that it be compatible in character with the existing community and to provide for the consideration of aesthetics and scenic preservation and enhancement, and to protect environmentally sensitive areas.”

The proposed patio and upgrade to a full line of alcoholic beverages is consistent with the plan.

2. That the Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.

As stated above in the Coastal Development Permit application, the policies of the certified local coastal program have been met. It also conforms to the policies physically, as the restaurant is existing and there is no expansion of the footprint of the building beyond the patio.

3. That the applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed Venice Coastal Development Project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.

N/A

4. That 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).

N/A