



# DEPARTMENT OF CITY PLANNING

## APPEAL RECOMMENDATION REPORT

### West Los Angeles Area Planning Commission

**Date:** October 21, 2020

**Time:** After 4:30 p.m.\*

**Place:** In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].

The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commission-s-boards-hearings> and/or by contacting [apcwestla@lacity.org](mailto:apcwestla@lacity.org)

**Public Hearing:** Required

**Appeal Status:** Not further appealable under LAMC

**Expiration Date:** Subject to Mayor's Public Order, Tolling of Deadlines

**Case No.:** ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A  
**CEQA:** ENV-2016-4321-EIR (SCH No. 2016061033)

**Council No.:** 11 – Mike Bonin

**Plan Area:** Venice

**Specific Plan:** Venice Coastal Zone – North Venice Subarea  
**Certified NC:** Venice

**GPLU:** Community Commercial  
**Zone:** C2-1-CA

**Appellant No. 1:** Yelena Zeltser UNITE HERE Local 11, People Organized for Westside Renewal (POWER), Alba Luz Privado  
**Representative:** Jordan R. Sisson, Law Office of Gideon Kracov

**Appellant No. 2:** 1041 Abbot Kinney, LLC/ Abbot Kinney Investment Property, LLC  
**Representative:** Carl Lisberger, Manatt, Phelps & Philips, LLP

**Appellant No. 3:** Keep Neighborhoods First  
**Representative:** John Given, Law Office of John P. Given

**Appellant No. 4:** Citizens Preserving Venice, Sue Kaplan

**Applicant:** Dan Abrams, Wynkoop Properties, LLC

**Representative:** Dana Sayles, Three6ixty

**PROJECT LOCATION:** 1011 Electric Avenue & 1021-1051 S. Abbot Kinney Boulevard

**PROPOSED PROJECT:** The site currently contains 12,560 square feet of existing development comprised of three restaurants totaling 7,444 square feet, a 1,572 square-foot private school, 3,544 square feet of office space (of which 1,344 square feet will be retained), 2,963 square feet of existing outdoor landscaped area used as a retail nursery (the Sculpture Garden), and a 60-space surface parking lot.

The project proposes the demolition of one 2,442 square-foot restaurant, the existing private school, 2,200 square feet of office space, and the surface parking lot; and the

construction, use, and maintenance of a 70,310 square-foot, mixed-use development (includes existing and new floor area). The mixed-used development is comprised of two existing restaurants and a new 3,810 square-foot hotel restaurant having 2,514 square-feet of Service Floor area, four dwelling units and a Hotel with 78 guest rooms, 2,935 square feet of ground floor retail space including a market with 170 square feet of Service Floor area, a 1,735 square-foot spa, and 2,027 square feet of office use. The project will construct three new three-story mixed-use buildings, each with a maximum of 30 feet in height, and one new two-story building, approximately 25 feet in height; all new structures are connected by pedestrian bridges. The project provides a total of 175 parking spaces, at grade and within three subterranean levels. The project also requires excavation, grading, and approval of a haul route for the export of approximately 24,591.65 cubic yards of dirt.

**REQUESTED ACTIONS:**

Pursuant to Section 245 of the Los Angeles City Charter, on August 25, 2020, the City Council vetoed and remanded Case No. ZA-2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A and ENV-2016-4321-EIR to the West Los Angeles Area Planning Commission (WLA APC) to reconsider the appeal of the entire March 12, 2020 Zoning Administrator's Determination which:

Certified the Environmental Impact Report; adopted Environmental Findings, a Statement of Overriding Considerations and a Mitigation Monitoring Program; approved a Conditional Use Permit for alcoholic beverages, Conditional Use Permit to allow an Apartment Hotel within 500 feet of a residential zone, Coastal Development Permit, Site Plan Review, Project Permit Compliance Review, Mello Act Compliance Review, and Waiver of Dedication and/or Improvements.

**RECOMMENDED ACTIONS:**

**Deny in part** the appeals and **grant in part** the appeals to **sustain** the following modified actions of the Zoning Administrator in approving the Project:

1. Pursuant to Section 21082.1(c) and 21081.6 of the California Public Resources Code, Find the West Los Angeles Area Planning Commission ("Commission") has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-4321-EIR (SCH No. 2016061033) dated January 10, 2019, and the Final EIR, dated July 3, 2019 (Venice Place Project EIR), Errata, dated July 2020 and September 2020, as well as the whole of the administrative record, and

CERTIFY the following:

- (a) The Venice Place Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- (b) The Venice Place Project EIR was presented to the Commission as the decision-making body of the lead agency; and
- (c) The Venice Place Project EIR reflects the independent judgment and analysis of the lead agency.

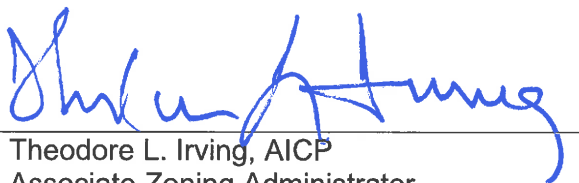
ADOPT the following:

- (a) The related and prepared modified Venice Place Project Environmental Findings;
  - (b) The Statement of Overriding Considerations; and
  - (c) The modified Mitigation Monitoring Program prepared for the Venice Place Project EIR.
2. Approve a Conditional Use, pursuant to Los Angeles Municipal Code Section 12.24-W,1, authorizing: (a) the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed hotel restaurant having 195 indoor seats and 65 outdoor seats, operating 24 hours and serving

alcohol between the hours of 7:00 A.M. to 1:00 A.M., Saturday and Sunday, and 9:00 A.M. to 1:00 A.M., Monday through Friday, (b) the sale and dispensing of a full line of alcohol beverages for on-site and off-site consumption in conjunction with a market within the hotel, operating between the hours of 7:00 A.M. to 1:00 A.M., Saturday and Sunday, and 9:00 A.M. to 1:00 A.M., Monday through Friday, (c) a full line of alcohol beverages provided in individual hotel room's liquor cabinets, (d) the sale of a full line of alcohol beverages by hotel guest room services, (e) and the on-site consumption of alcohol in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center.

3. Approve a Conditional Use, pursuant to Los Angeles Municipal Code Section 12.24-W,24, to allow a Hotel located within 500 feet of a Residential Zone.
4. Approve a Coastal Development Permit, pursuant to Los Angeles Municipal Code Section 12.20.2, for the Proposed Project in the Single Permit Jurisdiction of the California Coastal Zone.
5. Approve a Site Plan Review, pursuant to Los Angeles Municipal Code Section 16.05-C,1(b), for the construction of a mixed-use project comprised of more than 50 guest rooms.
6. Approve a Project Permit Compliance Review, pursuant to Los Angeles Municipal Code Section 11.5.7, for a project within the North Venice Subarea of the Venice Coastal Zone Specific Plan.
7. Approve a Mello Act Compliance review, pursuant to Sections 65590 and 65590.1 of the California Government Code, for a project located within the Coastal Zone.
8. Approve a Waiver of Dedication and/or Improvements, pursuant to Los Angeles Municipal Code Section 12.37-I,3, to provide a 5-foot dedication on Electric Avenue in lieu of the 7.5 feet otherwise required and to provide a 2-foot dedication on Westminster Avenue in lieu of the 5 feet otherwise required.
9. **Adopt** the attached modified Conditions and amended Findings.

VINCENT. P. BERTONI, AICP  
Director of Planning



Theodore L. Irving, AICP  
Associate Zoning Administrator

**ADVICE TO PUBLIC:** \* The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300)*. While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission's Office a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request at least seven (7) days prior to the meeting by calling the City Planning Commission Office at (213) 978-1300.

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**Revised Conditions..... C-1**

**Amended Findings..... F-1**

**Exhibits:**

**Exhibit A Appeals**

[https://clkrep.lacity.org/online/docs/2020/20-1024\\_misc\\_08-26-2020.0001.pdf](https://clkrep.lacity.org/online/docs/2020/20-1024_misc_08-26-2020.0001.pdf)

**Exhibit B ZA-2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI**

[https://clkrep.lacity.org/online/docs/2020/20-1024\\_misc\\_1\\_08-26-2020.0001.pdf](https://clkrep.lacity.org/online/docs/2020/20-1024_misc_1_08-26-2020.0001.pdf)

**Exhibit C ENV-2016-4321-EIR (SCH No. 2016-061-033)**

**C.1 Draft EIR**

<https://planning.lacity.org/development-services/eir/venice-place-project-0>

**C.2 Final EIR**

<https://planning.lacity.org/development-services/eir/venice-place-project-1>

**C.3 Errata, July 2020 and September 2020, and Financial Feasibility Study**

<https://planning.lacity.org/development-services/eir/venice-place-project-2>

**C.4 Supplemental Environmental Responses, June 30, 2020**

[https://clkrep.lacity.org/online/docs/2020/20-1024\\_misc\\_4\\_08-26-2020.pdf](https://clkrep.lacity.org/online/docs/2020/20-1024_misc_4_08-26-2020.pdf)

**C.5 Supplemental Environmental Responses, Letter to PLUM, August 27, 2020**

[https://clkrep.lacity.org/online/docs/2020/20-1024\\_misc\\_08-27-2020.pdf](https://clkrep.lacity.org/online/docs/2020/20-1024_misc_08-27-2020.pdf)

- Exhibit 1 - CEQA Appeal Letter from Luz Privado, UNITE HERE Local 11 & POWER, August 18, 2020
- Exhibit 2 - CEQA Appeal Letter from Sue Kaplan, Citizens Preserving Venice, August 24, 2020

**C.6 Mitigation Monitoring Program**

**Exhibit D Correspondence**

Included in Appeal Report dated July 14, 2020 (Exhibit D, PDF page 454)

<https://planning.lacity.org/odocument/b660a0e8-5cbe-4d60-afc2-3ec8a6e11e1b/ZA-2012-3354.pdf>

Supplemental Documents

<https://planning.lacity.org/dcpapi/meetings/document/addtldoc/58827>

Comments submitted to Council File 20-1024

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=20-1024>

Additional correspondence received, not included in the links above (Exhibit D and Council File 20-1024)

- Deidre Samuels, dated October 12, 2020
- Elisa Paster, dated October 12, 2020

**Exhibit E Additional Information Letter (Planning Staff)**

[https://clkrep.lacity.org/online/docs/2020/20-1024\\_misc\\_3\\_08-26-2020.pdf](https://clkrep.lacity.org/online/docs/2020/20-1024_misc_3_08-26-2020.pdf)

## **PROJECT ANALYSIS**

### **CHARTER SECTION 245**

The project involves the development of a three-story mixed-use hotel, commercial, and residential development. On March 12, 2020, the Zoning Administrator approved the project. The project was subsequently appealed, and at its July 15, 2020 meeting, the West Los Angeles Planning Commission (WLAAPC) denied the appeals and approved the project. On August 25, 2020, the City Council adopted a Motion, pursuant to Charter Section 245, to assert jurisdiction over the August 7, 2020 action of the WLA APC. In accordance with Council File 20-1024, on September 15, 2020, the City Council vetoed and remanded the cases to the WLAAPC to again consider the appeals associated with Case No. ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A.

As a result, the WLAAPC will be considering the original appeals to the entirety of the Zoning Administrator's actions, which include certification of the EIR and approval of the project entitlements. This Staff Report is therefore substantially similar to the Staff Report that was submitted to the WLA APC for its July 15<sup>th</sup> meeting, with added background regarding Commission and Council actions from July 2020 to present, and refinements and clarifications to the Project conditions and findings, including the supplemental environmental analysis provided in Errata to the Final EIR, dated July 2020 and September 2020. The refinements in the two Errata are primarily focused on clarifications to the hotel use and Transportation Demand Management (TDM) plan, as well as supplemental information provided on the infeasibility of Alternative 4 (Historic Preservation Alternative).

Appeals to the project primarily focused on issues related to the hotel and mixed-use definition of the project, traffic and parking impacts, historic impacts, neighborhood compatibility, entitlement/procedural issues, sale and service of alcoholic beverages, and the environmental analysis. In consideration of this information, Staff recommends that the appeals be denied, as the decision-maker's findings are supported by substantial evidence in the record and the appeals did not demonstrate that the decision-maker erred or abused its discretion in approving the project. Staff further recommends that the actions of the Zoning Administrator in approving the project be sustained with modifications to incorporate modifications to the conditions of approval, amended findings, and to include additional environmental information provided in the Errata, dated July 2020 and September 2020.

### **PROJECT TIMELINE**

March 12, 2020	The Zoning Administrator issued a Determination to certify/adopt the EIR and approve the requested actions for the above referenced Project.
July 15, 2020	The WLAAPC considered four appeals filed under Case No. ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A, denying the appeals in part to approve the Project with modified Conditions. A Determination Letter was issued on August 7, 2020.
August 18, 2020 and August 24, 2020	Two CEQA appeals were filed regarding the certification of the Environmental Impact Report (EIR) by Luz Privado, Unite Here Local 11 and POWER and Sue Kaplan, Citizens Preserving Venice.

