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All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

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If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

DAY OF HEARING SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

December 17, 2025

TO: West Los Angeles Planning Commission
FROM: Tim Fargo, Associate Zoning Administrator

ADDITIONAL INFORMATION FOR CASE NO. ZA-2024-3173-CUB-1A; 318 to 324 E Sunset Ave

Transmitted herewith are three documents to be considered at the Area Planning Commission meeting of December 17, 2025, related to Item No. 5 on the meeting agenda:

1. Letter of Determination of the West Los Angeles Planning Commission for Case No. ZA-2013-3376-CDP-CUB-SPP-1A issued April 19, 2016
2. Coastal Development Permit for Permit Application A-5-VEN-16-0059
3. Draft Conditions Based on Standard CUB Conditions



WEST LOS ANGELES AREA PLANNING COMMISSION

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

Correct to File (Address)** **LETTER OF DETERMINATION**

Mailing Date: APR 19 2016

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

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

Applicant: Fran Camaj
Representative: Stephen Vitalich Architects

Appellant #1: James Murez

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

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

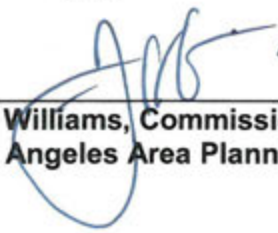
1. **Denied the appeals in-part** and granted the appeals in-part to modify the **Conditions of Approval**.
2. **Approved a Coastal Development Permit** authorizing a change of use of a tenant space from a bakery with retail floor area to a sit-down restaurant with retail space located in the single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

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

This action was taken by the following vote:

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

Vote: 5 - 0


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

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

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

Attachment: Modified Conditions of Approval and amended Findings
Associate Zoning Administrator: Maya Zaitzevsky

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 Days of the Effective Date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP 6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
7. Approved herein is a coastal development permit and project permit compliance authorizing a change of use from 4,116 net square-foot bakery with 559 net square feet of retail floor area to a maximum 5,744 square-foot sit-down restaurant and bakery including a maximum Service Floor Area of 717 square feet and 559 square feet of retail space. The project includes the construction of a one-story approximately 723 square-foot addition to the rear of the existing 5,008 square-foot tenant space. The restaurant may sell a full line of alcoholic beverages for on-site consumption only. Hours of operation are 7 a.m. to 10 p.m., Sunday through Thursday, and 7 a.m. to 11 p.m. Friday and Saturday.

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

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

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

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

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

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

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

- a. Pay an in-lieu fee of \$18,000 per parking space, payable to the Department of Transportation, for the required parking spaces that cannot be provided. Proof of payment is required prior to clearance by the Department of City Planning.
- b. Reduce the Service Floor Area to match the amount of parking being supplied and reflect that change on the floor plans.
- c. Provide additional bicycle parking stalls to reduce the required automobile parking by up to 20% LAMC Section 12.21-A,4.

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

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

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

8. **Prior to the clearance of any conditions**, the applicant shall provide proof to the Development Services Center that all LADBS Orders to Comply for the subject property have been resolved.
9. The authorization granted herein for the sale of a full line of alcoholic beverages on the subject premises is for a period of **two years** from the effective date of this grant. Thereafter, a new authorization shall be required to continue the sale and dispensing of a full line of alcoholic beverages for on-site consumption.
10. The applicant shall file a Plan Approval application no sooner than 9 months but within 12 months from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Planning Department's Condition Compliance Unit. The Plan Approval application shall be subject to filing fees established by LAMC Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by LAMC Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of the Conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
11. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number: **ZA-2013-3376(CUB)(CDP)SPP)/Operation Notification**. The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
12. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows:

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

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

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

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

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

Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
 - b. Aesthetics (Glare)

The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
 - c. Objectionable Odors (Commercial Trash Receptacles)
 - 1) Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - 2) Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
 - d. Increased Noise Levels (Demolition, Grading and Construction Activities)
 - 1) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- 2) Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
 - 3) Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - 4) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e. ~~Increased Noise Levels (Retail Markets, Bars, Entertainment etc...)~~
- 1) ~~A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists.~~

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

f. Public Services (Police)

The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design out Crime Guidelines: Crime Prevention Through Environmental Design" published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 West 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

g. Utilities (Solid Waste Disposal):

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

f. Grading/Short-Term Construction Impacts

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

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

h. Transportation and Traffic Construction Management Plan

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

REGULATORY COMPLIANCE MEASURES

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

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

- Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
- The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stop immediately and contact the County Coroner at:

1104 N. Mission Road

Los Angeles, CA 90033

(323) 343-0512 (8 a.m. to 5 p.m. Monday through Friday) or

(323) 343-0714 (After Hours, Saturday, Sunday, and Holidays)

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

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

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

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

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

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

- **(Methane)** Prior to the issuance of a building permit, the Project Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the Project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which would prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer's design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **(Asbestos)** Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos- Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- **(Lead Paint)** Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed in accordance with LADBS standards and to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- **(Polychlorinated Biphenyl – Commercial and Industrial Buildings)** Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

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

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

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

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

RC-PS-2 (Police): The plans shall incorporate the Design Guidelines (defined in the following sentence) relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

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

- Install/retrofit high-efficiency toilets (maximum 1.28 gallons per flush), including dual-flush water closets and high-efficiency urinals (maximum 0.5 gallons per flush, including no-flush or waterless urinals, in all restrooms as appropriate.
- Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- Install/retrofit and utilize only restroom faucets of a self-closing design.
- Install and utilize only high-efficiency Energy Star-rated dishwashers in the Project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the Applicant shall be responsible for ensuring compliance.
- Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g., vacuum pump, ice machines, bypassing the water through equipment and discharging the heated water to the sanitary wastewater system.)

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

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

RC-SW-3 (Commercial Mandatory Recycling): In compliance with AB 341, recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the Proposed Project's regular solid waste disposal program. The Project Applicant shall only contract for waste disposal services with a company that recycles solid waste in compliance with AB 341.

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

Applicant shall do all of the following:

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

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

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

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

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

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

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

The Findings enumerated below are based on the following information:

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

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

COASTAL DEVELOPMENT PERMIT MANDATED FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

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

Chapter 3 of the Coastal Act contains the various policy provisions of such legislation. Pertinent to the instant request are the policies with respect to Development. Section 30250(a) states the following regarding new development:

...shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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

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

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

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

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

Zoning Administrator's Public Hearings March and November 2014

Main points in opposition to the proposed restaurant included:

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

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

Points in support of the proposed coastal development permit:

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

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

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

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

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

Zoning Administrator's Determination

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

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

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

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

Mr. Murez' appeal made the following points:

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

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

Ilana Marosi's appeal made the following points:

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

Changes to the Project/Revised MND

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

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

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

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

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

APC Appeal Hearing

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

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

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

addition. She did not feel the off-site parking at the Venice Skills Center was adequate because the contract can be terminated by the School District. She concurred with Councilmember Bonin's letter that the parking was inadequate for the bakery and was causing traffic problems on Sunset Avenue.

The applicant's representative summarized the changes to the project and stated the patio area was enclosed to fully-mitigate any noise impacts. The addition included a glass retractable roof to let in light and air during the daytime. He disputed the ZA's findings regarding the proposed SFA, ADA path of travel, and the change of use, because those issues will be reviewed and determined by LADBS, LAFD, and LADOT. He stated that the Code Enforcement proceedings were stayed pending the outcome of the appeal, and the APC should not punish the applicant. There was no life/fire/safety issues involved with the food service. The required parking for the change of use can be provided on the adjacent lot which is unique for a restaurant located in Venice. If the project was approved, they would lease 65 parking spaces located at the Venice Skills Center (one block from the restaurant) for patrons' use on the weekends. He stated that the standard of review for the appeal was did the ZA err or abuse her discretion based on the evidence before her at the time of the determination. The standard of review is not about new evidence submitted tonight by the appellant which was not considered by the ZA. He argued the community's complaints have all been mitigated. The project architect clarified the project's SFA, the deduction in SFA for the federally-required ADA path of travel, and the parking calculation for the change of use. Ms. Healy made a presentation on the information presented to LAPD which resulted in their withdrawal of opposition to the sale of alcoholic beverages at the restaurant.

The community members opposed to the project testified that crime has increased 40% since the bakery opened and neighbors are scared to walk in the area at night. They argued that the ZA erred in not reviewing the applicant's history of violations at his other restaurants. They argued that the majority of the residents who live closest to the project are opposed to the hours, intensification of use, and the sale of alcoholic beverages, and that the parking area is too narrow to allow valet attendants to safely turn around cars to exit on Sunset Avenue. An acoustic expert testified that the construction materials and the retractable roof proposed for the addition were inadequate sound barriers. Speakers stated the ADA path of travel and SFA/parking lot layout shown on the revised site plan is incorrect and should not differ from the ZA's approved plans. The ADA path should be shown in the parking lot in the correct location. They questioned the certainty of the lease with the Venice Skills Center. The Venice Neighborhood Council Land Use Chair stated that the APC should apply their findings and standards in their appeal decision for 259 Hampton Drive as the basis for this appeal (ZA-2012-1770-CDP-CUB-1A). The LUP states that industrial land shall be preserved and commercial uses restricted. The VNC shouldn't have to appeal the APC's decision to the Coastal Commission to find out the parking requirement, and it is a serious problem that the community does not understand this project's parking and floor area.