- August 25, 2020 The City Council adopted a Motion, pursuant to Charter Section 245, to assert Jurisdiction over the August 7, 2020 action of the WLAAPC. ([Council File 20-1024.](#))
- August 27, 2020 Once the City Council asserted jurisdiction as the decision-maker on both the entitlement and CEQA actions, the CEQA appeal provisions no longer applied. Nonetheless, the Department of City Planning Staff submitted a letter to the Council File addressing the two appeal letters.
- September 10, 2020 The Planning and Land Use Management (PLUM) Committee considered the appeals and moved the item to City Council without a recommendation.
- September 15, 2020 The City Council adopted a Motion to Veto and Remand the matter to the WLAAPC.

### **PROJECT SUMMARY**

The subject site is located within the Venice Community Plan, the North Venice Subarea of the Venice Coastal Zone Specific Plan, Los Angeles Coastal Transportation Corridor Specific Plan, Calvo Exclusion Area (not applicable to this project), is within the single permit jurisdiction of the California Coastal Zone, a Methane Zone, is within 4.7 kilometers from the Santa Monica Fault, and is within a Liquefaction Area. The subject site, comprised of nine lots totaling approximately 46,877 square feet, (one of which was formerly used for public parking), is a level, irregularly-shaped parcel located within the C2-1-CA Zone. The project site includes a major portion of the block, with approximately 240 feet of frontage on Abbot Kinney Boulevard to the south, 360 feet of frontage on Electric Avenue to the north, 160 feet of frontage on Broadway to the west, and 137 feet of frontage on Westminster Avenue.

The property west of the subject site is improved with a two-story office building in the C2-1-CA zone; the properties north and northeast of the site are developed with one and two-story, single and multi-family residential buildings in the RD1.5-1 zone; the property east of the site is improved with a one-story commercial building (fitness use) and two-story residential building above groundfloor parking in the C2-1-CA zone; the property south of the site includes the Westminster Avenue Elementary School located within the [Q]PF-1XL zone, the school's frontage on Abbot Kinney includes a two-story structure, open recreation field, and a parking lot. Three lots abutting the project site are developed with a parking lot, a building formerly used as a church (1039-1041 Abbot Kinney Boulevard), and an office formerly used as a multifamily residence (1043 Abbot Kinney Boulevard). A number of recently developed two and-three-story mixed developments are located southeast of the subject site.

The subject site is improved with approximately 12,560 square feet of development, comprised of three restaurants totaling 7,444 square feet, a private school consisting of 1,572 square feet within three (residential) structures, 3,544 square feet of office space and a 60-space surface (former public) parking lot. There is also 2,963 square feet of existing outdoor landscaped area at the project site used as a retail nursery known as the Sculpture Garden that will remain. There is also a temporary vegetable garden, the Cook's Garden, at 1033 Abbot Kinney Boulevard. Two of the three restaurant businesses and two of the three buildings in which they reside will be maintained, preserving the street frontage on Abbot Kinney Boulevard. One of the three

restaurant buildings, at 1031 Abbot Kinney Boulevard, will be demolished and replaced with a new restaurant hotel.

### **Proposed Project**

The proposed project is the demolition of one 2,442 square-foot restaurant, an existing private school within three single-family structures, 2,200 square feet of office space, and a 60-space, surface parking lot for the construction, use, and maintenance of a three-story, 70,310 square-foot (includes existing and new floor area), mixed-use development. The proposed mixed-use development is comprised of (3) new three-story structures, each with a maximum of 30 feet in height, and one (1) new two-story building, approximately 25 feet in height; the new structures are connected by pedestrian bridges and a three-level subterranean parking structure extending throughout the project site.

The proposed mixed-use development is comprised of two existing restaurants and a new 3,810 square-foot hotel restaurant having 2,514 square-feet of Service Floor area, four dwelling units and a Hotel with 78 guest rooms, 2,935 square feet of ground floor retail space including a market with 170 square feet of Service Floor area, a 1,735 square-foot spa, and 2,027 square feet of office use. Tenant improvements are proposed to the existing restaurant structures. A total of 184 parking spaces are required for the Project (for new and existing uses), provided at grade and within the three-level subterranean parking structure. The required loading area is provided onsite. The project also requires excavation, grading, and approval of a haul route for the export of approximately 24,591.65 cubic yards of dirt.

The project proposes several improvements to the abutting public right-of-ways:

- Abbot Kinney Boulevard. An existing passenger loading area will be maintained.
- Electric Avenue. The project proposes to relocate an existing driveway, remove two parking spaces and add two new driveways. A 5-foot dedication is required to construct a new sidewalk.
- Westminster Avenue. The project proposes to close two existing driveways to improve the vehicular circulation around the project site. A 2-foot dedication is required to extend and existing sidewalk.
- Broadway. A 5-foot dedication for a portion of Broadway to extend the sidewalk.
- Corners. Dedications of 15 to 20 feet radius are required for all corners (except where existing structures will remain).
- Sidewalks will be constructed and extended along the perimeter of the project site to enhance the pedestrian circulation system in and around the neighborhood.

### **Clarification of Project Description**

The Zoning Administrator approved the development of a *mixed-use* structure comprised of the following uses:

- four (4) dwelling units,
- 78 guest rooms within a Hotel use,
- a 3,810 square-foot hotel restaurant,
- 2,935 square feet of retail space, which includes a market with 170 square feet of Service Floor area, and
- 2,027 square feet of office use.

No approval for “Apartment Hotel” was issued. Therefore, as provided in the Amended Findings, references to “Apartment Hotel” are replaced with the actual uses proposed: four dwelling units and a Hotel with 78 guest rooms.

As provided in the Amended Findings and Erratum to the Final EIR, dated July 2020, references to “Apartment Hotel” are replaced with the actual uses proposed: four dwelling units and a Hotel with 78 guest rooms.

### **APPEAL POINTS AND STAFF RESPONSES**

On March 12, 2020, the Office of Zoning Administration Certified the Venice Place Project EIR, and Adopted the Environmental Findings, Statement of Overriding Considerations, and Mitigation Monitoring program, and approved a: 1) Conditional Use permitting the sale of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed hotel restaurant, a full line of alcoholic beverages for on-site and off-site consumption in conjunction with a market within the hotel, a full line of alcoholic beverages for individual rooms within the hotel, and the sale of a full line of alcoholic beverages for on-site consumption within the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center; 2) Conditional Use permitting a hotel within 500 feet of a residential zone; 3) Coastal Development Permit authorizing the demolition of a 2,442 square-foot restaurant, three single-family dwellings being utilized as a private school, a 2,200 square foot office, and surface parking lot and the construction of a mixed-use project consisting of 78 hotel guest rooms, 4 residential dwelling units, a 3,810 square-foot hotel restaurant, a 2,935 square-foot market, a 1,735 square-foot spa, 2,027 square feet of office space, and 175 parking spaces; 4) Site Plan Review for a project resulting in a net increase of 50 or more guest rooms; 5) Project Permit Compliance for a project within the Venice Coastal Zone Specific Plan; 6) Mello Act Compliance Review for the demolition of three Residential Units and construction of four new Residential Units in the Coastal Zone; and 7) Waiver of Dedication and/or Improvement to provide a 5-foot dedication on Electric Avenue in lieu of the 7.5 feet otherwise required and to provide a 2-foot dedication on Westminster Avenue in lieu of the 5 feet otherwise required.

Following issuance of the Zoning Administrator’s Determination, four (4) separate appeals were filed, as follows:

- |                     |   |
|---------------------|---|
| <b>Appeal No. 1</b> | Yelena Zeltser UNITE HERE Local 11, People Organized for Westside Renewal (POWER), Alba Luz Privado |
| Representative:     | Jordan R. Sisson, Law Office of Gideon Kracov   |
| <br>                |   |
| <b>Appeal No. 2</b> | 1041 Abbot Kinney, LLC/ Abbot Kinney Investment Property, LLC                                       |
| Representative:     | Carl Lisberger, Manatt, Phelps & Philips, LLP   |
| <br>                |   |
| <b>Appeal No. 3</b> | Keep Neighborhoods First  |
| Representative:     | John Given, Law Office of John P. Given   |
| <br>                |   |
| <b>Appeal No. 4</b> | Citizens Preserving Venice, Sue Kaplan  |

Given the content of the appeals, this appeal response report is provided to the WLA APC in order to address the appeal points raised by the appellants, and to provide clarity where necessary for purposes of assisting the WLA APC in their consideration of the project and the appeals.



**APPEAL NO. 1: Yelena Zeltser UNITE HERE Local 11, People Organized for Westside Renewal (POWER), Alba Luz Privado.****No. 1-1**

*Zoning inconsistency regarding short-term stays within Apartment Hotels.*

*The ZA LOD fails to address the Project inconsistency with the City's Zoning Code and applicable land use plans, and also its inconsistent with CEQA requirements for an EIR. As such, the Code/CEQA-required land use and environmental findings are not supported by substantial evidence.*

*The specific points at issue were fully outlined in the comment letters previously submitted to the ZA, including but not limited to Appellants' prior comment letter dated August 1, 2019 (attached hereto this Appeal as Exhibit A). As fully explained therein, the City Zoning Code makes clear that guest rooms within apartment hotels are to be used for long-term tenancy (longer than 30 days), which the ZA LOD's does not ensure via an enforceable Condition of Approval ("COA") barring shorter-term stays for the Project's proposed 78 guest rooms.*

**Staff response No. 1-1.**

The proposed project is a mixed-use development with restaurants, offices, hotel guest rooms and dwelling units. The project's conditional use request is for considering the proposed hotel's proximity to nearby residential uses; no other request or consideration is given nor any deviations from the Municipal Code, Specific Plan, CDP, or SPR under the ZA conditional use authority. Hence, the applicant is required to comply all the Municipal Code requirements with regards to hotel occupancy.

The appellant fails to identify the Municipal Code section which requires the proposed mixed-use project provide long-term tenancy (longer than 30 day) for the hotel guest rooms within the mixed use project. The appellant fails to identify where the Zoning Administrator decision expressly grants the project a deviation from the code related to short-term housing.

**No. 1-2**

*The Project's air quality, greenhouse gas ("GHG"), and traffic analysis utilize faulty assumptions that mask the true impacts suffered by nearby residents. The Project avoids feasible mitigation measures that could reduce these impacts. The Project's Traffic Impact Study ("TIS") underestimated the Project's trip generation by approximately 533 daily trips (before credits were applied).*

**Staff Response No. 1-2**

The Air Quality (AQ) and GHG analysis in the Project EIR appropriately accounted for new emissions, including the incremental increase in emissions resulting from the Project. The floor area modeled for the Project in the EIR is appropriate and does not underestimate the incremental change in land use and associated emissions that would result from implementation of the Project. Additionally, the operational emissions analysis used the appropriate trip generation estimates, therefore emissions associated with mobile vehicle trips are not underestimated.

The appellant points out a minor discrepancy of an undercount of 401 square feet in retail floor area and an over count of 390 square feet for restaurant uses between what was stated in the Project Description of the Draft EIR and what was modeled in the Air Quality analysis of the Draft EIR using CalEEMod. The discrepancy exists due to late, minor changes to the Project Description following completion of emissions modeling. Nonetheless, as detailed in Exhibit C.4, Supplemental Environmental Responses, Exhibit 2 – AQ and GHG Responses, this would not

cause a substantial change to daily air pollutant emissions or annual GHG emissions. The increase in retail use and decrease in restaurant daily air pollutant emissions would not result in the Project exceeding any air quality threshold. The annual GHG emissions associated with retail building operation would slightly increase, and the restaurant emissions would slightly decrease, however this would not result in the Project conflicting with GHG reduction goals, plans or strategies, and impacts would continue to be less than significant. No further analysis is warranted as the change would have no effect on the impact analysis or significance determinations, since the analysis and conclusions in the EIR affirm the conclusions that the Project would have less than significant air quality impacts and would not conflict with greenhouse gas reductions plans, goals, and policies would continue to be valid.

The appellant also contends that vehicle trips were undercounted through the use of incorrect trip generation rates. Trip generation rates specific to the West Los Angeles area are defined by the City of Los Angeles Coastal Transportation Corridor Specific Plan and use of those rates is required by the City. However, the Specific Plan does not define AM peak hour rates for trip generation, and therefore Institute of Transportation Engineers trip generation rates are used for those calculations. All project trip generation calculations were approved by LADOT during the study scoping process, and in addition to the rates identified in the Specific Plan, include trip generation rates per hotel unit and per 1,000 square feet of commercial floor area as defined by Trip Generation, published by the Institute of Transportation Engineers. (See Draft EIR Appendix K-2.) Per coordination with LADOT during the project MOU process, where total trip rates or inbound/outbound percentages have not been defined by either the Los Angeles Coastal Transportation Corridor Specific Plan or the ITE source, rates from an industry publication Traffic Generators, published by the San Diego Association of Governments, were used.

Because the 10th edition of the ITE *Trip Generation* manual was released in late 2017, well after the issuance of the Notice of Preparation on January 12, 2017, the impact analysis was based on the 9th edition, as was applicable during the baseline determined for the Project. Nonetheless, in response to the appellant's comment, a review of the Project trip generation calculations was analyzed using updated 10th edition rates; the analysis showed a small increase in daily trips and no change or a reduction in peak hour trips, as detailed in Exhibit C.4, Supplemental Environmental Responses, Exhibit 4, Traffic Response, Trip reductions are caused by the different changes in rates between proposed uses (trip generation) and existing uses (trip credits). For the study intersection analysis, which is based entirely on peak hour trips, no new impacts would occur, as AM peak-hour trips would remain the same and PM peak-hour trips would be lower.

The appellant also contends that the proposed Transportation Demand Management (TDM) plan of the project and trip reductions are unsubstantiated and unenforceable. This is incorrect. TRANS-PDF-2 contains an overview of the proposed TDM program, and a recommended start-up program is provided as part of the PDF. The proposed TDM program is specific, and was reviewed and approved by LADOT, in that it includes several strategies to reduce Project traffic. The final TDM will be set forth when the project design is final during Project permitting in order to ensure that the strategies will achieve the 15 percent traffic reduction goal. Flexibility is required in the mitigation measure, because if TDM strategies are determined prior to the time of final Project permitting, then it is possible that the traffic reduction goal would not be achieved. Therefore, the TDM program for the Project is not yet finalized. The goal of reducing vehicle trips by 15 percent is not an arbitrary adjustment but rather based on LADOT standards and studies, and the TDM program is designed to facilitate the use of alternative transportation modes to decrease automotive vehicle trips and focus on person trips made by other modes of travel (such as walking, biking and transit). A TDM program is not speculative; rather, it is developed for projects based on their individual design characteristics and the transportation behavior of the individuals travelling to and from the project site. As mentioned above, the TDM strategies will be

finalized by LADOT upon completion of the project design as part of regulatory compliance during permitting in order to ensure that the 15 percent traffic reduction goal is achieved. Per the Mitigation Monitoring Program in the FEIR, as updated in the Erratum, dated July 2020, this PDF would be monitored and enforced by LADOT to ensure the 15 percent reduction is achieved, and TDM features may be modified as needed to ensure compliance.

As emissions, vehicle trips, and vehicle trip reduction measures were appropriately analyzed and appealed, the appeal point should be denied.

**No. 1-3**

*This Project will create significant cultural and noise impacts, and the City must adopt a statement of overriding considerations—which it cannot do absent real commitments from the Applicant.*

**Staff Response No. 1-3**

The City's LOD provides the appropriate CEQA Findings which identify specific economic, legal, social, technological, or other considerations, which make infeasible the mitigation measures or alternatives identified in the environmental impact report, and includes a Statement of Overriding Considerations on page 75 of the Determination Letter, which identifies the Project's benefits, such as providing guest rooms, units, and commercial uses within a Transit Priority Area, within close proximity to local and regional public transit; providing guest rooms for visitors to stay in close proximity to the coastal attractions, local retail, and restaurants in the Venice community; aesthetically improving the community by replacing a parking lot and existing deteriorating structures with buildings that are consistent with the scale and design of the area; providing economic benefits by supporting the growth of the City's economic base with an economically viable project that includes revenue generating commercial activities and tax revenues, including transit occupancy taxes; generating employment opportunities, creating construction jobs in the short term and long term restaurant and hospitality employment opportunities; incorporating Green Building and sustainability features to enhance air quality and support the City of Los Angeles's sustainability goals and policies, including reduction of greenhouse gases; contributing to a land use pattern that addresses housing and guest room needs and reduces vehicle trips and air pollution by locating commercial and coastal serving uses within an area that has public transit and employment opportunities, restaurants, and entertainment all within walking distance; implementing a landscaping plan and providing open space areas; being located within a Transit Priority Area, consistent with SCAG's 2016 RTP/SCS regional mobility goals that encourage land use and growth patterns that facilitate transit use, thereby meeting the housing needs of the region while reducing overall vehicle trips, congestion, and energy demand; and accomplishing the five Project Objectives described in the EIR.

The appellant provides no evidence that the Project would fail to achieve these benefits or that the Project would depress wages or fail to provide jobs, and therefore the appeal point should be denied.

**APPEAL NO. 2: 1041 Abbot Kinney, LLC/ Abbot Kinney Investment Property, LLC.**

**No. 2-1**

*The project fails to comply with the city's municipal code and the Venice Coastal Zone Specific Plan and will adversely affect neighboring properties and the surrounding neighborhood...*

- A. *The Project must be redesigned to provide access to 1043 Abbot Kinney from Electric Ave...*

**Staff Response No. 2-1**

The Appellant argues that the Project must be redesigned to provide access to the property located at 1043 Abbot Kinney Boulevard, stating that an existing garage at 1043 Abbot Kinney Boulevard was constructed with vehicle access from Electric Avenue, through the project site. Exhibit F of the Project DEIR include photos of the project site and Sanborn maps from 1918 and 1950 showing the existing surface parking lot as the Pacific Electric Railway Right of Way and Electric Ave immediately to the north of ROW. Research of the County Recorder's records did not reveal any easement which allows access to 1043 Abbot Kinney Boulevard from the subject property. Despite the claim, the appellant does not provide documented evidence to show the adjacent property has a legal right of access through the project site.

## **No. 2-2**

*The project fails to comply with the city's municipal code and the Venice Coastal Zone Specific Plan and will adversely affect neighboring properties and the surrounding neighborhood.*

- B. The Project's minimum required parking does not comply with the Los Angeles Municipal Code and the Venice Coastal Zone Specific Plan, and will exacerbate the existing significant parking issues in the area...*
- i. The Project's parking requirement does not comply with the Los Angeles Municipal Code and the Venice Coastal Zone Specific Plan.*
  - ii. The Project's use of an off-site secondary valet area to ensure the provisions of code-required parking required a covenant or condition ensuring that the secondary valet will remain available to the Project or, alternatively, a Variance.*

## **Staff Response No. 2-2**

The Appellant argues that the Project incorrectly applies the parking requirement of 1 space for each 100 square feet of floor area instead of 1 space for each 50 square feet of Service Floor area for restaurant uses. The Parking Requirement Table outlined in Section 13.D of the Specific Plan provides the following requirements for hotel uses.

### Hotel:

*Two spaces; plus*

*Two spaces for each dwelling unit; plus*

*One space for each guest room or each suite of rooms for the first 30; plus*

*One space for each two guest rooms or suites of rooms in excess of 30 but not exceeding 60; plus*

*One space for each three guest rooms or suites or rooms in excess of 60; plus*

*One space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas; plus*

*One space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.*

The proposed Project is a mixed-use development that includes a hotel use. The new restaurant is within the hotel use and provides meals and room service for hotel guests. Similar to comparable hotel uses throughout the City, the proposed restaurant does not exclusively serve hotel guests. However, the additional parking required for the restaurant dining area accounts for the expected parking demand from visitors who are not hotel guests. As such, the required parking is determined by the *area used for consumption of food or beverages* for hotel uses. The parking requirement for restaurant uses does not apply.

The Appellant further states that additional parking should be required for the rooftop decks and ground level patios because they are *places of assembly*. The Project does not include *meeting rooms or other places of assembly*.

LAMC Section 12.21-A.4(e) provides that *For Auditoriums. There shall be at least one automobile parking space for each five seats contained within any theatre, church, high school, college or university auditorium, or general auditorium, stadium or other similar place of assembly. Where there are no fixed seats in the auditorium or place of assembly, there shall be one parking space for each 35 square feet of floor area (exclusive of stage) contained therein.*

As provided in the LAMC, places of assembly are required to provide parking for each 35 square feet of floor area and apply to areas within a building. The proposed lobby patio area and rooftop decks are not meant to accommodate large groups of people that meeting rooms would typically hold. Furthermore, Condition No. 13 of the Determination restricts use of the rooftop deck to hotel guests and employees.

The Appellant argues that the Determination incorrectly applies the Beach Impact Zone (BIZ) parking requirements. Section 13.E of the Specific Plan requires: *one parking space for each 640 square feet of floor area of the Ground Floor for commercial and industrial Venice Coastal Development Projects.* The Project proposes approximately 14,257 square feet of floor area on the ground floor. As such, 22 BIZ parking spaces are required. As provided in the attached Revised Conditions, Condition No. 15.a is corrected to reflect the correct groundfloor floor area of 14,256.75 and that 22 BIZ parking spaces are required for the Project. The total required parking for the Project is 184 parking spaces.

The Appellant argues that the project requires a covenant, condition, or needs to seek a Variance to provide code-required parking in an off-site valet area. As shown in the approved "Exhibit A" the required parking spaces are provided on-site, in the subterranean parking level. Condition No. 16 of the Determination outlines requirements for the proposed valet operations and requires in Condition No. 16.f that *Valet service shall not utilize any local streets for the parking of any vehicle at any time.* In addition Condition No. 15 states: *Off-site parking shall be prohibited.* All required parking will be provided onsite. A secondary valet area is not proposed and off-site parking is not proposed to satisfy the Project's parking requirements.

### **No. 2-3**

*The Project will result in significant noise impacts to neighboring properties and residences, and fails to consider impacts to the adjacent residence at 1043 Abbot Kinney, as well as operational noise impacts from outdoor areas.*

### **Staff Response No. 2-3**

The Project's noise impacts were fully and adequately addressed in DEIR Section 4.H, in a Technical Memorandum prepared on August 21, 2019, and Exhibit C.4, Supplemental Environmental Responses, Exhibit 3 – Noise Supplemental Responses. The Project would result in significant and unavoidable impacts related to historic resources and noise and vibration during construction. All other potential impacts would be less than significant.

Regarding the appellant's assertion that the EIR failed to consider impacts to adjacent sensitive receptors, in October 2018, the owner of 1043 Abbot Kinney had executed a Notice of Intent to Withdraw Units from Rental Housing Use ("Notice") with the City of Los Angeles. The Notice states that the owner was requesting a demolition or conversion clearance for a single vacant unit, the only unit at 1043 Abbot Kinney. Therefore, it was reasonably concluded that 1043 Abbot Kinney did not contain a sensitive use at the time of the EIR's circulation. Following the Appellant's assertion at the Zoning Administrator (ZA) Hearing that it had reversed that decision and/or that it intended to use the building for residential uses (even though no paperwork returning the unit to the rental market has been filed with the City), TAHA prepared a Technical Memorandum for

the ZA to consider the potential for air quality and noise impacts to 1041/1043 Abbot Kinney. Dated August 21, 2019, prior to the ZA's determination, the Technical Memorandum is part of the CEQA Administrative Record.

The Technical Memorandum comprehensively addressed outdoor noise exposure and concludes that consideration of 1041/1043 Abbot Kinney Boulevard as a noise-sensitive land use would not result in a new, undisclosed significant impact. Furthermore, Condition 43 of the March 12, 2020 LOD prohibits live entertainment or amplified music at the premises. As disclosed in the EIR, construction activities would result in a short-term significant and unavoidable impact to adjacent land uses. Similar to the nearby uses, the proposed project would not result in a significant operational noise impact at the 1041/1043 Abbot Kinney Boulevard property, as evidenced in the EIR, Technical Memorandum, and Exhibit 3 – Noise Supplemental Responses. Additionally, the City does not consider offices uses to be sensitive to noise. The EIR addresses all noise sources and includes mitigation measures, where applicable, to reduce potential impacts. No mitigation is required for sources that would not result in impacts, which includes the majority of operational sources. It is acknowledged that noise created at the Project Site would be audible at adjacent properties. Audible noise only needs to be mitigated if it is determined to be a significant impact. As the Project's noise impacts have been adequately analyzed and disclosed, and the appellant has failed to demonstrate that the Project would result in any new and undisclosed significant impacts, the appeal point should be dismissed.

#### **No. 2-4**

*The project fails to condition or otherwise limit special events.*

*The project approvals fails to account for likely future events. The Final EIR acknowledges that a number of hotel areas may be used to accommodate substantial numbers of people and live music, and also states that the hotel could accommodate various events that could occur, at the very minimum, "for a few hours in the evening and weekend afternoons." Despite this, there is no limit on the number of events (either hours limits or total number of events or the number of people that may attend events. There is also no condition stating that only hotel guests can use the event/assembly spaces, particularly the pool and pool deck area. Hypothetically, just from events/assembly spaces, the hotel could accommodate 450+ people in addition to guests, restaurant patrons, and other assumed users. The likelihood that wedding reception or corporate events (or similar events) with substantial numbers of people (200 or more) will occur, demands that trips associated with such uses be analyzed and appropriately conditioned.*

#### **Staff Response No. 2-4:**

Condition No. 13.a of the Determination limits use of the rooftop deck to hotel guests and employees. This Condition has been revised to further restrict the hours the pool and pool deck may be used by hotel guests. With regards to hypothetically scenarios, the Zoning Administrator limited it's evaluation of the proposed project to those uses proposed and evaluated (i.e. lodging, office, restaurants, and hotel retail) in the EIR. Event spaces are not included in the project and evaluation of such is warranted. Events, whatever they may be, that may occur within certain designated areas of the mixed-use development, are captured based the parameters required for the analyzing the proposed use of a space. For example, events within the restaurant will have to comply with the Building Code's and Fire Department Code for maximum capacity.