Speakers in support of the project testified that the Traffic Study was prepared in compliance with LADOT's policies and procedures, and the study's scope was approved before it was undertaken. The designer of the restaurant stated the noise

from the restaurant will be fully mitigated by the enclosure's dual-paned glass skylights, plants, and noise attenuation features. Employees testified about the company's positive attributes such as their student mentoring program, donations to local organizations, supports local suppliers, and the job opportunities and benefits received by workers. The applicant's wine director testified that staff is trained to use extreme caution when serving alcoholic beverages, and there have been no ABC citations at their other locations. Residents testified about the significant, positive improvements that the bakery has brought to the neighborhood (safer, cleaner, delicious food, convenient location). Many speakers felt that compromises can be made and the opponents' problems with the project can be resolved.

The Planning Deputy for Council District 11 testified that Councilmember Bonin has written two letters that specify his significant concerns with the project that are shared by the community. The noise and the intensity of the use of the patio area affects the adjacent residents, and he wants to make sure the restaurant provides the necessary amount of parking for the Coastal Zone project. His concerns have not changed with the revisions to the project. He is interested in the APC's solution to those concerns. It is important to identify parking to meet the real need of the project. The Councilmember does not have an opinion regarding the proposed alcohol sales at the restaurant.

The APC's modifications to the ZA's CDP approval

The APC determined that the ZA erred in adopting the prior MND; granted in part and denied in part the two appeals; and sustained in part the entitlements approved by the ZA. The APC modified some of the conditions of approval and directed that the findings be revised based on testimony at the hearing, evidence in the record, and the revised site plan attached (Exhibit A). The APC adopted the project's revised MND and the associated Mitigation Monitoring and Reporting Program.

Condition No. 7 – Project Description/Dining/Parking/SFA

The project description was amended by the APC to reflect their approval of the construction of a one-story 723 square-foot addition to the rear of the tenant space and the change of use to a 5,744 square-foot sit-down restaurant and bakery with a maximum SFA of 717 square feet and 559 square feet of retail space. The Noise Impact Study & Recommendations Report (Steve Rogers Acoustics, February 2015) submitted by the applicant recommended that a noise attenuation system with 10-foot walls and a retractable roof system be installed to reduce the noise from the patio dining area. The APC determined that the project's revised design evaluated in the MND, which included fully-enclosing the rear patio area, would reduce the noise more effectively than the design approved by the ZA.

The APC denied in part the appeals of the ZA's hours of operation (Murez) and change of use (Marosi). The restaurant/bakery is permitted to operate from 7 a.m. to 10 p.m., Sunday through Thursday, and 7 a.m. to 11 p.m. Friday and Saturday. The APC deleted the 9 p.m. closing time imposed by ZA for the rear dining area because the revised design would adequately mitigate the noise in the evening. The APC added a requirement that the current unpermitted restaurant activities

(patrons served food to consume on-site) cease within the 30 days of the written decision and not resumed until the addition is constructed and the mitigation measures are effectuated. The APC concurred with Councilmember Bonin and many members of the community that the restaurant would generate a greater parking demand than a similar restaurant of the same size, and therefore required the applicant to provide off-site valet parking for patrons to use free of charge during all hours of operation. The APC's decision to require more parking for the restaurant was supported by the project's traffic analysis that was required by LADOT to evaluate the effects of a "high-turnover restaurant." The provision of the off-site parking would reduce restaurant patrons' use of on-street parking and would address safety concerns associated with patrons driving around searching for parking at times that the on-site lot was full. The APC sustained the appeal by Murez in which he asserted that the ZA erred by requiring the applicant to remove 300 square feet of the patio dining area and to reduce the ADA path of travel shown on the site plan. The APC found that these issues will be reviewed and determined by LADBS and LADOT during plan check and were not under the purview of the ZA.

Conditions No. 8, 9, and 10 – Resolution of Orders, Term, Plan Approval

The APC considered the testimony and evidence submitted regarding violations of the bakery's Certificate of Occupancy as well as Code Enforcement issues at the applicant's other restaurants. The APC required that prior to the clearance of any conditions for the change of use at the property; the applicant must submit proof of resolution of all Orders to Comply related to the subject property. The APC sustained the ZA's requirement for the applicant to file a plan approval application within 9 to 12 months of the operational date of the grant to review compliance with the conditions. It was important to the APC that there be "teeth" to the conditions to ensure that the applicant complied with all of them. The term of the CUB grant was shortened from four years to two years based on the potential harm to the community if the operational conditions were not complied with in full.

Requirements of the ZA which were sustained by the APC:

LADOT recommended that the applicant petition to have a commercial loading zone installed in front of the bakery on Sunset Avenue instead of locating it in the parking lot. Murez appealed the ZA's restrictions imposed on the loading zone. LADOT's Guidelines state that hours for commercial loading zones are Monday through Saturday from 7 a.m. to 6 p.m. After 6 p.m. and all day on Sunday the loading zone can be used for public parking. The ZA required that the applicant include the proposed loading zone, and imposed a condition restricting commercial deliveries to the restaurant to Monday through Saturday from 7 a.m. to 4 p.m. only. The applicant is required to prepare a Transportation Demand Management Plan with measures to ensure the restaurant does not increase vehicular trips and/or result in parking impacts on the neighborhood streets (e.g., installing more bike racks, local hiring, and transit subsidies).

Gjusta Bakery is located in the developed Venice neighborhood of Oakwood which is adequately served by infrastructure. The proposed change of use to

restaurant/bakery retail is requested as an amenity for the existing customers who want to dine on-site. The subject tenant space is within a building constructed in the early 1920's that was identified by the Survey LA as a resource that is eligible for designation at the City, State, and National level as an "excellent and rare example of early industrial development in Venice". The only change proposed to the exterior of the building is the construction of the addition in the rear that will not be visible from Sunset Avenue. The APC sustained the requirement to have the design of the addition reviewed by the City's Office of Historic Resources to ensure it complies with the Secretary of the Interior's Standards.

There was no parking required for the change of use from office to bakery/retail due to the 20-space parking credit. Approving the coastal development permit provides the City with a mechanism to require up to 14 on-site dedicated parking spaces and additional off-site valet parking spaces to be provided to accommodate the increase in customers and thereby reducing any incremental decrease in coastal access caused by the project. No deviations from the specific plan have been requested or approved. The subject property is planned and zoned for industrial uses, which allows for limited commercial uses including restaurants. The project will not result in any adverse effects on public access, recreation, public views, or the marine environment. There will be no dredging, filling, or diking of coastal waters or wetlands associated with the request or with any sensitive habitat areas, archeological or paleontological resources identified on the site. As conditioned, the development will be in conformity with the Coastal Act.

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

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 the a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances have not been adopted. The LUP therefore is advisory in nature. The LUP designates the property for Limited Industrial land use. The proposed coastal development permit to allow a restaurant/bakery/retail use located in a potentially historic industrial building constructed in the 1920's is consistent with the following LUP policies:

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

Policy I.F.1: Historic and Cultural Resources. The historical, architectural and cultural character of structures and landmarks in Venice should be identified, protected and restored where appropriate, in accordance with historical preservation guidelines.

Policy I.F.2: Reuse and Renovation of Historic Structures. Wherever possible, the adaptive reuse and renovation of existing historic structures shall be encouraged so as to preserve the harmony and integrity of historic buildings identified in this LUP.

The proposed restaurant/bakery/retail development is permitted under the Specific Plan's land use designation and the property's zone. Parking will be provided on the adjacent lot and it will be tied to the proposed restaurant. Additional off-site parking will be provided by the applicant during all hours of operation. As conditioned, the restaurant/bakery will serve residents, visitors, and employees in the area without affecting the access to the coast or parking in the neighborhood. On an individual basis, the project is not anticipated to prejudice the ability of the City to prepare a Local Coastal Plan.

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

The Los Angeles County Regional Interpretive Guidelines ("Guidelines") were adopted by the Coastal Commission on October 14, 1980 have been reviewed and considered in preparation of these findings. The Guidelines were intended to assist local agencies when reviewing development projects prior to the certification of a local coastal program. The guidelines for proposed commercial development projects in Oakwood concern parking, height, and signs. However, the regulations in the Venice Coastal Zone supersede the parking, height and sign policies noted in the Guidelines. No deviations from the Venice Coastal Zone Specific Plan were requested or approved.

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

The Coastal Commission has permitted the development of new restaurants in Venice provided an acceptable parking plan is provided. The approval of the permit and the limitations established herein were guided by the following decisions of the Coastal Commission: a permit for a change of use from a 1,462 square-foot market with commercial kitchen to a market with a kitchen and a 278 square-foot interior service floor area (5-13-1237), and the addition of 13,220 square feet of floor space in a 43,800 square foot office/industrial building (5-14-0158). The APC required that the applicant provide additional free off-site valet parking during all hours of operation to ensure that the restaurant patrons do not park on residential streets when the on-site parking lot is full.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

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 site is located at 320 Sunset Avenue which is approximately 0.31 miles inland from Venice Beach. The award-winning bakery has been operating for over one year. The proposed restaurant will be an amenity for visitors, employees, and residents that will provide adequate parking for patrons. As conditioned, the project does not conflict with any public access or public recreation policies of the Coastal Act.