#### **No. 2-5**

*The ZA Determination erroneously applies the Small New Housing Development Categorical Exemption to the Project, which must comply with the Mello Act requirements and provide Inclusionary Residential Units.*

**Staff Response No. 2-5**

The Appellant argues that the Exemption for Small New Housing Developments was improperly applied because the Project is composed of a “luxury hotel, high-end restaurant spaces, and market rate office space.” The City’s Interim Mello Act Administrative Procedures (IAP) are applicable to *every Discretionary and Non-Discretionary application for the Demolition, Conversion or New Housing Development in the Coastal Zone*. As discussed in Finding No. 19 of the Determination, the Project is exempt from the requirements for Inclusionary Residential Units, outlined in Part 5.0, because the Project will construct four new Residential Units.

The IAP provides the following definitions:

*“New Housing Development” means the development of one or more Residential Units for rent or sale, through either construction of new structures, additions to existing structures, or the adaptive reuse of existing, non-residential structures. The structure or structures which contain these Residential Units are located on either a single lot or two or more contiguous or tied lots; or conform to the definition of a Unified Development.*

*“Residential Unit” means a dwelling unit, efficiency dwelling unit, or joint living and work quarters as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC); a mobilehome, as defined in Section 18008 of the California Health and Safety Code; a mobilehome lot in a mobilehome park as defined in Section 18214 of the California Health and Safety Code; or a residential hotel as defined in paragraph (1) of subdivision (b) of section 50519 of the California Health and Safety Code.*

Part 2.4.2 of the IAP provides that developments which consist of nine or fewer Residential Units are exempt from the requirement to provide Inclusionary Residential Units. As such, the Zoning Administrator did not err in determining that the Project qualifies for the Small New Housing Development Exemption.

**No. 2-6**

*The Final EIR fails to comply with the California Environmental Quality Act. The Final EIR fails to adequately analyze the Project’s Traffic Impacts as it utilizes outdated traffic counts and does not account for weekend traffic or peak hotel occupancy.*

**Staff Response No. 2-6**

The traffic counts were conducted for the traffic study intersection and roadway segments in November 2016, and were determined to adequately represent the baseline condition for the Project, per a January 2017 Notice of Preparation date. The City of Los Angeles Department of Transportation (LADOT) issued an approval letter for the traffic study after City review was provided in December 2018, roughly within two years of the traffic counts. The city, as Lead Agency, has adequately determined a baseline date and provided a full and accurate traffic analysis in the EIR to demonstrate that the project would result in less than significant traffic impacts. Nonetheless, newer traffic counts at study intersections, made available subsequent to the Traffic Impact Study for the Project, have also been reviewed in a supplemental analysis provided in Exhibit C.4, Supplemental Environmental Responses, Exhibit 4 – Traffic Responses. As demonstrated in Exhibit 4 – Traffic Responses, the effects of the application of these newer counts would not change the study conclusions, including determinations of finding less than significant impacts. Regarding weekend volumes, Abbot Kinney Boulevard was included in the neighborhood roadway analysis within the traffic study. Poor level of service and project impacts were not identified in that analysis. In addition, a comparison of weekday and weekend daily volumes were compared for this roadway, and weekday volumes were 15.7% higher (Exhibit 4 – Traffic Responses). Therefore, the weekday analysis of impacts is more conservative.

Traffic impact calculations are based on typical conditions and the trip generation analysis; with the applied rates reflecting anticipated typical conditions. The LADOT traffic study guidelines do not require that hotels be analyzed under peak/holiday conditions, or any other time when full occupancy might occur for a limited time.

The appellant also claims that traffic generation rates were incorrectly used and that the TDM program is ineffective and unenforceable. This claim is faulty and incorrect, as the Project utilized correct generation rates, trip reductions, and included an enforceable TDM program as part of regulatory compliance and permitting with the City. Detailed responses to these issues are provided in Staff Response No. 1-2 and above, and in Exhibit 4– Traffic Responses.

As the EIR adequately analyzed the Project's traffic impacts, based on an appropriate baseline date and in accordance with LADOT standards and guidelines for traffic analysis, and the appellant has failed to demonstrate deficiencies in the analyses, the appeal point should be denied.

**No. 2-7**

*The Final EIR's parking analysis is insufficient, is based on incorrect assumptions, and the EIR does not adequately address secondary impacts from parking.*

**Staff Response No. 2-7**

Parking calculations for the Project are based on, and consistent with, parking requirements as established by the Venice Coastal Zone Specific Plan (VCZSP). Table 109-1 of the Project Plans details how the parking calculation for the Project conforms with the VCZSP requirements. Subsequent analysis by the ZA throughout the LOD provides additional rationale for the parking spaces provided. Although the Project would comply with the applicable parking requirement of the LAMC, the Project is located in a Transit Priority Area, and parking impacts would not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099. Additionally, parking is not a CEQA impact as CEQA Guidelines Appendix G has no question that directly addresses parking impacts. Nonetheless, secondary impacts were analyzed.

Concerns about the secondary traffic impacts of parking were analyzed in the Draft EIR (see page 4.K-15 and the traffic study). As discussed in more detail in the Final EIR (pages II-26 to II-28), increased numbers of valets and off-site parking will be required for hosted events in order to avoid potentially significant impacts. The Traffic Study assumes that the three lifts in the Main Valet Area can service 80 vehicles per hour (approximately 27 per hour per lift). This number is almost twice the amount of the maximum estimated traffic intensity of 44 incoming cars during the peak hour. The analysis took into account both incoming and outgoing traffic in the analysis of the lift operation and for the queuing analysis. See Draft EIR at page 4.K-47 and Traffic Study at page 56. In addition, TRANS-PDF-9 states: "Automated Parking: The three lifts in the Main Valet Area will have a total minimum service rate of 80 vehicles per hour (combined input and output) (approximately 27 per hour per lift)." The parking assumptions and analysis was based on substantial evidence and the EIR determined that traffic impacts would be less than significant.

It is also not clear from the comment what secondary effects would result from parking activities and which have not already been addressed in the analysis for the project. The Draft EIR adequately analyzed traffic impacts based on vehicle trips, as well as air quality impacts, which include an analysis of all mobile sources emissions from the Project. Abbott Kinney is an existing dense urban environment with street parking, surface parking lots, and parking garages. As stated on page 2.B-38 of the Draft EIR, the operation of the proposed project would not create a



significant source of mobile source emissions, such as truck trips, and the Project's construction and operation would not exceed any air quality thresholds and impacts would be less than significant. The Draft EIR also analyzed potential localized air quality impacts resulting from vehicle trips. Carbon monoxide (CO) hotspots may occur at congested intersections with high traffic volumes. According to the traffic study and air quality study, the proposed project would not require a detailed CO hotspot analysis, as impacts would be less than significant.

Detailed responses to these issues are also provided in Exhibit C.4, Supplemental Environmental Responses, Exhibit 4 – Traffic Responses. As the appellant has failed to demonstrate how the Project's parking would result in significant secondary impacts, and has failed to provide evidence demonstrating that the City's air quality and traffic analyses were fundamentally flawed and deficient, the appeal point should be denied.

**No. 2-8**

*The Final EIR's Noise Analysis does not comply with CEQA, is based on outdated traffic counts, and fails to identify the adjacent sensitive receptor.*

**Staff Response No. 2-8**

The EIR's analysis utilized industry standard assumptions and foundational principles on how sound waves behave to conduct the analysis and the methodology is consistent with the manner that other urban infill projects are assessed within the City of Los Angeles. The noise analysis assessed the project against the Appendix G Checklist Questions and the applicable City of Los Angeles significance thresholds. All anticipated effects on sensitive receptors have been disclosed, impacts identified, and reasonable mitigation put in place to reduce these impacts. The Traffic Study and the EIR properly uses the trip generation rates that were in effect at the time of the January 12, 2017 Notice of Preparation, which date serves as the baseline. For avoidance of doubt, newer traffic counts at study intersections, made available subsequent to the Traffic Impact Study for the Project, have also been reviewed in a supplemental analysis (Exhibit C.4, Supplemental Environmental Responses, Exhibit 4, Traffic Responses). The effects of the application of these newer counts would not change the study conclusions, including determinations of significant impact, as shown by the supplemental analysis.

Also, please see Staff Response No.1-3 above, as well as Exhibit C.4, Supplemental Environmental Responses, Exhibit 3 Noise Supplemental Responses.

**No. 2-9**

*The Final EIR's GHG Analysis does not comply with CEQA.*

**Staff Response No. 2-9**

The EIR appropriately discloses GHG emissions and draws the impact conclusion based on compliance with adopted GHG reduction plans programmed with environmental documentation under CEQA, such as the Scoping Plan and RTP/SCS. The EIR appropriately states that the Project would not conflict with implementation of the statewide Scoping Plan, and the appellant has failed to provide any evidence to the contrary.

The CEQA Guidelines emphasize that the effects of GHG emissions are cumulative in nature and should be analyzed in the context of CEQA's existing cumulative impacts analysis. The Office of Planning and Research acknowledges that although climate change is cumulative in nature, not every individual Project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. The EIR determined that the project's incremental contribution to the statewide cumulative impact would not be cumulatively considerable. The project would be consistent with adopted GHG reduction plans.

Accordingly, the Draft EIR does not adopt a quantitative significance threshold for GHG Emissions, but rather includes a qualitative assessment of the Project's consistency with approved plans, laws, policies and mitigation programs consistent with state guidance. The Draft EIR correctly concludes that the Project's operational and construction GHG emissions impacts are less than significant as a result of the Project's compliance with the reviewed laws, policies, plans and mitigation programs, which include but are not limited to AB 32 and SCAG's 2016- 2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The GHG impact conclusions in the EIR are accurate. The Project would not result in significant impacts related to GHG emissions. The appellant has failed to provide evidence to the contrary, and the appeal point should be denied.

**APPEAL NO. 3: Keep Neighborhoods First.**

**No. 3-1**

*The Project will demolish three affordable single-family residences that are subject to the City's Rent Stabilization Ordinance and Mello Act*

**Staff Response No. 3-1**

The Appellant argues that the three existing single-family dwellings were never legally converted to a non-residential use and further states that Case No. DIR-2012-0367-VSO-MEL is invalid.

Finding No. 18 of the Determination states:

*The project includes the demolition of three single-family residential structures currently utilized as the Ecole Claire Fontaine Day Care Center, in operation since 2004. Although the single-family structures currently maintain nonresidential uses, they are legally permitted as dwelling units. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA), previously the Los Angeles Housing Department (LAHD), dated July 6, 2010 found that no affordable units exist at 1047-1051 Abbot Kinney Boulevard. LAHD's determination found the property had been operated as a day care center since 2004, and there are currently no units being used for residential purposes. Furthermore, the proposed project includes the construction of four new Residential Units (dwelling units within an apartment hotel), as such the project would not result in a Conversion and would maintain a Residential Use on the project site.*

*Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion; and the applicant is not required to provide any Affordable Replacement Units.*

The Determination's Mello Act Compliance Review analyzes the demolition of three Residential Units. HCIDLA issued a letter dated July 6, 2010, stating that no affordable units exist at 1047-1051 Abbot Kinney Boulevard, for the purposes of the Mello Act Compliance Review. As provided in Part 4.4 of the IAP:

*LAHD (now the Housing and Community Investment Department of Los Angeles HCIDLA) has sole responsibility for determining whether any existing Residential Units are Affordable Existing Residential Units...LAHD has the authority to specify the processes Applicants must follow in order for the occupant income determination process to be successfully completed.*

Based on the review of information submitted by the applicant, LAHD determined that because the Residential Units had been “operated as a day care center since 2004...there are currently no units being used for residential purposes.” As such, no affordable units exist on the site.

Case No. DIR-2012-0367-VSO-MEL is not relevant to the proposed project. The required review for compliance with the Venice Coastal Zone Specific Plan and IAP are provided in Findings No. 16-19 of the Zoning Administrator’s Determination.

The Appellant further argues the existing single-family dwellings are subject to the Rent Stabilization Ordinance (RSO). The provisions of the RSO are implemented by the HCIDLA. The Determination issued by the Zoning Administrator provides the required analysis and findings for a Mello Act Compliance Review and satisfies the requirements of the IAP. The Project is subject to the applicable provisions of the RSO, separate from the Mello Act Compliance Review and under the purview of HCIDLA.

**No. 3-2**

*The determination creates a dangerous precedent to allow short-term rentals in an apartment house, in conflict with the Los Angeles Municipal Code.*

**Staff Response No. 3-2.**

The Conditional Use grant does not bestow any special privileges on the mixed-use project, specifically as it relates to the types of rentals; hence, the project is required to comply with the Municipal Code with respect to short-term and long-term rental requirements. The Conditional Use grant is for the purpose of authorizing a hotel within 500 feet of a residential use, and to allow the sale of alcohol within the hotel and restaurants. The applicant’s obligation to meet other Municipal Code requirements, relative to the apartment hotel user’s length of stay, must still be met. Therefore, the Conditional Use creates no precedent or conflict with the LAMC.

**No. 3-3**

*The Determination violates CEQA by failing to adequately analyze significant and potentially significant land use impacts.*

**Staff Response No. 3-3**

The appellant claims that the EIR should have analyzed consistency with the Mello Act and the City’s Rent Stabilization Ordinance (RSO). Land Use Threshold B addresses whether the Project would “[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?” Neither the Mello nor the RSO were adopted for the purpose of “avoiding or mitigating an environmental effect.” Pursuant to Los Angeles Municipal Code Section 151.01, the purpose of the RSO is to address the “shortage of decent, safe and sanitary housing in the City of Los Angeles...” and to “regulate rents so as to safeguard tenants from excessive rent increases, while at the same time providing landlords with just and reasonable returns from their rental units.” Since these regulations were not adopted for the purpose of avoiding or mitigating an environmental effect, the determination does not violate CEQA in regards to analyzing land use impacts, and the appeal point should be denied.

**APPEAL NO. 4: Citizens Preserving Venice, Sue Kaplan.**

**No. 4-1**

*Conditional Use Findings.*

*[The] determination does not explain is how a project that consolidates eight lots, consists of 58,638 square feet in new development over 11,672 square feet in existing development, that includes three new massive buildings is compatible with low slung, small lot neighborhood surrounding the project. .... The proposed hotel is much too massive for its current proposed location.*

*The Determination also stated that the project provided new parking. Never mind that the Project removes an existing surface parking lot with 60 parking spaces and replaces this parking only with minimal amount of parking spots for new development, thereby resulting in a net loss of parking in an area that already has a severe parking problem.*

#### **Staff Response 4.1**

With regards to the combining eight lots resulting a massive development that is incompatible with surrounding uses, the appellant focuses primarily on the neighboring residential uses. The Zoning Administrator considered the residential uses in the neighboring residential zones as well as the commercial uses, particularly the recent commercial uses that have emerged along the Abbot Kinney commercial corridor, and to a lesser extent, the large institutional use across the street. Since the project is commercial and within a commercial zone, the comparison to commercial zones, buildings and uses was deemed appropriate. With that, small one-story structures are not the predominant building typology along the commercial but rather two- to three-story building typology. These buildings have two-to three-story-structures above grade, and some have below-grade parking. These recently constructed buildings cover the entirety of the lots, building facades along the front and rear of the lots. Furthermore, as discussed in Finding Nos. 7 and 8 of the Determination, the Project is visually compatible with existing development and is consistent with the mass, scale, and character of the area.

With regards to combining lots, the proposed project is rare but not usual as lots have been combined along Abbott Kinney Boulevard and Electric Avenue to create projects that compare to the subject. So in terms of lot assemblage, the project aligns with the transformation occurring within and abutting the commercial corridor.

#### **No. 4-2**

*The project does not meet the definition of a mixed-use project.*

#### **Staff Response No. 4-2**

The Appellant argues that the Project does not meet the definition of a mixed-use project and should not be permitted to deviate from the requirements of Commercial Corner/Mini Shopping Center, outlined in LAMC Section 12.22-A.23, and limitations for Lot Consolidation outlined in Section 9.A.1.e. of the Specific Plan.

LAMC Section 12.22-A.23(d) provides the following Exemptions from the requirements for Commercial Corner Development:

*Exemptions. The following Projects shall not be subject to this subdivision:*

- (1) A Mixed Use Project as defined in Section 13.09 B.3. that consists of predominantly residential uses and does not contain commercial uses enumerated in Section 12.24 W.27.;*
- (2) Adaptive Reuse Projects as defined in Section 12.22 A.26.; and*

(3) *Libraries, governmental offices, police stations, fire stations, and other government owned related facilities or uses.*

LAMC Section 12.03 provides the following definitions:

*APARTMENT HOTEL. A residential building designed or used for both two or more dwelling units and six or more guest rooms or suites of rooms.*

*DWELLING UNIT. A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes.*

*GUEST ROOM. Any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.*

*HOTEL. A residential building designated or used for or containing six or more guest rooms, or suites of rooms, which may also contain not more than one dwelling unit, but not including any institution in which human beings are housed or detained under legal restraint.*

LAMC Section 13.09-B.3 includes the following definition:

*Mixed Use Project means a Project which combines one or more Commercial Uses and multiple dwelling units in a single building or in a Unified Development and which provides the following:*

- (1) a separate, Ground Floor entrance to the residential component, or a lobby that serves both the residential and Commercial Uses components; and*
- (2) a pedestrian entrance to the Commercial Uses component that is directly accessible from a public street, and that is open during the normal business hours posted by the business.*

*A minimum of 35 percent of the Ground Floor Building Frontage abutting a public commercially zoned street, excluding driveways or pedestrian entrances, must be designed to accommodate Commercial Uses to a minimum depth of 25 feet.*

*Commercial Uses means those uses as first permitted in the CR, C1, C1.5, C2, C4, or C5 zones, including guest rooms and hotels as defined in Section 12.03 and Community Facilities as defined by this section.*

LAMC Section 12.24-W.27 provides the following commercial uses:

*Mini-Shopping Centers in the C, M1, M2, or M3 Zones and Commercial Corner Developments in any C or M zone, the lot line of which adjoins, is separated only by an alley, or is located across the street from any portion of a lot zoned A or R which: (1) contain a commercial use not otherwise subject to conditional use approval which operates between the hours of 11 p.m. and 7 a.m.; (2) contain an amusement enterprise as enumerated in Section 12.14 A.3. of this Code; (3) contain an automobile laundry or wash rack; and/or (4) do not comply with the requirements and conditions enumerated in Section 12.22 A.23. of this Code.*

The Project qualifies for the Exemption because it satisfies the requirements of LAMC Section 12.22-A.23(d)(1) and the definition of Mixed Use Project, as defined in LAMC Section 13.09-B.3. As required by LAMC Section 12.22-A.23(d)(1), the Project consists of predominately residential uses. Of the total project area, 70,310 square feet, 53,384 square feet (approximately 75 percent) is comprised of residential uses, as defined in LAMC Section 12.03. The Project consists of ~~the development of~~ a mixed-use development with four (4) dwelling units, 78 guest rooms within a hotel, and commercial uses on the ground floor. The LAMC defines Apartment Hotel and Hotel as residential uses. As such, the Project consists of predominately residential uses.

LAMC 12.22-A.23(d)(1) further requires that the Project does not contain a commercial use enumerated in LAMC Section 12.24-W.27, which provides: “a commercial use not otherwise subject to conditional use approval which operates between the hours of 11 p.m. and 7 a.m.” The Project operates between the hours of 11 p.m. and 7 a.m., however, is “otherwise subject to conditional use approval.” The project is subject to Conditional Use Approval for alcoholic beverages. As such, further consideration of the hours of operation are included as Condition No. 22-47 of the Determination.

The Project meets the definition of Mixed Use Project, as defined in LAMC Section 13.09-B.3 because the Project consists of four (4) dwelling units and several Commercial Uses: a hotel guest rooms, restaurant, office, market, and spa uses on the ground level. Entrances are provided to both the residential and commercial uses on Abbot Kinney Boulevard and Electric Avenue. Finally, the entire ground floor is dedicated to the Commercial Uses and exceeds the 35 percent and minimum depth required.

The LUP provides the following policies regarding mixed-use development and the subject

*Mixed-Use Development. Mixed-use development provides an on-site mix of housing, retail, jobs and recreational opportunities consistent with the character of the Venice commercial areas, the City’s General Plan Framework Element and Coastal Act Policy Section 30252. The Venice Community has many structures both older and newer containing various forms of mixed use development. This is particularly true in the Commercial Artcraft districts where artisans live and work in their studios.*

*Policy I. B. 2. Mixed-Use Development. Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use. Residential density in commercial land use designations shall not exceed one unit per 800-1200 square feet of lot area and shall comply with the Floor Area Ratio (FAR) limits set forth in Policy I.B.7. The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*

*Policy I. B. 6. Community Commercial Land Use. The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The*

*integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.*

*Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.*

Neither LAMC Section 12.03, Specific Plan, nor LUP provide a definition of a Mixed-Use Project. LAMC Section 13.09-B.3 provides a definition of Mixed Use Project within the context of the Mixed Use Supplemental Use District and as referenced by LAMC Section 12.22-A.23(d)(1). The LUP policies further state: "Mixed-use development provides an on-site mix of housing, retail, jobs and recreational opportunities consistent with the character of the Venice commercial areas...The Venice Community has many structures both older and newer containing various forms of mixed use development." These provisions do not require a minimum number of residential units or commercial floor area to qualify as a mixed-use development.

The Appellant provides that guest rooms within a hotel use should not be classified as a residential use. As provided in LAMC Section 12.03, Apartments Hotels and Hotels are defined as a "residential buildings." In addition to the Zoning Code, Chapter 3 of the California Building Code (LAMC Section 91.300) provides further clarity regarding the consideration of residential use:

*Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the California Residential Code. (The California Residential Code (CRC) contains building provisions that cover construction of one- and two-family dwellings and townhouses that are three stories or less.)*

*310.2 Residential Group R-1. Residential Group R-1 occupancies containing sleeping units where the occupants are primarily transient in nature including: ...Hotels (transient)...*

*310.3 Residential Group R-2. Residential Group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature...*

As discussed in Finding Nos. 8 and 16 of the Determination, the Project is comprised of both residential and commercial uses, as defined in LAMC Section 12.03 and further supported by LAMC Section 91.300, and is therefore subject to Section 9.A.1.e(4) of the Specific Plan, which allows for the consolidation of more than two lots.

**No. 4-3**

*In order to approve an additional license, [the Zoning Administrator] is required to make a finding that normal operations are contrary to public welfare and will interfere with the quiet enjoyment of the property by residents in this case.*

*Notably, the Zoning Administrator does not include in the Determination advice of the Los Angeles Police Department, as is the practice when considering the crime rate in the issuing a conditional use permit to allow the sale of alcoholic beverages.*

### **Staff Response 4.3**

The appellant contends that “[in] order to approve an additional license, [the Zoning Administrator] must make the above stated finding “that normal operations are contrary to public welfare and will interfere with the quiet enjoyment of the property by residents in this case.” Six findings are required to be made in the affirmative by the Zoning Administrator in order to grant a conditional permit and each finding was made in the affirmative; the Zoning Administrator has no authority to approve additional licenses which are under the authority of the ABC.

It is the practice to include the LAPD recommendation when considering a conditional use permit to allow alcohol sales particularly in high crime sections of the City and in this instance, the conditions imposed are some that were determined to be the most appropriate. After the crime rate statistics were reviewed, it was determined that the number of reported alcohol related offenses (26) were relatively small compared to the total of 528 reported crimes.

### **No. 4-4**

*Coastal Development Permit:*

- a. The Project does not conform to Chapter 3 of the Coastal Act.*
- b. Adequate parking has not been required.*
- c. A thorough consideration of the Sea Level Rise and its impact on the Project is required.*
- d. Approval of the Project will prejudice the ability to prepare a Local Coastal Program.*
- e. Prior decisions of the California Coastal Commission cited by the Zoning Administrator are inapplicable.*

### **Staff Response No. 4-4**

The Appellant argues several reasons why the Zoning Administrator erred and abused his discretion in approving a Coastal Development Permit (CDP) for the Project.

#### *a. Chapter 3 of the Coastal Act*

The Appellant argues that Finding No 7 of the Director’s Determination does not adequately reflect that the Project complies with Chapter 3 of the Coastal Act, stating that there is no consideration of Venice as a “Special Coastal Community” as identified in Policy 1.E.1 of the LUP and of Abbot Kinney Boulevard as a Historic Resource in the LUP, and further argues that Project is not consistent with the mass and scale of existing development.

The LUP includes the following applicable policies under the category of “Preservation of Venice as a Special Coastal Community”:

*Policy 1.E.1. General. Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.*

*Policy 1. E. 2. Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods...*



*Policy I. E. 3. Architecture. Varied styles of architecture are encouraged with building facades which incorporate varied planes and textures while maintaining the neighborhood scale and massing.*

While Policy 1.E.1 of the LUP only provides a general statement, Policy 1.E.2 outlines specific development standards and guidelines for new development to be consistent with the consideration of the "Preservation of Venice as a Special Coastal." As discussed in Finding No. 8 of the Determination, the Project is consistent with Policy I.E.2 of the LUP:

*...the proposed development is consistent with the mass and scale of the existing character of the neighborhood (both commercial and residential character), as provided in Policy I.E.2. The proposed development is designed with four structures (above ground), connected by pedestrian bridges and subterranean levels. As such, the massing of the structure is reduced and further articulated, matching the scale of commercial and residential development adjacent and proximate to the site. The proposed two and three story structures fronting Abbot Kinney Boulevard, Westminster Avenue, and Broadway are consistent with existing commercial and mixed-use structures. The proposed three-story structure fronting Electric Avenue is consistent in scale and massing with the existing three-story structures on the south side of Electric Avenue, adjacent to the residential neighborhoods to the north.*

The Appellant references statements from Commissioner Donovan and Commissioner Halper, former commissioners of the West Los Angeles Area Planning Commission, to support the argument that the Project is not a mixed-use project. As discussed in Staff Response 4-2, while the LUP does not define mixed-use development, the Project meets the definition of Mixed-Use Project under LAMC Section 13.09, consists of residential and commercial uses, and is subject to a maximum FAR of 1.5:1 and is subject to the lot consolidation standards for Mixed-Use Coastal Development Permit Projects outlined in Section 9.A.1.e(4) of the Specific Plan.