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

On January 7, 2016, the Department of City Planning issued a Revised Mitigated Negative Declaration (ENV-2013-3377-MND-REC1) for the proposed project consistent with the provisions of the California Environmental Quality Act (CEQA) and the City CEQA Guidelines. The Revised MND concluded that after the implementation of the mitigation measures, the proposed development will not result in any significant impacts to the environment. The MND was submitted to the State Clearinghouse for a 30-day comment period. Three comment letters were received. The Department of City Planning provided written responses and concluded that none of the comments raised a fair argument supported by substantial evidence that a significant environmental impact would occur in relation to the project. On March 2, 2016, the APC adopted the Revised MND and the associated Mitigation Monitoring and Reporting Program prepared for the project. The mitigation measures and the Regulatory Compliance Measures that were identified in the Revised MND are incorporated as conditions of approval in the subject grant. Therefore, pursuant to the requirements of CEQA an appropriate environmental clearance was adopted for the project.

CONDITIONAL USE PERMIT FINDINGS

7. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.

The applicant is requesting a conditional use permit to allow the sale of a full line of alcoholic beverages for on-site consumption in the proposed 5,744 square-foot sit-down restaurant and bakery (Gjusta) with a maximum SFA of 717 square feet and 559 square feet of retail space. The restaurant is proposed to have 22 counter seats and 65 seats located in the proposed 723 square-foot addition located in the rear of the tenant space. The approved hours of operation are from 7 a.m. to 10 p.m., Sunday through Thursday, and 7 a.m. to 11 p.m. Friday and Saturday. The property is zoned M1-1-O and the subject tenant space previously contained an office use before the bakery opened in October 2014. The area is developed with a mix of uses including commercial, industrial, and residential.

Hundreds of restaurant patrons and a number of area organizations submitted letters in support of the conditional use permit. Gjusta is part of the Gjelina Group that includes Gjelina's restaurant and GTA. According to the applicant, the Gjelina Group employs approximately 289 full- and part-time staff and paid approximately \$2.08 million in taxes in 2014. The applicant's other restaurant with an ABC license has no violations. The applicant is petitioning the State of California Department of Alcoholic Beverage for a Type 47 license. In addition to allowing the sale of a full line of alcoholic beverages for on-site consumption, Type 47 licenses authorize the sale of beer and wine for off-site consumption. In this case, the applicant disclosed that there would be beer and wine sold for off-site consumption in Gjusta's retail area. Many residents, the LAPD, the VNC, and Councilmember Bonin opposed the issuance of the CUB for the following reasons:

- The ABC has authorized five alcohol licenses for the census tract and there are currently 15 licenses
- They should not be allowed to sell beer and wine to take-out
- The applicant has violated CUB conditions at his other Venice restaurant
- LAPD is opposed to the sale of alcoholic beverages due to an undue concentration of licenses in the census tract
- Lack of parking
- Problems with the current bakery operation
- There are too many bars, restaurants and liquor stores in Venice

The APC was opposed to the incidental sale of beer and wine for off-site consumption based on the high crime rate, the number of ABC licensed-premises in the census tract far exceeds the number that is allocated, and residences are located less than 15 feet from the site. At the hearing, the applicant withdrew the request to sell beer and wine for off-site consumption. The APC then approved the on-site sale of alcoholic beverages with a two-year term and numerous conditions of approval. As noted in the CDP findings above, the restaurant's hours of operation were reduced by the ZA, the APC. The APC has required that a plan approval be filed within 12 months with the Condition Compliance Unit to review the applicant's adherence with the subject conditions and to impose additional conditions if it is warranted. Conditions involving the sale and service of alcoholic beverages are listed above for the consideration of the ABC when reviewing the license request. The ZA has imposed conditions such as: electronic age verification machines; the maintenance of the operation as a bona fide restaurant; security cameras, and STAR training to mitigate the restaurant's land use impacts and to protect public

welfare. As conditioned, the project will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is beneficial to the Venice community.

8. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The property is developed with a two-story 10,000 square-foot commercial building and surface parking. The project occupies a 5,008 gross square-foot tenant space within the one-story portion of the building that will be expanded with an approximately 723 square-foot addition designed to reduce impacts of the restaurant's operation on the neighboring residential dwellings. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan and the Venice Coastal Zone Specific Plan. The adjoining properties to the north, east and west are zoned M1-1 and CM-1, and are developed with one- and two-story light industrial and commercial uses. There is a three-story residential development located to the northeast in the [T][Q]CM-1 Zone. The adjoining properties to the south (across the alleyway) are zoned RD1.5-1 and are developed with one- and two-story multi-family dwellings.

In light of the proximity to residential uses and the complaints about the operation of the bakery, the restaurants' hours of operation were limited to 7 a.m. to 10 p.m., Sunday through Thursday, and 7 a.m. to 11 p.m. Friday and Saturday. As conditioned, the restaurant's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. The approval of the proposed conditional use permit at a restaurant will allow the applicant to provide jobs, services, and tax revenue to the City which is consistent with Goal 7A of the Framework which strives to create a "vibrant economically revitalized City." The proposed restaurant is also consistent with the following Framework Goal 7B which states "a City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base." The proposed project is also 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 local residents, sustains economic growth, and assures maximum feasible environmental quality.”

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Venice Community Plan designates the property for Limited Industrial land uses with the corresponding zones of CM, MR1, M1, and Height District No. 1. The property is within the area of the Los Angeles Coastal Transportation Corridor Specific Plan (LACTC) and the Venice Coastal Zone Specific Plan North Venice Subarea. LADOT required the preparation of a traffic study and found that the proposed seating and dining area will not significantly impact any of the intersections studied and was further conditioned to comply with the LACTC Specific Plan. The proposed restaurant use is consistent with the property's zoning and land use designation and its conformance with the Venice Coastal Zone Specific Plan are detailed below. The parking lot design and layout will be reviewed and approved by LADOT and LADBS. The proposed dining with the incidental sale of alcoholic beverages at a restaurant/bakery is consistent with the following Venice Community Plan policies:

Policy 2-1.5: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.

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

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

The proposed project will enhance the existing commercial use located in a building that was constructed in the 1920's and, as such, is 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. As conditioned, the project is consistent with the General Plan, the Venice Community Plan, the Venice Coastal Zone Specific Plan, and the Los Angeles Coastal Transportation Corridor Specific Plan.

10. The proposed use will not adversely affect the welfare of the pertinent community.

The operation has been conditioned to address the potential adverse impacts of the sale of alcoholic beverages at the proposed restaurant. The applicant was required to file a plan approval application within nine to 12 months of the effective date of the grant in order to review compliance with the conditions imposed and to allow for additional conditions to be required if deemed appropriate. As conditioned, the proposed sale of a full line of alcoholic beverages at a bona fide restaurant will not adversely affect the welfare of the Oakwood community.

11. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages,

including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-sale and 2 off-sale licenses are allocated to Census Tract No. 2733. There are currently 13 on-site and 3 off-site licenses in this census tract. The following alcoholic beverage licenses are within 1,000 feet of the site:

- (3) Type 20 – Off-Sale – Beer and Wine
- (7) Type 41 – On-Sale – Beer and Wine – Eating Place
- (1) Type 42 – On-Sale – Beer and Wine – Public Premises
- (5) Type 47 – On-Sale – General – Eating Place

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 1413, which has jurisdiction over the subject property, a total of 401 Part I crimes and Part II arrests were reported in 2014. This is compared to the citywide average of 163 Part I crimes and Part II arrests and the high crime reporting district average of 196 for the same period. In 2014, there were 40 narcotics, 10 Liquor Law, 20 Public Drunkenness, 0 Disturbing the Peace, 76 Disorderly Conduct, and 2 DWI related arrests. These numbers do not reflect the total number of arrest in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The crime rate numbers are higher than those rates identified for the citywide average and the district average. Although the numbers are high, there has been a decrease in Part I crimes and Part II arrests from 2013 when there were 587 Part I crimes and Part II arrests reported.

The applicant maintains an active ABC Type 41 license in good standing for Gjelina's restaurant located at 1429 Abbot Kinney Boulevard (No. 455059) which the ZA found is evidence that he is a responsible retailer of alcoholic beverages and should remain so within the proposed restaurant. Many patrons of the bakery submitted letters and postcards in support of the proposed sale of alcoholic beverages for on-site consumption at the restaurant as an amenity to the food service. A letter dated October 15, 2015 was submitted by LAPD Captain Nicole Alberca stating that the Police Department was no longer opposed to the granting of a CUB at the location. Many residents objected to the sale of alcoholic beverages for on- and off-site consumption due to the crime rates, the 13 existing on-site licenses in the census tract far exceeds the three allocated, and they did not feel it was appropriate for a restaurant located 13 feet from residences to serve alcoholic beverages.

During their deliberations many of the Commissioners expressed strong opposition to the off-site sale component of the application. There was less opposition expressed to the on-site consumption of alcoholic beverages with meal service. Due to the bakery's close proximity to residential dwellings, the high crime and the high rate of existing ABC licenses in the census tract, and because they could not prohibit the off-site sale of beer and wine, the APC stated they were inclined to overturn the ZA's approval of the CUB. The applicant's representative affirmed that the applicant would not seek off-site sales approval from the ABC the off-site sale component of the request. The APC relied upon the applicant's representation that they would not pursue the off-site sales privileges. Conditions have been imposed including the reduction in hours, prohibition of live entertainment, and STAR training to help safeguard the community. As conditioned, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages.

12. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive uses are located within 1,000 feet of the property:

- Venice Skills Center
- New Bethel Baptist Church
- Single- and multi-family residences

This grant has placed numerous conditions upon the request and not authorized uses of the property, which might create potential nuisances for the surrounding area. Such imposition of conditions, as well as the imposition of a term grant, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.

PROJECT PERMIT COMPLIANCE

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

The Venice Land Use Plan (LUP) designates the subject property for Limited Manufacturing land uses and the property is zoned M1-1. The proposed change of use from bakery/retail to restaurant/bakery/retail is consistent with the property's zoning, and with the intent and purposes of the Land Use Plan and the Specific Plan, which are parts of the Venice Coastal Program. The restaurant will provide a service to the community and visitors consistent with the LUP. As enumerated below, the project has been conditioned to comply with all applicable development requirements and findings of the Venice Coastal Zone Specific Plan.

Section 8.C. Findings

- a. **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 adjoining properties to the north, east and west are zoned M1-1 and CM-1, and are developed with one- and two-story light industrial and commercial uses. There is a three-story residential development located to the northeast in the [T][Q]CM-1 Zone. The adjoining properties to the south (across the alleyway) are zoned RD1.5-1 and are developed with one- and two-story multi-family dwellings. The restaurant will be located within an existing partial two-story commercial building constructed in the 1920's. The height and architectural design of the proposed restaurant addition will remain compatible in scale and character with the existing Oakwood neighborhood. As conditioned, the project is not anticipated to be materially detrimental to the adjoining properties or the immediate area.

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

The Venice LUP designates the subject property for Limited Industrial land uses. Policy I.C.1 of the Venice LUP states that it's "the policy of the City to preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses. Commercial use of industrially designated land shall be restricted." According to building permit records, the subject tenant space was occupied by a candy manufacturer; however, the use of the property has been as a commercial office since at least 2000. The current bakery/retail use is permitted under the property's M1-1 zoning as is the proposed change of use to restaurant/bakery/retail. A change of use or an intensification of use may be permitted as long as adequate parking is provided for the project consistent with the Specific Plan's parking requirements. The project has been conditioned to comply with the parking requirement of the Specific Plan and the floor plan and parking layout are required to be reviewed and approval by LADBS, LADOT, and BOE.

Density. Not Applicable. The density limitations for Oakwood do not apply to the proposed restaurant located in the M1 Zone.

Height. Venice Coastal Development Projects in the Oakwood Subarea with a flat roofline shall not exceed a maximum height of 25 feet, 30 feet with a varied roofline, and 28 feet along Walk Streets. The tenant space has flat roof line with a height of approximately 13 feet. The only proposed change to the exterior of the building is the construction of a one-story 723 square-foot addition with a height of 13 feet at the rear of the tenant space. Therefore the project is in compliance with the height provisions of the Plan.

Access. The Plan requires driveways and vehicular access to Venice Coastal Development Projects to be provided from alleyways, unless the Department of Transportation determines that it is not feasible. The project's parking will be located on the westerly portion of the property. The parking lot has an existing driveway on Sunset Avenue for vehicular ingress and egress. LADOT determined that the two-way alleyway located at the rear of the property was too narrow to provide egress from the parking lot. The project was redesigned to retain vehicular ingress and egress from Sunset Avenue with an on-site valet parking attendant.

Commercial and Industrial Design Standards. The Commercial and Industrial Design Standards pertain to projects which are new buildings or additions which are parallel to and facing the street. The revised project design which was approved by the APC includes a 723 square-foot, one-story addition to an existing one-story industrial building. Ground floor industrial development projects are required to incorporate entrances, eye-level displays, a contrast in wall treatment, an offset wall, or other decorative features (at least 65 percent) facing the street. The industrial design standards are only applicable to additions which are parallel to and facing the street. The proposed addition is located at the rear of the property which does not face the street (Sunset Avenue). Nonetheless, the existing street-facing façade of the building contains multiple pedestrian entrances, eye-level casement windows, folding doors, wood framing, benches, and light fixtures which comply with Section 11.C of the Specific Plan.

Parking. Pursuant to Section 13.D Parking Requirements Table restaurants are required to provide one parking space per 50 square feet of Service Floor Area, including outdoor service areas. The existing 4,116 square-foot bakery with 559 square feet of retail was required to provide 11 parking spaces per the Certificate of Occupancy. However, pursuant to LAMC Section 12.23-B,8(b), there was a parking credit of 20 spaces for the prior use a 5,008 square-foot office (one parking space per 250 feet or $5,008/250=20.03$), therefore, zero parking spaces were required.

The proposed change of use to a restaurant/bakery/retail with a maximum of 717 square feet of interior and exterior dining service floor area requires approximately 14 additional parking spaces ($717/50=14.34$). The applicant is providing parking for restaurant patrons in the lot adjacent to the building which can accommodate approximately up to 17 vehicles with a valet attendant and will install 12 bicycle parking racks in the parking lot. The project has been conditioned to submit a revised site plan after review and approval by LADBS, LADOT, and BOE, and in compliance with the Venice Coastal Zone Specific Plan. Because of the limited availability of on-street parking in the vicinity and because the traffic analysis determined the restaurant/bakery will generate more patron trips than can be accommodated in the on-site parking lot, the APC required the applicant to provide additional off-site valet parking for use during all hours of operation.

- c. **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.**

Not applicable. The property is developed with a commercial building and does not contain affordable residential units. There are no replacement affordable units required as part of the project's development.

- d. **The Venice Coastal Development 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).**

The proposed project is located in the Coastal Zone as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project does not involve the conversion, demolition, or development of one or more residential units. Therefore, the proposed project is not subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

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

On January 7, 2016, the Department of City Planning issued a Revised Mitigated Negative Declaration (ENV-2013-3377-MND-REC1) for the proposed project consistent with the provisions of the California Environmental Quality Act (CEQA) and the City CEQA Guidelines. The Revised MND concluded that after the implementation of the mitigation measures, the proposed development will not result in any significant impacts to the environment. The MND was submitted to the State Clearinghouse for a 30-day comment period. Three comment letters were received. The Department of City Planning provided written responses and concluded that none of the comments raised a fair argument supported by substantial evidence that a significant environmental impact would occur in relation to the project. On March 2, 2016, the APC adopted the Revised MND and the associated Mitigation Monitoring and Reporting Program prepared for the project. The mitigation measures and the Regulatory Compliance Measures that were identified in the Revised MND are incorporated as conditions of approval in the subject grant. As conditioned, the environmental effects associated with the proposed project have been mitigated to a less than significant level.

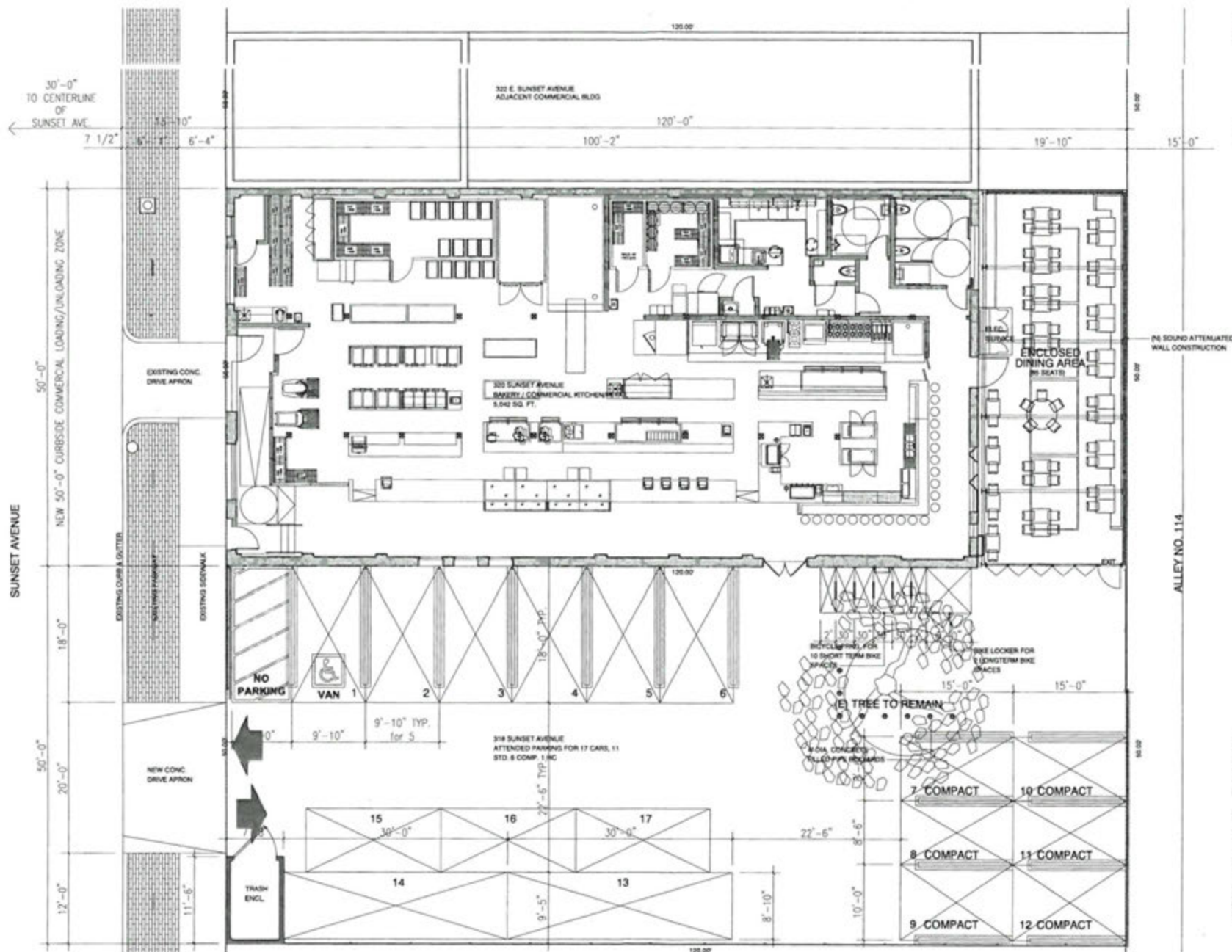
ADDITIONAL MANDATORY FINDINGS

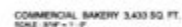
- 15. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No.