*b. Adequate parking has not been required.*

The Appellant states there are 60 parking spaces in the existing surface parking lot and that they must be replaced in the Project. The existing surface parking lot is privately owned and has previously been used for an existing valet parking operation for two existing restaurants. Policy II.A.9 of the LUP requires the protection of Public Parking and Beach Parking Lots and identifies such lots on Washington Boulevard and Rose Avenue. Exhibit 17a and 17b of the LUP identify existing and potential Public Parking lots and existing privately owned Public Parking lots. The Project Site is not identified as Public Parking (for the purposes of coastal or beach access) in Policy II.A.9 or Exhibits 17a and 17b of the LUP.

*Policy II. A. 9. Protection of Public Parking. The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas:*

- a. Beach Parking Lots. The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4. The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public*

*parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage.*

Furthermore, Condition No. 15 of the Determination outlines the parking requirements of the Project. In addition to providing the required parking for the new Development, Condition No. 15.c requires the maintenance/replacement of all required parking for the existing restaurants at 1021-1029 Abbot Kinney Boulevard.

The Appellant argues that it is unclear whether the Service Floor area for the existing restaurants (1021-1029 Abbot Kinney Boulevard) have been correctly calculated and states that the required parking for the restaurants must be required. The Project will maintain two existing restaurants on Abbot Kinney Boulevard. The size and operation of the restaurants will not change as part of the Project. As such, there is no change in the number of parking spaces currently required for the restaurants and the Project is further subject to Condition No. 15.c of the Determination.

The Appellant argues the parking calculation must include the Service Floor area for all areas where alcoholic beverages will be served. A full discussion regarding the required parking for the Project is provided in Staff Response No. 2-2.

The Appellant argues that parking is required for the proposed Sculpture Garden, using the requirements for a retail use. The proposed garden and open courtyard are open/unroofed areas that are not included as “floor area” as defined in LAMC Section 12.03.

LAMC Section 12.03 provides the following definitions:

***BUILDING.** Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.*

***FLOOR AREA.** The area in square feet confined within the exterior walls of a Building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing Building-operating equipment or machinery, parking areas with associated driveways and ramps, space dedicated to bicycle parking, space for the landing and storage of helicopters, and Basement storage areas.*

Section 13.D of the Specific Plan provides the following requirements for parking:

*Hotel: ...One space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas...*

*General Retail Store: One space for each 225 square feet of floor area.*

The Specific Plan requires parking for such areas, based on the provision of floor area, as defined in the LAMC. The open courtyard and Sculpture Garden do not meet the definition of Floor Area as they are not areas “confined within the exterior walls of a Building” as defined in the LAMC. As such, additional parking is not required for the Sculpture Garden and open courtyard.

The Appellant argues that existing on-street public parking spaces converted to an on-street loading area must be replaced. Condition No. 17 of the Determination requires that the required loading areas must be provided onsite and prohibits loading areas on Broadway. An existing passenger loading area on Abbot Kinney Boulevard will be maintained. As such, no existing on-street parking spaces will be removed.

The Appellant argues the incorrect parking requirement was applied to the service floor area of the restaurant. A full discussion regarding the required parking for the Project is provided in Staff Response No. 2-2.

The Appellant argues the front patio service floor area of the retail store was not include in the parking requirement calculation. Condition 15.a of the Determination provides a table of the required parking for the Project. The table provides that portions of the retail use with seating areas is 170 square feet and is required to provide one parking space for each 50 square feet of area. As shown in the approved plans "Exhibit A", the 170 square feet accounts for 100 square feet of interior floor area and 70 square feet of outdoor patio seating.

*c. A thorough consideration of the Sea Level Rise and its impact on the Project is required.*

The Appellant argues a thorough consideration of the potential impacts of Sea Level Rise are necessary. Finding No. 7 of the Determination provides an analysis of the potential impacts of sea level rise, based on the Coastal Commission's adopted Sea Level Rise Policy Guidance document (November 7, 2018). A Sea Level Rise Hazards Analysis was prepared by GeoSoils, Inc (May 20, 2019) recommending the waterproofing of the foundation and basement levels, in compliance with existing flood-proofing requirements. The Appellant does not provide substantial evidence to show the existing analysis is insufficient.

*d. Approval of the Project will prejudice the ability to prepare a Local Coastal Program.*

The Appellant argues that Determination does not consider the cumulative impact of the Project nor does it recognize that Venice is identified as a "Special Coastal Community." Finding Nos. 7-9 of the Determination discusses that the Project is consistent with the applicable policies of Chapter 3 of the Coastal Act, the LUP, and Regional Interpretive Guidelines. As stated in Subsection a. of Staff Response No. 4-4, the Determination adequately considers the LUP policies under the category of "Preservation of Venice as a Special Coastal Community."

*e. Prior decisions of the California Coastal Commission cited by the Zoning Administrator are inapplicable.*

The Appellant argues that decisions cited in the Determination (Finding No. 10) are not applicable to the Project because they are not comparable in size.

The required CDP Finding (Finding No. 10) states:

*The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.*

As provided in the Determination, the Zoning Administrator considered similar applications in the Venice Coastal Zone that included development of mixed-use structures, hotel uses, and the expansion of existing hotel uses in commercially zoned and designated areas. The Finding requires that the decision maker be "guided by any applicable decision" that "prior decisions of the Coastal Commission, where applicable, shall guide local governments." The Determination includes examples of similar projects approved by the Coastal Commission.

The Zoning Administrator's Determination makes the required findings for a Coastal Development Permit in Findings No. 7-12 of the Determination and did not err or abuse his discretion in approving the CDP.

**No. 4-5**

*Site Plan Review...Parking is not adequately addressed:*

- a. *The total absence of self-parking will have a negative impact on the adjacent residential neighborhoods.*
- b. *Service Floor areas are not properly applied, the incorrect parking requirement is used.*
- c. *The parking requirements for the existing restaurants must be recalculated with the Project.*

**Staff Response No. 4-5**

The Appellant argues that lack of self-parking and the provision of valet and automated parking will encourage visitors and patrons of the Project to park in the residential neighborhoods. Staff Response No. 4-4 and Condition No. 15 of the Determination outline the required parking for the Project. As conditioned, the Project satisfies the parking requirements outlined in the Specific Plan and LUP. The provision of onsite valet operations and automated parking are not addressed in the Specific Plan or LUP.

The Appellant reiterates that Service Floor areas are not accounted for and the incorrect parking requirements are used, and that the parking required for the existing restaurants must be considered. Staff Response 4-4 provides a full discussion of the required parking for the Project and the existing restaurants.

**No. 4-6**

*Use of automated parking and discrepancy in the proposed parking system [provider]*  
EIR TRANS-PDF-9 Automated Parking

**Staff Response No. 4-6**

The Applicant provided testimony at the ZA Hearing that the Project is evaluating multiple technical designs for the Automated Parking System, which include a variety of vendors, technologies, and options. See Exhibit C.4 Supplemental Environmental Responses Exhibit 1a and 1b, Automated Parking Layouts, which provides proposed layouts for CityLift and Unitronics. Automated systems are inherently dynamic and have the ability to optimize and move vehicles around the storage space. The system can also focus on vehicle entries only (i.e. incoming vehicles to the Site) during periods of higher demand and queuing and not rely on vehicle retrieval.

The Project has extensively analyzed vehicle queuing, in the DEIR (pages 4.K-46—4.K.47), Traffic Study (pages 55-58), and FEIR (pages II-26—II-27). This analysis does not include the valet operator's ability and discretion to temporarily operate the Automated Parking System in a manner which will only bring vehicles into the system and not bring vehicles out if queuing becomes an issue and other measures (such as staging vehicles in the porte cochere or directing vehicles to the Secondary Valet Area does not address queuing demand. Such circumstances would be rare, though the extent to which individuals would have to wait for their vehicle's retrieval is not an issue subject to CEQA analysis.

Because the Automated Parking System is included as a Project Design Feature, it will be included in the Mitigation Monitoring Plan and will be enforced by the City.

**No. 4-7**

*The Zoning Administrator erred in granting a Project Permit Compliance Review*

**Staff Response No. 4-7**

The Appellant provides a summary of the required findings for a Project Permit Compliance Review and generally states that the Project is not in compliance with the scale and character of the existing neighborhood. Finding Nos. 16-17 of the Determination provides the required Findings by LAMC Section 11.5.7-C.2 and Section 8.B of the Specific Plan. The Appellant does not provide substantial evidence to support the claim that the Zoning Administrator erred or abused his discretion in approving the Project Permit Compliance Review.

The Appellant notes a discrepancy on page 37 of the Determination and area of the restaurant, Service Floor area, retail, office, and market noted on approved "Exhibit A." Page 37 of the Determination includes typographical error, the correct scope of work is reflected on Page 2 of the Determination, as follows:

*...The demolition of a 2,442 square-foot restaurant, three-single-family dwellings (private school), a 2,200 square-foot office, and a surface parking lot, and the construction of a 70,310 square-foot, three-story, mixed-use development comprised of an apartment hotel having 78 guest rooms and 4 dwelling units, a 3,810 square-foot hotel restaurant having 2,514 square-feet of Service Floor area, 2,935 square feet of ground floor retail space including a market with 170 square feet of Service Floor area, a 1,735 square-foot spa, and 2,027 square feet of office use...*

**No. 4-8**

*A new Mello Act Compliance Review is required.*

**Staff Response No. 4-8**

The Appellant argues that Zoning Administrator relied on a Mello Act Determination issued on February 13, 2012 and that a new Mello Act Determination must be processed for the Project. The Appellant references a Director of Planning Sign Off, Case No. DIR-2012-0367-VSO-MEL, dated February 13, 2012. This application was to "Legalize [the] conversion of three single-family dwellings into a Day Care" and was never effectuated. A Mello Act Compliance Review was prepared for the Project and issued in the Zoning Administrator's Determination dated March 12, 2020. As required in Part 4.4 of the IAP, LAHD/HCIDLA conducted a review of the existing structures and found that no affordable units exist. As provided in the IAP, "LAHD has sole responsibility for determining whether any existing Residential Units are Affordable Existing Residential Units." HCIDLA found that a Mello Determination Memorandum, dated July 6, 2010 was applicable to the Project and that no additional review was necessary to satisfy the requirements of Part 4.4 of the IAP. The Planning Department's Determination, as required in Part 6.0 of the IAP, is included in the Zoning Administrator's Determination as Finding Nos. 18-19. A full discussion of the Mello Act Compliance Review is provided in Staff Response No. 3-1 and

The Appellant argues that the Project results in the conversion of residential use to a commercial use. The Project consists of the demolition of existing commercial and residential structures and will result in the development of a mixed-use structure comprised of both residential and commercial uses. A full discussion regarding the requirement of Inclusionary Housing is provided in Staff Response No. 2-5 and justification regarding the Project as a mixed-use development is provided in Staff Response No. 4-2.

**No. 4-9**

*The Zoning Administrator erred abused his discretion in Finding that the waivers should be approved.*

**Staff Response No. 4-9**

The Appellant argues that all the required dedications should be provided by the Project to ensure appropriate roadway widths, sidewalks, and circulation around the site.

Finding No. 20 of Determination states

*...Electric Avenue is designated as a Local Street with a current right-of-way width of 40 feet, having a roadway width of 22.5 feet. Designated Local Streets are required to have a 60-foot-wide right-of-way and a 36-foot wide roadway. The street currently provides one travel lane in each direction and parking on both sides of the street, as such no additional dedication is necessary to widen the roadway. However, a dedication is necessary to construct a new sidewalk adjacent to the project site. A minimum width of five feet is necessary to meet ADA requirements for three feet of unobstructed access and provide additional area for future street lights and trees. As such, a 7.5-foot dedication is not necessary, a minimum 5-foot wide dedication satisfies the objective of the Mobility Plan to provide safe access for pedestrians. The resulting 5-foot wide sidewalk is consistent with the pedestrian improvements along Electric Avenue.*

*Westminster Avenue is designated as a Local Street with a current right-of-way width of 50 feet, having a roadway width of 28 feet. The required 5-foot dedication would result in a sidewalk width of 12 feet and half-roadway width of 18 feet. The street currently provides one travel lane in each direction and parking on both sides of the street; parking is restricted along red-curb areas adjacent to the subject site. The requested dedication of two feet, in lieu of the required 5 feet, would result in a sidewalk width of 12 feet and half roadway width of 15 feet.*

*As provided in the Complete Streets Design Guide, Local Streets are intended to accommodate lower volumes of vehicle traffic. Local streets have one lane in each direction and have parking on both sides of the street. The reduced street dedications would maintain the roadway widths and existing parking, while enhancing the pedestrian realm, increasing and promoting safe pedestrian access to and from the project site. Therefore, the required dedications and improvements are necessary to meet the City's mobility needs for the next 20 years, based on guidelines the Street Standards Committee has established.*

The Zoning Administrator considered the provisions of the Complete Streets Design Guide for Local Streets and the recommendation of the Department of Transportation in determining that a reduced dedication of 5 feet on Electric Avenue (in lieu of the required 7.5 feet) and 2 feet on Westminster Avenue (in lieu of the required 5 feet) would result in new pedestrian sidewalks and improvements that meet the City's mobility needs. The Appellant does not provide substantial evidence to show that the Zoning Administrator erred in his decision to approve the reduced dedications.

**No. 4-10**

*CEQA Compliance – Historic Resources. Analysis ignores CEQA Guidelines Section 15064.5 regarding the term “historical resource.”*

**Staff Response No. 4-10**

The Draft EIR correctly identified the designated and eligible historical resources and adequately addressed potential impacts on the identified historical resources. Under State CEQA Guidelines Section 15064.5, the term “historical resources” includes the following: those resources that are

designated or eligible for designation in the California Register of Historical Resources (California Register); those resources included in a local register of historical resources, as defined in section 5020.1(k); or those resources identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resource Code. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

The nine existing buildings on the Project site are not currently listed in the California Register nor have they been formally determined eligible for listing in the California Register. The California Register also includes resources listed in or formally determined eligible for listing in the National Register of Historic Places (National Register) as well as some California State Landmarks and Points of Historical Interest. The nine existing buildings on the Project site are not currently included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resource Code. A local register of historical resources is defined as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.” The City of Los Angeles defines properties officially designated or recognized as historically significant as those that have been designated as Historic-Cultural Monuments (HCM) or as contributing structures within designated Historic Preservation Overlay Zones (HPOZ). None of the nine existing buildings on the Project site were identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resource Code, including SurveyLA.

Nevertheless, all nine of the existing buildings on the Project Site were evaluated in the Draft EIR as potential historical resources. The DEIR concludes that six of the nine buildings are not eligible for individual listing in the National Register and/or California Register, and are not eligible for designation as HCMs due to a lack of integrity. The DEIR also concludes that none of the buildings on the Project site are contributors to a potential historic district under federal, state, or local designation programs. Therefore, even though the buildings on the Project site were previously identified in the Venice LUP as being located within a potential historical resource, a preponderance of evidence indicates that six of the nine buildings on the Project site are not historical resources as defined by CEQA. The Draft EIR concludes that three buildings, 1047, 1047A, and 1047B S. Abbot Kinney Boulevard, appear eligible for designation as HCMs and are therefore historical resources under CEQA. The DEIR adequately addressed potential impacts on these identified historical resources, concluding that the Project would have a direct impact on the identified historical resources because the buildings would no longer be eligible for designation as HCMs. Additionally, the Project would have a cumulative impact on historical resources as a result of the demolition of 1047, 1047A, and 1047B S. Abbot Kinney Boulevard because they are rare examples of early residential development on Abbot Kinney Boulevard, of which only six other examples remain. The Draft EIR correctly describes and evaluates a reasonable range of alternatives to the Project that would feasibly attain most of the basic project objectives and avoid or substantially lessen significant project impacts.

The block of Abbott Kinney does not qualify as a historical resource as it is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources. The LUP does not define “architectural, historical and cultural landmarks” and does not state that the block of Abbott Kinney is specifically a historical resource, as defined by CEQA. Although the LUP was adopted by the City Council, the list is not itself an official inventory of historical resources in Venice. The City’s official inventory of historical resources is comprised of properties designated as Los Angeles Historic-Cultural Monuments and located within Historic Preservation Overlay Zones. The LUP does not include any meaningful information on the specific Abbott Kinney block. The fact that SurveyLA evaluated Abbot Kinney Boulevard between Westminster Avenue and Venice Boulevard as ineligible as a historic district and did not even include the block on which

the Project Site is located as part of the evaluation should be considered sufficient evidence that the block is not a historical resource as defined by CEQA.

As the EIR adequately addressed, analyzed, and disclosed impacts to historic resources, and the appellant has failed to provide evidence as to how the City erred and abused its discretion in approving the project, the appeal point should be denied.

## **CONCLUSION**

Staff recommends the Commission deny the appeals to sustain the modified actions of the Zoning Administrator in approving the Project: to sustain the decision of the Zoning Administrator to approve a Conditional Use Permit for the sale and consumption of alcohol and to allow a Hotel within 500 feet of a residential zone, a Coastal Development Permit, Site Plan Review, Project Permit Compliance Review, Mello Act Compliance Review, and Waiver of Dedication and/or Improvements for the above referenced Project.

Staff recommends the Commission adopt the Modified Conditions and Amended Findings.

Staff recommends the Commission certify that: the Venice Place Project EIR (including the July 2020 and September 2020 Erratum) has been completed in compliance with the California Environmental Quality Act (CEQA), the Venice Place Project EIR was presented to the West Los Angeles Area Planning Commission as the decision-making body of the lead agency, and The Venice Place Project EIR reflects the independent judgment and analysis of the lead agency; and adopt: the related and prepared modified Venice Place Project Environmental Findings, the Statement of Overriding Considerations, the modified Mitigation Monitoring Program prepared for the Venice Place Project EIR.



### REVISED CONDITIONS

Text changes are noted as follows: deletions in ~~bold strikethrough~~ and additions in **bold underline**.

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.

#### Entitlement Conditions

6. Uses. The project shall be limited to a mixed-use development comprised of the following:
  - a. ~~An apartment hotel~~ **A hotel use with** up to a maximum of 78 guest rooms, ~~and,~~
  - b. ~~a~~ **A** minimum of 4 dwelling units. The dwelling units shall be used for long-term stay; ~~transient occupancy shall not permitted in the dwelling units.~~
  - c. One new 3,810 square-foot hotel restaurant, limited to a maximum of 2,514 square feet of Service Floor Area (dining area), as shown on Sheet X2 and X3 of "Exhibit A."
    - i. **Table service shall be prohibited in the outdoor courtyard (outdoor living room).**
  - d. A hotel market **or commercial retail establishment** limited to a maximum of 2,935 square feet, having **a maximum of** 170 square feet of Service Floor Area.
  - e. Office uses limited to a maximum of 2,027 square feet.
  - f. Spa facilities limited to a maximum of 1,735 square feet.
7. Hours of Operation. The hours of operation of the ~~apartment~~ hotel shall be 24 hours, daily. The hotel restaurant and market shall be limited to 7:00 A.M to 1:00 A.M.

8. Residential Setback. The dwellings units shall observe a 5-foot minimum setback from the proposed property line.
9. Groundfloor Commercial Development. As shown on Sheet 1018 and 1019 of "Exhibit A":
  - a. A street wall shall extend for at least 65 percent of the building frontage and shall have a minimum height of 13 feet. At least 50 percent of the ground floor street wall shall be devoted to pedestrian entrances, display windows or windows offering views into retail, office gallery or lobby space.
  - b. Large expanses of glass shall be subdivided into units not larger than six-feet wide and separated by the mullions.
  - c. No store front windows shall be lower than 12 inches above sidewalk grade and shall not extend to the ceiling height. The windows shall have a solid base surfaced with high quality materials, such as a ceramic tile, marble, granite, limestone, slate, brick, wood or similar materials.
10. Height. The project shall be limited to a maximum flat roof height limit of 30 feet, as measured from the midpoint of the centerline of Electric Avenue or Abbot Kinney Boulevard, **whichever street is lowest in elevation**, to the top edge of the roof parapet.
11. Roof Access Structures. Roof Access Structures (RAS) may exceed the maximum flat roof height of 30 feet by 10 feet. The area within the outside walls shall not exceed 100 square feet as measured from the outside walls.
12. Rooftop Equipment. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building
13. Rooftop Deck. Railings used on the proposed rooftop decks shall be of an open design and shall be limited to a height of 42 inches. Solid glass railing shall count towards the measurement of the building's height.
  - a. Use of the rooftop decks shall be restricted to hotel guests and employees.
    - i. **Pool deck hours shall be limited to 6:00 am-11:00 pm.**
    - ii. **Use of the pool shall be limited the hours of 6:00 am-10:00 pm.**
  - b. The roof top deck area, along Westminster Avenue, shall be stepped back a minimum of 12 feet from the property line. The rooftop deck area along Broadway shall be stepped back a minimum 12 feet from the property line.
  - c. No other roof top deck shall be permitted.
  - d. As shown on Sheet No. 1017 of "Exhibit A", solar panels or a 2,128 square-foot rooftop garden may be installed within the step-back area along Electric Avenue.

- 14. Floor Area Ratio (FAR). The project shall be limited to a maximum FAR of 1.5:1 and comprised of both commercial and residential uses (dwelling units). A minimum of four dwelling units shall be provided.
- 15. Parking. A minimum of ~~475~~ **184** vehicle parking spaces shall be provided onsite. Off-site parking shall be prohibited **for the purposes of meeting the parking requirements of the LAMC and Specific Plan.**
  - a. Parking for the new mixed-use development shall be as follows:

USE	PARKING STANDARD	PROJECT	REQUIRED
Hotel	2 spaces; <i>plus</i>		2 spaces
Dwelling Unit	2 spaces per DU; <i>plus</i>	4 dwelling units	8 spaces
Guest Room	1 space per guest room (first 30 rms); <i>plus</i> 1 space per 2 guest rooms (31-60 rms); <i>plus</i> 1 space per 3 guest rooms (60+ rms); <i>plus</i>	78 guest rooms	51 spaces
Service Floor Hotel Restaurant	1 space per 100 SF of floor area used for consumption of food or beverages.	2,514 SF Service Floor	25 spaces
Office	1 space per 250 SF	2,027 SF	8 spaces
Spa	1 space per 250 SF	1,735 SF	7 spaces
Retail	1 space per 225 SF	2,935 SF	13 spaces
(w/ seating)	1 space per 50 SF	170 SF	3 spaces
<b>Beach Impact Zone</b>	<b>1 space per 640 SF of ground floor area</b>	<del>8,065 SF</del> <b>14,256.75 SF</b>	<del>13 spaces</del> <b>22 spaces</b>
			<b>130 spaces</b>
			<b>139 spaces</b>
<i>Existing Restaurants</i>	<i>1 space per 50 SF of Service Floor Area</i>	<i>2,268 SF</i>	<i>45 spaces</i>
<b>Total Automobile Parking Spaces</b>			<del>175 spaces</del> <b>184 spaces</b>

- b. Parking design and layout shall be subject to review and approval by LADBS and include the ability to accommodate electric vehicle supply equipment (EVSE).
- c. All required parking for the existing restaurants located at 1021-1029 Abbot Kinney Boulevard shall be maintained and provided in conjunction with the proposed project, as determined by the Department of Building and Safety (LADBS).
- d. Vehicle access shall be provided along Electric Avenue. The project's driveway design and internal circulation pattern shall be approved by the Department of Transportation prior to the issuance of a building permit. A copy of the approved circulation plan shall be submitted to the Department of City Planning to be placed in the subject case file. **Should the Project's valet operations and/or on-site queuing location be unable to accommodate service levels identified and**

**analyzed in the Environmental Impact Report for the Project, and if the community is subjected to frequent queuing backup onto Electric Avenue or neighboring streets, the operator shall provide an off-site parking location for this overflow, subject to review and approval by the Department of Building and Safety and Department of Transportation.**