172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

16. On February 18, 2014, the Department of City Planning issued a Mitigated Negative Declaration (ENV-2013-3377-MND) for the proposed project. On August 11, 2015, the ZA adopted the MND prepared for the project and conditionally approved the project's entitlements. Two appeals were filed, claiming the ZA erred or abused her discretion in approving the project. The appeal filed by Ilana Marosi et al argued that the MND prepared for the project was inadequate and should be revised. On November 18, 2015, the APC granted the applicant's request to continue the hearing "to allow time to revise and recirculate for public review the MND." On January 7, 2016 the revised MND (ENV-2013-3376-MND-REC1) was sent to the State Clearinghouse and circulated for a 30-day public comment period. On February 22, 2016, the Department of City Planning issued a written response to the MND comment letters sent by Caltrans, Joyce Dillard, and Ilana Marosi. Planning concluded that none of the comments raised a fair argument supported by substantial evidence that a significant environmental impact would occur in relation to the project.

On the basis of the whole of the record before the lead agency, including the comments received, the lead agency finds that with imposition of the mitigation measures described in the Revised MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The West Los Angeles Area Planning Commission hereby adopts that action and adopts the Mitigation Monitoring and Reporting Program. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning, 200 North Spring Street Room 750, Los Angeles, CA 90012.





<u>EXISTING CONDITIONS</u>		
LOT AREA (LOTS 27,29 &29)		18,009 SQ FT
BUILDING AREA		10,214 SQ FT
PARKING NON-CONFORMING CREDITS 10016(250)+40.00		40 SPACES
<u>SUMMARY OF EXISTING USES:</u>		
COMMERCIAL OFFICE (302 E. Sunset Ave.)		8,008 SQ FT
COMMERCIAL BAKERY (302 E. Sunset Ave.)		3,433 SQ FT
RETAIL AREA		9,859 SQ FT
OTHER USES (RESTROOMS, STORAGE, CIRCULATION)		885 SQ FT
<u>SUMMARY OF PROPOSED USES:</u>		
RESTAURANT (22 INDOOR SEATS & 65 ENCLOSED PATIO SEATS)		723 SFA
<u>SUMMARY OF PARKING:</u>		
<u>PARKING EXISTING USES:</u>		
COMMERCIAL BAKERY 1/500SF + 3,433/350 = 9.07		9 SPACES
RETAIL AREA 1/1225SF = 589/225 = 2.4		2 SPACES
TOTAL		11 SPACES
<u>PARKING FOR PROPOSED USES:</u>		
RESTAURANT 1/500SF OF SERVICE FLOOR AREA		
723/50 = 14.46		14
BICYCLE PARKING PER LAHC 12.53 @ 80K/2 2 LONG & 2 SHORT TERM		16
TOTAL PARKING PROVIDED FOR EXISTING USES		(11)
<u>AUTO PARKING REQ'D FOR PROPOSED USE</u>		
BICYCLE PARKING REQ'D. 2 SHORT & 2 LONG TERM		4
<u>PARKING PROVIDED:</u>		
AUTO PARKING (DR. LOT 27) 1 (HC, 6 Compact, 7 Standards)		14
BICYCLE PARKING (PER LAHC 12.53)		
(2 Long Term, 10 Short Term)		12

A1.2

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

CALIFORNIA COASTAL COMMISSION

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



Page 1

June 1, 2017

Permit Application No.: A-5-VEN-16-0059

COASTAL DEVELOPMENT PERMIT

On February 8, 2017, the California Coastal Commission granted to **Fran Camaj** this permit subject to the attached Standard and Special conditions, for development consisting of: **converting a portion of an existing 5,000 sq. ft. (approx.) bakery to restaurant use with 717 sq. ft. of service floor area, including construction of a 995 sq. ft. (approx.) dining room addition onto the rear of the structure**, more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at **320 Sunset Ave Venice (Los Angeles County)** (APN: 4286007031)

Issued on behalf of the California Coastal Commission by

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Shannon Vaughn".

Shannon Vaughn
Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: 6/6/2017

Signature A handwritten signature in blue ink, appearing to read "J. Ainsworth".

COASTAL DEVELOPMENT PERMIT

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

1. **Approved Development.** Coastal Development Permit A-5-VEN-16-0059 authorizes the establishment and operation of a restaurant within a portion of the existing bakery, and the construction of a 995 square foot addition onto the rear of the existing building. The approved restaurant use includes a maximum service floor area of 717 square feet, with one Americans with Disabilities Act (ADA) compliant main path of travel (36" wide) that leads directly from the entrance of the restaurant to the exit and that does not deviate from the main path around tables or chairs, which may be excluded from the service floor area calculation, as shown on Exhibit #4 of the staff report dated January 27, 2017. The permittee shall maintain a minimum of 14 on-site parking spaces, which may be in tandem arrangements, for the life of the approved development.

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

2. **Parking Demand Management Plan (PDMP).** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the

May 31, 2017

Permit Application No.: A-5-VEN-16-0059

COASTAL DEVELOPMENT PERMIT

Executive Director, a PDMP which shall, for the life of the approved development, carry-out the following:

- a) Provide and actively manage a minimum of 14 on-site vehicle parking spaces available at no cost to the customers and employees of the approved development,
- b) Provide a minimum of 12 on-site bicycle parking spaces available to customers and employees of the approved development,
- c) Provide free, secure bicycle storage for customers and employees who bring their own bicycles to the approved development,
- d) Provide an on-site parking attendant during all hours of operation of the restaurant to assist customers using tandem parking spaces,
- e) Consistent with the applicant's proposal, educate employees about alternative modes of transportation and implement incentives to decrease the approved development's impact on local parking resources, including the provision of free public transportation passes to employees and/or reimbursements for public transportation fees for transportation to and from work.
- f) Provide a detailed plan to undertake annual traffic and parking study consistent with the following:
 - 1) The study shall be conducted annually during the summer on seven consecutive days.
 - 2) The study shall document vehicle use of the parking lot. Parking lot vehicle counts shall be taken at least once per hour during all hours of operation of the restaurant throughout the study. Any critical points (when a vehicle is attempting/ waiting to park in the restaurant parking lot but no parking spaces in the restaurant parking lot are available) shall be documented. Any critical points shall be documented even if they occur outside of the time that the hourly vehicle parking counts are taking place.
 - 3) The study shall measure vehicle queuing on Sunset Avenue (if any) by vehicles awaiting entrance to the parking lot. Traffic monitoring shall take place during all hours of operation of the restaurant throughout the study. Any identified critical points and traffic delays shall be documented (if any). For example, if a vehicle is waiting to enter the restaurant parking lot on Sunset Avenue and causes traffic to back up on either side of the parking lot on Sunset Avenue preventing continuous movement of vehicles along Sunset Avenue, as a result of vehicle queuing, that shall be documented, including a count of the number of vehicles that are waiting to move past the restaurant and the amount of time that the vehicles are waiting on Sunset Avenue in order to enter or move past the restaurant parking lot.
 - 4) The permittee shall conduct and submit the study to the Executive Director annually, by October 31st, for a minimum of five years (starting in 2017).

COASTAL DEVELOPMENT PERMIT

- 5) If any annual study finds that the parking supply is inadequate to meet the needs of the restaurant, or traffic delays exceed the previous year's impacts by 10% or more (e.g., if the amount of vehicle traffic backup along Sunset Avenue increases in time or number of vehicles waiting to enter or move past the restaurant parking lot increases by 10% or more), the applicant shall, within one month of this finding, submit a complete application for a CDP amendment to either cease operation of the restaurant or provide additional traffic and/or parking management measures or mitigation adequate to ensure adequate parking supply and resolve impacts to traffic resulting from the approved development.
- 6) As part of the study, the applicant shall provide a traffic and parking monitoring program and an adaptive management plan that identifies traffic monitoring methods, establishes traffic and parking thresholds that, if exceeded, will trigger additional mitigation; provides additional mitigation options, including but not limited to an off-site valet parking program that is acceptable to the Executive Director; and establish procedures for the loading of restaurant and bakery supplies that minimizes disruption to traffic and on-street parking in the area. The traffic and parking monitoring program and adaptive management plan shall be submitted to the Executive Director for review and approval.

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

3. **Best Management Practices.** The permittee shall implement appropriate Best Management Practices to ensure runoff from the site does not contribute to nuisance flows. Appropriate source control, treatment, and both structural and non-structural Best Management Practices shall include, but are not limited to:
 - a) The permittee shall, on a weekly basis, sweep parking areas and impervious surfaces to remove sediment, debris, and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
 - b) The permittee shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
 - c) Wash down areas for equipment and accessories should be designed to meet the following:
 - A) The area should be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. The grease trap must have the capacity to capture the grease from the restaurant.
 - B) If the wash area is to be located outdoors, it should be covered, paved, have

COASTAL DEVELOPMENT PERMIT

primary containment, and be connected to the sanitary sewer. C) The grease traps shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

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

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 975 square-foot restaurant subject to the following limitations:
 - a. The hours of operation shall be limited from 7:00 a.m. to 10:00 p.m., Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.
 - b. Indoor seating shall be limited to a maximum of 22 seats and outdoor seating shall be limited to a maximum of 48 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
8. **Coastal Development Permit.** The project shall be subject to the conditions

outlined in Case No. ZA-2013-3376-CDP-CUB-SPP-1A and California Coastal Commission Case No. A-5-VEN-16-0059.

9. Parking shall be provided in compliance with Coastal Development Permit No. ZA-2013-3376-CDP-CUB-SPP-1A and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. Single Permit Jurisdiction Area. The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. No deviations from the Venice Coastal Specific Plan have been requested or approved herein. All applicable provisions of the Specific Plan shall be complied with, as further noted in ADM-2013-1314-VSO or any subsequent Venice Sign Off (VSO).
11. No after-hours use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
12. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
13. No coin-operated electronic, video, or mechanical game machines, or pool or billiard tables shall be maintained upon the premises at any time.
14. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
15. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
16. The security plan must be reviewed and approved by the Police Department. The approved security plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
17. The applicant shall provide at least one State licensed security guard for every 75 patrons on a daily basis. The guards shall comply with the requirements of the California Business and Profession Code Section 7582.26(f)
18. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

19. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
20. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

21. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
22. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
23. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
24. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
25. 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.
26. There shall be no speakers or amplified sound permitted in any outdoor patio area.

27. 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 on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
28. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of 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 in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
29. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
30. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
31. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
32. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to

recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.

33. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
34. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
35. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
36. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
37. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
38. There shall be no queuing lines allowed at any time on adjacent sidewalks.
39. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
40. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
41. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment or dancing in the outdoor patio area at any time.
42. There shall be no speakers or amplified sound permitted in the outdoor dining area
43. Conditions of this grant shall be retained at all times on the premises and shall be made immediately available upon request by the Los Angeles Police Department or Alcoholic Beverage Control, or City Zoning Administrator. The manager and all employees shall be knowledgeable of the conditions herein.

44. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.

ADMINISTRATIVE CONDITIONS

45. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01 E.3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
40. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
41. 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 and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public

hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause 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's 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.

42. Prior to the effectuation 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

43. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

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

the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

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

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

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

For purposes of this condition, the following definitions apply:

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

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

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.



please watch videos and DENY. ZA-2024-3173-CUB-1A

2 messages

Alexandra K <thereallion@yahoo.com>
Reply-To: Alexandra K <thereallion@yahoo.com>
To: Planning APC West LA <apcwestla@lacity.org>
Cc: Sienna Kuo <sienna.kuo@lacity.org>

Sun, Dec 14, 2025 at 11:08 PM

Dear Commissioners,

Once again I am writing to ask that you please DENY the Gjusta alcohol license. The owners of this establishment do not respect rules and they continue to use residential parking and keep their parking lot empty in order to maximize their own seating environment and outdoor ambiance. For years they have heard our grievances, and yet have made zero effort to comply with their parking requirements. It will be a disaster for the nearby neighbors if they are allowed to serve alcohol and stay open late. They were originally approved to be a bakery with less than 20 employees. I have no idea how they have even gotten this far with their flagrant disobedience of regulations.

Please watch the recent video I made that shows their continued disregard for rules and neighbors.

watch on Youtube (first link). or on Dropbos (second link)

<https://youtu.be/9QN5MhQOC1M>

<https://www.dropbox.com/scl/fi/qrw86gsms5ln1r306qtxb/GjustaVan2.mov?rlkey=6i91idvdtey8y1fhgrn62ot6m&st=2v787whr&dl=0>

Also, if you did not see the video I made in November after another planning commission meeting, please watch it here on this second Youtube link or Dropbox link.

<https://youtu.be/VTri5TGWkfU>

<https://www.dropbox.com/scl/fi/a1t19zmzv1yrqi6cjawaa/GjustaParking.mov?rlkey=hi3abzg2rp1815g1o0pg09tdz&st=qbkadot1&dl=0>

Thank you again for your time and serious consideration of this appeal. Gjusta should not be rewarded for consistent bad behavior. Almost all of my neighbors agree with me and though many do not have the time or means to attend these meetings, I hear their frustrations regularly and I am here to be their voice as well.

Sincerely,
Alexandra Koromzay

Hello Alexandra,

I am in receipt of your Day of Hearing Submission, and the text part of your email will be disseminated to the commissioners for their review. Please note, the videos are not part of our agenda guidelines for submissions therefore, they will not be viewed by the commissioners.

Thank you,

Alma Sandoval



LOS ANGELES
CITY PLANNING

West Los Angeles Area Planning Commission

200 N. Spring St., Room 272

Los Angeles, CA 90012

T: (213) 978-1368 | Planning4LA.org

Note: Regular Day Off Alternating Fridays

[Quoted text hidden]



ZA-2024-3173-CUB-1A -

1 message

Brian Reed <brian.reed@mac.com>
To: apcwestla@lacity.org
Cc: Sienna Kuo <Sienna.Kuo@lacity.org>

Mon, Dec 15, 2025 at 5:24 PM

Download full resolution images
Available until Jan 14, 2026

Dear Commissioners,

I am writing again in support of A.Z.A. Tim Fargo's Letter of Determination and in strong opposition to the approval of the applicant's pending appeal.

I live in an apartment building 15 feet from the Gjusta property. This is not about "adding alcohol to the dining experience." This is about our quality of life at home.

This decision will impact every night, for every resident within earshot of this business. The irony is that at this time, no one can determine where "earshot" ends given current operating conditions.

Uncertainty of this kind alone should preclude approval of this appeal.

POINT #1: AUDITORY IMPACTS OF ALCOHOL + AL FRESCO DINING ARE UNKNOWN

The potential auditory impacts of alcohol service with Al Fresco dining on nearby residents are currently unknown because these operating conditions did not exist when the applicant initially applied for approval.

The applicant points to pre-COVID auditory studies and letters of support. As such, those findings and conclusions did not include Al Fresco dining and the well-documented amplification of noise that accompanies alcohol consumption.

The applicant voluntarily applied for, and was granted, the Al Fresco dining permit, which materially changed the operating conditions that must now be evaluated. Any prior findings are therefore not only incomplete, they are outdated.

I previously submitted video evidence showing how sound travels through the acoustically unique environment of alleys that surround this property and neighboring residences. I am re-attaching those links for your review.

Issuing a liquor license under these circumstances, with no data reflecting current operating conditions, would be irresponsible. That is precisely why interim licenses exist: to allow real-world impacts to be evaluated before a permanent entitlement is granted.

POINT #2: COUNCILWOMAN TRACI PARK'S CONDITIONAL APPROVAL LETTER IS VAGUE AND UNENFORCEABLE

In her November 4, 2025 letter, Councilwoman Park proposes "Recommended Conditions" that are undefined and unenforceable.

Specifically, the letter:

- Fails to establish clear benchmarks or performance standards;
- Does not define how compliance would be measured;
- Does not specify how noncompliance would be determined;
- Does not explain how violations would be corrected;
- Does not state how many opportunities the applicant would have to cure violations.

Without these elements, the proposed conditions are not conditions at all, they are suggestions.

If a conditional approval framework were to be considered, before any license is granted a subcommittee would need to be appointed to:

- Research actual impacts;
- Define measurable metrics;
- Establish enforcement mechanisms;
- Clarify consequences.

For transparency and fairness, local residents must be included in that process. I will volunteer my time. If Councilwoman Park is serious about this proposal, she should also be willing to volunteer her time.

Additionally, the letter proposes a “one-year follow-up Plan Approval” to determine compliance, with any non-compliance “should” be grounds for revocation. I strongly oppose this provision. The use of the word “should” renders enforcement discretionary. Compliance has no meaning unless failure will result in consequences. Additionally, a one-year waiting period is an unreasonably long time for residents to endure whatever impacts may exist. A shorter, complaint-triggered review process is required. For example, a defined number of substantiated complaints should trigger immediate review.

These problems further support denial of the appeal.

POINT #3: ONGOING GRAFFITI VIOLATIONS DEMONSTRATE LACK OF MANAGEMENT CAPACITY

I find the applicant’s ongoing failure to address graffiti on the exterior of his building deeply concerning.

The applicant states that he is a good steward and that he values the local community. The City of Los Angeles is now actively considering whether to grant a benefit to the applicant: a valuable alcohol license. If that were to happen, his responsibility to the community would be magnified.

Yet a community member, including this one, can walk by Gjusta and see graffiti that has remained on the building since before May and as of today, December 15. This issue has been raised, photographed, and documented at length throughout this process and the applicant is well aware of it.

The 2016 Letter of Determination explicitly states that:

Visible graffiti must be removed or painted over within 24 hours (Condition C-1 #4), and that all visible exterior surfaces be maintained and kept free of graffiti (Page C-8).

The applicant has allowed these violations to continue knowingly.

If that graffiti were inside the business and visible to patrons, one can assume it would be taken care of immediately to protect the brand. The fact that it remains only where residents see it is telling and strongly suggests that community impact is not a priority.

The applicant, by his own inaction, has demonstrated an unwillingness or inability to manage basic property maintenance. That raises serious questions about his capacity to responsibly manage an alcohol license and Al Fresco dining in an untested auditory environment.

CONCLUSION

The prudent and responsible decision is to deny this appeal and to require the applicant to reapply under an interim license. Doing so would allow the real-world auditory impacts of alcohol service with Al Fresco dining to be properly vetted, evaluated, and studied before a final, informed and fair decision is made for local residents.

Thank you for your time and consideration. Please do not hesitate to contact me if I can provide further information or assistance.

Respectfully,

Brian Reed



[Click to Download](#)

Video2 - Voices.mov
99.1 MB

[Click to Download](#)

Video1.mov
191 MB



ZA 2024 3173 Gjusta Support

4 messages

Fran Camaj <fran@gjelinagroup.com>
To: apcwestla@lacity.org

Tue, Dec 16, 2025 at 11:12 AM

APC Commissioners,

We respectfully submit these letters and cards to provide visibility on the Venice community and neighborhood support for Gjusta *outdoor dining with full line of beverages*

These 2100+ individuals are supporting outdoor, uncovered dining serving a full line of alcoholic beverages. It's a rather lengthy attachment, **but actual full letters of support (over 130) starts on page 671. Over half of this support is directly from the Venice community**

Additionally, we hope to clarify that Gjusta was originally serving guests on the back open air patio daily until 10pm. This occurred for approximately 5 years until 2019 when Gjusta was granted an Intern Operating Permit (IOP) to sell alcoholic beverages. For approximately a year and half, Gjusta served a full line of beverages to guests in an outdoor, uncovered space until 10pm. We do hope that you recognize and acknowledge that during this time period, we responsibly served thousands of meals to thousands of people in the community. Direct neighbors were not disturbed. Police were never called. It was simply a beautifully operated outdoor patio service we have run in Venice, not unlike the one at Gjolina for 17years.

Please will you add this site specific information into your decision making process.

Sincerely, Fran

Fran Camaj
Founder

GJELINA GROUP

c. 310.880.9260
314 Sunset Ave
Venice, CA 90291
GJELINA G T A VALLE
[GJUSTA](#) [GJUSTAGOODS](#)

Fran Camaj

Founder

GJELINA GROUP

📞 310.919.2728

 314 Sunset Ave.
Venice CA, 90291
 **GJELINA GJUSTA**
GTA GJUSTAGOODS
GJUSTA GROCER

 **Gjusta Support Cards.pdf**
10982K

Planning APC West LA <apcwestla@lacity.org>
To: Fran Camaj <fran@gjelinagroup.com>

Tue, Dec 16, 2025 at 3:02 PM

Hello Ms. Camaj,

We are in the Day of Hearing submission phase and per the agenda guidelines it is stated that 2 pages with unlimited number of photographs are permitted. Your page count including your attachments do not qualify for the day of hearing submission therefore we can only accept it as non-compliant, and it will be placed in the case file, and this submission will not be disseminated to the commissioners.

Thank you,



West Los Angeles Area Planning Commission

200 N. Spring St., Room 272

Los Angeles, CA 90012

T: (213) 978-1368 | Planning4LA.org

LOS ANGELES
CITY PLANNING

Note: Regular Day Off Alternating Fridays

[Quoted text hidden]

Fran Camaj <fran@gjelinagroup.com>
To: Planning APC West LA <apcwestla@lacity.org>

Tue, Dec 16, 2025 at 3:12 PM

Can you at least simply submit the brief email "cover sheet" to them?
Sent from my iPhone

Fran Camaj

Founder

GJELINA GROUP

 310.919.2728

 314 Sunset Ave.
Venice CA, 90291

 **GJELINA GJUSTA**
GTA GJUSTAGOODS
GJUSTA GROCER

On Dec 16, 2025, at 3:02 PM, Planning APC West LA <apcwestla@lacity.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Fran Camaj

Founder

<image955410.png>

<image355172.png> 310.919.2728

<image858451.png> 314 Sunset Ave.

Venice CA, 90291

<image805861.png> **GJELINA GJUSTA**
GTA GJUSTAGOODS
GJUSTA GROCER

To: Fran Camaj <fran@gjelinagroup.com>

Hello Ms. Camaj,

I will accept your email day of hearing submission, and it will be disseminated to the commissioners for their review.

Thank you,

Alma Sandoval



LOS ANGELES
CITY PLANNING

West Los Angeles Area Planning Commission

200 N. Spring St., Room 272

Los Angeles, CA 90012

T: (213) 978-1368 | Planning4LA.org

Note: Regular Day Off Alternating Fridays

[Quoted text hidden]

PLEASE DENY ZA-2024-3173-CUB-IA

12/17/2025

Hello Commissioners,

We urge you to reject this appeal. We support ZA Tim Fargo's Letter of Determination issued on July 15, 2025, denying ZA-2024-3173-CUB. Planning approvals are treasury. You cannot ignore the law **OR** reward a serial violator who has continuously flaunted the law since he opened Gjusta at this location in 2014. **The issues before you are legal.** It is not about good food or supporters. The West Los Angeles Areal Planning Commission is a quasi-judicial body appointed by the Mayor of Los Angeles. The WLAAPC, Councilwoman Traci Park, Venice Neighborhood Council, and Gjusta supporters **cannot ignore the law.** Any attempt to do so would fly in the face of the requirement of all parties to comply with the law generally, and for developers to apply for required permits and comply with "conditions of approval" for planning entitlements specifically.

318, 320, 322, 324 East Sunset Avenue, Venice, is in the single permit jurisdiction of the coastal zone area of Los Angeles. Since 1978, the city has operated a City Coastal Development Permit Program as a delegate authority of the California Coastal Commission per section 30600(b) of the Coastal Act, prior to certification of a Venice Local Coastal Program. The city and its representative bodies, including the WLAAPC, cannot exceed that authority.

The WLAAPC cannot allow any developer to ignore the "requirements" of DCP, WLAAPC, and the CCC as this Applicant has done, and ZA Fargo thoroughly documented. To do so would be antithetical to the very purpose of the Department of City Planning, WLAAPC, and CCC; violate local and state law; promote an illegal and unfair advantage in business; deny good-faith operators an equal opportunity to compete in business; and actively encourage non-compliance to gain unfair business advantages and unjustified enrichment. **You cannot condone or approve of that.**

We agree with the comments and evidence provided by other community members who opposed this CUB at the AZA hearing on May 7, 2025, and incorporate all the issues they raised and documented. We also submitted a 10-page letter of opposition to this appeal for the November 5 hearing signed by Margaret Molloy, Dr. Naomi Nightingale, and Ingrid Mueller. Very sadly, Ingrid passed away on November 25.

Our submission for the November 5 hearing includes the ABC order with findings denying a type 47 license for Hamtramck Hospitality, LLC (Dbas: Gjusta, 320 Sunset Avenue, Venice, CA 90291-2632) issued by Administrative Law Judge Heubel on September 21, 2020 (below). It stated, "Order: The type 47 on-sale general eating place license for Hamtramck Hospitality, LLC, is denied."

Importantly, Mr. Camaj showed his contempt for following the required permitting process by applying for that type 47 license when he did not have a valid Certificate of Occupancy for a restaurant, or a valid CUB. This is part of an egregious pattern and practice of ignoring pertinent laws by Fran Camaj, principal at Hamtramck. ABC's Metro Division confirmed at that time that they received 55 valid protest letters from community members opposed to a type 47 license at Gjusta.

Mr. Camaj operates multiple businesses in the coastal zone area of Venice where Gjusta is located. Mr. Camaj cannot claim ignorance of development requirements in the coastal zone area of Venice. Currently, Gjusta has 21 LADBS Code Enforcement violations. Many are for "ANY PROBLEMS THAT ONLY OCCUR FROM 5:00PM TO 7:00 AM (AT NIGHT) OR ON WEEKENDS" or "CUB OR CUX VIOLATIONS." Gjolina at 1429 Abbot Kinney has 14 LADBS Code Enforcement violations. Mr. Camaj and Ms. Healey may claim that there are no ABC violations at these sites. That is disingenuous. Most local residents call LADBS for

these complaints not realizing that they should also file an ABC complaint, but the existing LADBS records show the abuse by the operator and frustration of nearby residents. In a March 2, 2016, group email to the WLAAPC titled, "ZA-2013-3376-CDP-CUB-SPP-1A- request denial," we documented that Mr. Camaj came to the Gjusta location under the guise of a request for a change of use from existing offices to a bakery with a takeout coffee counter. The local community supported that proposal. That quickly morphed into an unpermitted restaurant that created noise, nuisance, traffic congestion, and parking and delivery nightmares for the adjacent historic Oakwood residential community. Instead of remedying these issues, Mr. Camaj continued and expanded his illegal restaurant, while removing the required parking.

Please DO NOT place your trust in this Applicant's proposed remedy now. He has wasted your time, our time, and any belief in his good faith by the local community.

**Appreciatively,
Margaet Molloy
Dr. Naomi Nightingale**



[Return to Payment Portal](#)

11/10/2014	CONSTRUCTION DONE WITHOUT PERMITS OR INSPECTIONS	CLOSED
11/17/2014	MISCELLANEOUS COMPLAINTS	CLOSED
11/21/2014	MISCELLANEOUS COMPLAINTS	CLOSED
7/10/2015	ANY PROBLEMS THAT ONLY OCCUR FROM 5:00PM TO 7:00 AM (AT NIGHT) OR ON WEEKENDS	CLOSED
7/30/2015	BUILDING OR PROPERTY CONVERTED TO ANOTHER USE	CLOSED
10/17/2015	MISCELLANEOUS COMPLAINTS	CLOSED
2/11/2019	ANY PROBLEMS THAT ONLY OCCUR FROM 5:00PM TO 7:00 AM (AT NIGHT) OR ON WEEKENDS	CLOSED
7/9/2019	CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED
7/17/2020	BUILDING OR PROPERTY CONVERTED TO ANOTHER USE	CLOSED
6/13/2021	ANY PROBLEMS THAT ONLY OCCUR FROM 5:00PM TO 7:00 AM (AT NIGHT) OR ON WEEKENDS	CLOSED
8/26/2022	MISCELLANEOUS COMPLAINTS	CLOSED
5/13/2023	CUB OR CUX VIOLATIONS	CLOSED
5/15/2023	ANY PROBLEMS THAT ONLY OCCUR FROM 5:00PM TO 7:00 AM (AT NIGHT) OR ON WEEKENDS	CLOSED
10/12/2023	PARKING SPACES BLOCKED OR REMOVED FROM USE	CLOSED
12/11/2023	CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED
1/8/2024	CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED
2/5/2024	CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED
2/15/2024	CONSTRUCTION IN PROGRESS WITHOUT PERMITS OR INSPECTIONS	CLOSED



ZA-2024-3173-CUB-1A

1 message

S <s.arguello.t@gmail.com>

Mon, Dec 15, 2025 at 4:01 PM

To: "apcwestla@lacity.org" <apcwestla@lacity.org>, "sienna.kuo@lacity.org" <sienna.kuo@lacity.org>

Hello,

-I am a resident of [333 Vernon ave, Venice, CA 90291](#)

-I am reaching out for the right of enjoying the apartment with the quiet neighborhood around.

-No evidence has been shown of what the restaurant with dining and liquor will sound like.

-I would like to advocate for the business to have an interim license to collect data of the auditory effects on the neighborhood and local residents. This will allow for an informed decision.

Regards



ZA-2024-3173-CUB-1A Denial of Appeal

1 message

Tim Galanek <tmg211@gmail.com>

Mon, Dec 15, 2025 at 5:42 PM

To: "sienna.kuo@lacity.org" <sienna.kuo@lacity.org>, "apcwestla@lacity.org" <apcwestla@lacity.org>

I am a resident of 333 Vernon Ave and am requesting denial of the appeal for the case number in the subject line.

ZA-2024-3173-CUB-1A

The full effects of al fresco dining with alcohol have not been studied and residents of the neighborhood should not be subjected to this without proper study/monitoring.

Thank You

Timothy Galanek

FILE COPY

RECEIVED
CITY OF LOS ANGELES

DEC 17 2025

Case Number ZA 2024-3173- CUB-1A

Applicable Ordinances and LAMC Administrative Codes – Extension of CUB Expiration Timeline.

The CUP, condition number 9 of the LOD states, "The authorization granted herein for the sale of a full line of alcoholic beverages on the subject premises is for a period of two years from the effective date of this grant." The CUB Plan Approval Application requires the submission of an LADBS-approved plan and a restaurant Certificate of Occupancy to facilitate the use and renewal of the grant. The commencement and expiration dates of the discretionary permits approved in the WLA APC LOD issued on March 2, 2016, the Multiple Approval Ordinance and LAMC Chapter 1A Administrative Codes determine the expiration of the two-year CUP grant for the sale and dispensing of alcoholic beverages.

LAMC Multiple Approval Procedures Ordinance No. 182106 states the following:

"to create consistent procedures for review of projects requiring multiple approvals, synchronize the expiration periods of multiple approvals granted to a single project, clarify language regarding the utilization of approvals, eliminate the redundancy of time extensions for quasi-judicial land use approvals, extend the life of previously-granted approvals..."

The Ordinance requires synchronization of expiration periods for multiple approvals. On March 2, 2016, the WLA APC approved two quasi-judicial discretionary permit approvals for Case No. 2013-3376-CDP-SPP-1A (Gjusta restaurant):

1. Change of Use from retail/bakery to restaurant/retail/bakery.
2. A Class 2, Conditional Use Permit (CUP) authorizes the sale and dispensing of a full line of alcoholic beverages for on-site consumption on the premises.

LAMC Chapter 1A, Section 13.A.2.7 Scope of Decision**B. Effectuation of (Discretionary) Approvals**

A discretionary project approval is considered finalized by the Department of City Planning when all conditions of the grant approval are met. This must happen before the grant's rights can be used. Effectuation occurs once the applicant completes the necessary procedural steps to demonstrate compliance with all approval conditions. Effectuation is achieved when fees are paid, plans are verified and stamped as approved, and authorization to use the grant is obtained. A project that does not require permits for construction or alteration from the Department of Building and Safety achieves effectuation when the Department of City Planning verifies compliance with all grant conditions, including payment of all fees and stamping of plans.

C. Utilizing the Grant

1. A discretionary project approval is considered utilized after the Department of City Planning has completed it and the Department of Building and Safety has issued a building permit.

F. California Coastal Commission Approvals

The time limits in Subsection B. (Effectuation of Approvals), Subsection C. (Utilizing the Grant) of this Section do not include any period when the applicant is waiting for a California Coastal Commission decision on a Coastal Development Permit appeal or application, including the final action on an appeal of a Coastal Development Permit issued by the Department of City Planning.

Timeline

Permit Chronology	Action Taken
WLA APC LOD	March 2, 2016
ABC Type-47 License Transfer application submitted to ABC	August 23, 2016
Margaret Molloy submits ABC Protest	September 26, 2016 – lives 3 miles from Gjusta
Hubert Hodgkin submits ABC Protest	September 26, 2016 – lives 1 mile from Gjusta.
Coastal Commission Appeal Hearing on "restaurant use."	Commission Denies Appeal- February 8, 2017
CCC Notice of Intent to issue CDP	April 13, 2017
CCC CDP Permit Issued	June 6, 2017- expiration June 6, 2020
LADBS #17014-10000-02367 Plan Check submit	May 22, 2017
CUB Effectuated by City CCU Department	December 10, 2018 – Date of Effectuation

LADBS Plan correction issued requiring a full structural upgrade of the URM building to support the attachment of the Enclosed Dining Structure	February 16, 2018 The estimated cost increased \$800,000
LADBS Structural Plan Check resubmitted	March 2019
ABC issues a Temporary Interim Operating Permit (IOP) due to a three-year delay in scheduling the ABC License Transfer Protest Hearing	March 2019
ABC Temporary Interim Operating Permit renewed	July 2019
ABC Field Inspection and Report	October 2019 – No complaints since the IOP was issued on March 18, 2019. LAPD reports no excessive noise emanating from the Al Fresco outdoor dining area. ABC Agents recommend approval of ABC Type-47 License Transfer
ABC Temporary Interim Operating Permit renewed	November 2019
Mayor's COVID-19 Emergency Declaration	March 20, 2020 – Extension of Expiration of Discretionary Permits. *
CDP Extension Request granted by CCC	March 20, 2020
ABC Temporary Interim Operating Permit renewed	April 2020
ABC Temporary Interim Operating Permit renewed	July 2020
ABC Protest Hearing against the Issuance of an On-Sale General Eating Place License (continued).	July 7, 2020, The hearing is continued to allow the applicant to confirm that the CUB permit is valid and current.
City Planning's assessment of the expiration date of the CUB component of the grant.	August 2020 – City Planning determines the CUB component of the two-year Grant expired on June 6, 2019, with the time extension accorded for the CDP Appeal Hearing and issuance of the Coastal Commission CDP approving the restaurant use. The City's determination, however, did not consider the time extension of Administrative procedures for discretionary approvals found in Chapter 1A, LAMC Section 13A.2.7.B Effectuation of Approvals, and C. Utilization of the Grant. Had the City done so, the CUB would not have been deemed expired at the time of the ABC Protest Hearing, and the Type-47 License Transfer would have been granted.
ABC Protest Hearing against the Issuance of an On-Sale General Eating Place License Resumed	August 20, 2020. The Applicant cannot meet the burden of proof to establish that the CUB permit is valid and current. The Type-47 on-sale eating place license transfer is denied.
LADBS Plan Check Correction Issued	September 9, 2020. The patio enclosure is removed from the Permit by LADBS due to mandatory distancing measures imposed by the Health Department.
LADBS Building Plans approved and Issued	December 2, 2020
CUB 2-year grant expiration date and deadline for submission of Plan Approval	December 10, 2020 , per Chapter 1A Administrative Procedures, Section 13.A.2.7.B. Effectuation of Discretionary Approval – Tolled*
Restaurant C of O Issued for the URM building and an outdoor dining patio.	December 31, 2020.

Continuous Code Compliant Parking DEC 17 2025



2015



- Attended On-site parking (2015 to 2020)
- CDP Compliant - Multi-Year Parking Studies



2016



2017



2018



2019



2020 Al Fresco

- Al Fresco outdoor dining on private property issued August 7, 2020



2021 - 2023

2024-2025