- e. Bicycle parking shall be provided in conformance with the LAMC.
  - f. Employees shall be prohibited from parking vehicles within the adjoining residential neighborhoods.
  - g. **The required parking spaces may be replaced with bicycle parking, at a ratio of one standard or compact automobile parking space for every four bicycle parking spaces, as provided in LAMC Section 12.21-A.4.**
  - h. **BIZ Parking. In lieu of physically providing the spaces, a fee of \$18,000.00 per space may be paid for up to 50 percent of the total number of required BIZ parking spaces. All fees shall be paid into the Venice Coastal Parking Impact Trust Fund.**
  - i. **To prevent any unintended impacts to the surrounding neighborhood, the Applicant shall submit two (2) Condition Compliance Reports, the first within 18 months after issuance of the Certificate of Occupancy for the hotel, and a second within three (3) years from issuance of the Certificate of Occupancy for the hotel. The Condition Compliance Report shall be submitted to the Department of City Planning, the Department of Transportation, and Council District 11.**
    - i. **The compliance report shall evaluate the parking and valet operations of the Project for consistency with these conditions of approval, and operational conditions as set forth in the Environmental Impact Report for the Project. Specifically, the compliance report shall demonstrate the effectiveness of, and compliance with Conditions 15 (Parking), 16 (Valet Parking), and 38 (Private Hosted Events).**
    - ii. **The compliance report analysis related to Conditions 15 (Parking), 16 (Valet Parking) and 38 (Private Hosted Events) shall be conducted by a licensed parking or transportation consultant, and should evaluate the Project's parking operations, queuing capacity, load in/out (retrieval) times, and overall utilization of the subterranean parking garage. The Project shall maintain an on-site complaint log and data regarding the peak hour function of the automated parking operations. The analysis shall be conducted during peak operation hours and shall include at a minimum one weekday and one weekend time period. Any operational modifications necessary to comply with these conditions of approval and the assumptions within the EIR shall be implemented to the satisfaction of the Department of City Planning, in consultation with the Department of Transportation**
16. Valet Parking. All valet parking operations shall be conducted onsite; the queuing of vehicles shall be prohibited in the public right of way. **These limitations shall not apply to the existing valet operation on Abbot Kinney Boulevard. Queuing shall not be**

**permitted beyond the property line on Abbot Kinney.**

- a. **Primary valet operations shall be provided on a 24-hour basis at the existing Main Valet Area on Electric Avenue.**
- b. **Additional valet operations shall be provided, starting at 5:00 PM daily, at the Secondary Valet Area on Abbot Kinney Boulevard. The Secondary Valet Area shall be designated as the curbside space between Broadway Street and the Project property line with 1039 Abbot Kinney Boulevard.**
- c. **Use of the Secondary Valet Area shall be permitted prior to 5:00 PM consistent with Condition 38 related to Private Hosted Events.**
- d. Valet parking shall be provided to restaurant patrons. The availability of said validated parking and the location of said parking shall be made known to the public via the restaurant menu, a posting of the information at readily visible locations and on the restaurant website. The applicant shall provide a copy of the menu, signs or web page, for inclusion in the case file.
- e. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.
- f. Valet parking shall be required to obtain all applicable licenses and/or permits from the Department of Transportation and the Los Angeles Police Department. Proof of licenses and/or permits shall be submitted to the Department of City Planning.
- g. A valid valet parking contract in compliance with this condition shall be submitted to the Department of City Planning. The contract shall be maintained for the life of this grant and shall include the hours of valet service and the number of valet attendants to be provided as well as the valet parking locations. If the valet operator is replaced, a copy of the replacement contract shall be provided to the Development Services Center within 30 days upon execution of the new contract.
- h. The valet operator shall be required to obtain a valid LAPD Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203 (b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.

Note: Prior to providing valet services, the applicant should e-mail [laoadot.valetop@lacity.org](mailto:laoadot.valetop@lacity.org) to begin the application process, review, and approval of valet operations.

- i. Valet service shall not utilize any local streets for the parking of any vehicles at any time.
- j. The applicant shall utilize social media, webpages, or other media to provide travel information to the restaurant. Such information shall promote the use of alternate travel means to automotive transportation (walk, bike, public transit, rideshare/service, or carpool). For any patrons desiring to drive a personal vehicle to the venue, parking information must direct them to either use the valet service or park on surface streets within the commercial district (i.e. Abbot Kinney Boulevard).

- k. The applicant or operator shall collect and maintain data on the peak-hour function of the automated parking system and whether it achieves stated/evaluated performance levels specified by TRAN-PDF-9 of the Mitigation Monitoring Program. The applicant or operator shall share that data in required compliance reports set forth in Condition 15.i, and upon request from LADOT.
  - l. If the automated parking system does not achieve the stated/evaluated performance levels specified by TRANS-PDF-9 of the Mitigation Monitoring Program, the applicant shall identify an off-site parking location to accommodate project operations at required levels of service.
  - m. If the automated parking system fails, suffers from chronic malfunction, or is out of service for an extended period of time, the applicant or operator will notify the Department of City Planning immediately and present a mitigation strategy within 72 hours of foreseeable extended non-operation of the automated parking system.
  - n. Failure of, or persistent underperformance by the automated parking system, as identified in the compliance reports required by Condition 15.i, may trigger a plan approval by the Zoning Administrator potentially including additional CEQA review, if such system operations cannot be restored to acceptable operational levels, and/or alternate project design features are not implemented, which may result in additional operational restrictions on the project.
17. Loading. Pursuant to LAMC Section 12.21 C.66, all required loading areas shall be provided onsite. Commercial loading shall be prohibited along Broadway. ~~Passenger loading shall be prohibited along Abbot Kinney Boulevard.~~ An existing passenger loading area shall be maintained on Abbot Kinney Boulevard, subject to review by the Department of Transportation.
18. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday. Deliveries and trash pick-up shall be coordinated with vendors and trash companies so that these activities are not conducted within one-hour of the start time and 15 minutes after the start time of Westminster Elementary School or within 15 minutes prior to and one hour after the end time of regular school hours.
19. Dedications and Improvements. Dedications and improvements shall be determined by the BOE, except as follows:
- a. A 5-foot dedication shall be required on Electric Avenue, in lieu of the otherwise required 7.5 feet. A 2.5-foot-wide ground floor, public sidewalk easement shall be provided adjoining the dedication. Building and floor area encroachments are permitted below grade to the property line, and above grade over a vertical clearance of 13-feet, for a maximum depth of 30 inches.
  - b. A 2-foot dedication shall be required on Westminster Avenue in lieu of the otherwise required 5 feet.

20. Single Permit Jurisdiction Area. The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. The applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
21. 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 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 prior to the final clearance of this condition.

#### Alcoholic Beverage Conditions

22. Authorized herein is the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction with a new ~~apartment~~ hotel and a 3,810 square-foot hotel restaurant; the sale and dispensing of a full line of alcoholic beverage for on-site and off-site consumption in conjunction with a 2,935 square-foot hotel market.

Subject to the following limitations:

- a. ~~Apartment~~ Hotel. Alcoholic beverages may be served between the hours of 7:00 A.M. to 1:00 A.M. **Saturday and Sunday, and 9:00 A.M. to 1:00 A.M., Monday through Friday**, in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center. Alcoholic beverages may be provided within in hotel guest rooms in liquor cabinets and by hotel guest room services.
  - b. Hotel Restaurant. The hours of operation **for alcohol sales** shall be limited to 7:00 A.M. to 1:00 A.M. **Saturday and Sunday, and 9:00 A.M. to 1:00 A.M. Monday through Friday**. The restaurant shall be limited to 2,514 square feet of Service Floor Area, having a maximum of 195 indoor seats and 65 outdoor seats, provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
  - c. Hotel Market. The hours of operation **for alcohol sales** shall be limited to 7:00 A.M. to 1:00 A.M. **Saturday and Sunday, and 9:00 A.M. to 1:00 A.M. Monday through Friday**. The onsite consumption of alcoholic beverages within the 2,935 square-foot market shall be limited to a seating areas limited to 170 square feet of Service Floor Area.
23. No after-hours use is permitted, except routine clean-up. This provisions includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
  24. 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.

25. Complaint Log. 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 reception area.

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.

**Complaint log data shall be reported in the Condition Compliance Report required by Condition 15.i.**

26. 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.
27. 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.
28. 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.
29. 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 its facilities 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.
30. The applicant shall be responsible for maintaining the premises and the adjoining sidewalk free of debris or litter.
31. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines may be allowed.
32. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual 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.

- 33. 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.
- 34. 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.
- 35. 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.
- 36. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative 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.
- 37. Adult Entertainment of any type pursuant to LAMC Section 12.70 shall be prohibited.
- 38. 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.

**a. Not more than one hosted event shall be permitted on-site at any given time.**

**b. Except in accordance with the conditions in the table below, no private hosted events shall be permitted between 3:00 p.m. and 6:00 p.m. on weekdays or shall start or end between 12:00 p.m. and 2:00 p.m. on weekends unless 1) a temporary special event permit is obtained from the City and 2) off-site parking is provided per the table below. Private hosted events shall adhere to the following:**

	<b><u>Maximum Event Size; no off-site parking</u></b>	<b><u>Maximum Event Size (minimum 4 valet on Abbot Kinney)</u></b>	<b><u>Maximum Event Size (minimum 8 valet on Abbot Kinney)</u></b>
<b><u>Weekday p.m. peak (3:00 - 6:00 pm)</u></b>	<b><u>Not permitted</u></b>	<b><u>Not permitted</u></b>	<b><u>Not permitted</u></b>

<b><u>Weekday non-p.m. peak</u></b>	<b><u>58 people</u></b>	<b><u>93 people;</u> <u>28 cars parked off-site</u></b>	<b><u>131 people;</u> <u>46 cars parked off-site</u></b>
<b><u>Weekend peak (12:00 - 2:00 p.m.)</u></b>	<b><u>Not permitted*</u></b>	<b><u>45 people;</u> <u>23 cars parked off-site</u></b>	<b><u>Not permitted*</u></b>
<b><u>Weekend non-peak</u></b>	<b><u>43 people</u></b>	<b><u>78 people;</u> <u>23 cars parked off-site</u></b>	<b><u>112 people;</u> <u>46 cars parked off-site</u></b>
<b><u>* Private hosted events would be permitted so long as it includes a partial restaurant buy-out commensurate with the size of the hosted event.</u></b>			

39. The restaurant establishments shall be maintained as a bona fide eating place 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 restaurant establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises. Food or refreshments solely for the purpose of takeout or delivery shall be prohibited.
40. 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.
41. 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.
42. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
43. 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.
44. 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.
45. Entertainment in conjunction with the restaurant is limited to a live band without amplified sound (acoustic). Amplified ambience music played by restaurant employees to compliment the dining experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
46. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment or dancing in the outdoor patio area, roof top decks, or roof top garden area at any time.
47. Speakers or amplified sound in the outdoor dining area, roof top decks, or roof top garden area shall be prohibited.

**Environmental Conditions**

48. **Implementation.** The Mitigation Monitoring Program (MMP), attached as “Exhibit B” and

part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

49. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

50. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

### **Administrative Conditions**

51. 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 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 prior to the final clearance of this condition.

52. **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 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations, and Section 19.04 - Miscellaneous ZA Sign Offs 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.
53. 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 floor plan, seating arrangement or number of seats of the new operation.
54. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

55. 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, 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.
- b. 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.
- 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 \$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).
- 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 in paragraph (ii).
- e. 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.

### **AMENDED FINDINGS (October 21, 2020)**

The Project consists of the development of a new mixed-use building. Defining the Project as a mixed-use development or structure does not change the proposed Project, analysis and findings, or requested actions but rather clarifies the proposed use. References to “Apartment Hotel” are replaced with the actual uses proposed: four dwelling units and a Hotel with 78 guest rooms.

Text changes are noted as follows: deletions in **~~bold-strikethrough~~** and additions in **bold underline**.

#### **Conditional Use Permits**

The proposed mixed use development requests a Conditional Use Permit pursuant to LAMC Section 12.24-W.1 to allow the (a) the sale and dispensing of a full line of alcohol beverages for on-site consumption in conjunction with a proposed hotel restaurant having 195 indoor seats and 65 outdoor seats, operating 24 hours and serving alcohol between the hours of 7:00 A.M. to 1:00 A.M., (b) the sale and dispensing of a full line of alcohol beverages for on-site and off-site consumption in conjunction with a market within the hotel, operating between the hours of operating 24 hours and serving alcohol between the hours of 7:00 A.M. to 1:00 A.M., (c) the sale and dispensing of a full line of alcohol beverages for on-site and off-site consumption in conjunction with a market within the hotel, operating between the hours of 7:00 A.M to 1:00 A.M., (d) a full line of alcohol beverages provided in individual hotel room’s liquor cabinets, (e) the sale of a full line of alcohol beverages by hotel guest room services, (f) and the on-site consumption of alcohol in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center; and (g) pursuant to LAMC Section 12.24-W.24 to allow ~~an apartment~~ hotel within 500 feet of a residential zone. The following is a delineation of the findings and the application of the relevant facts.

#### **Conditional Use Permit Findings**

1. **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 project site is developed with a 60-space, surface parking lot, three residential structures, and three commercial structures. The proposed project will retain two commercial structures (restaurant uses) along the southwest portion of the site, remove the parking lot and residential structures, and construct a new three-story, 70,310 square-foot, mixed-use development comprised of ~~a an apartment~~ hotel (four dwelling units and 78 guest rooms) and groundfloor commercial uses, providing a total of ~~475~~ **184** parking spaces for the existing uses and the proposed developments on the project site. The proposed ~~apartment~~ hotel will be located within 500 feet of a residential zone, approximately 40 feet south of the RD1.5-1 multi-family residential zone. The project includes a new two-story, 3,810 square-foot restaurant with 1,829 square feet of interior Service Floor area and 684.5 square feet of outdoor Service Floor area, and a new 2,935 square-foot market (retail) with 150 square feet of Service Floor area.

The proposed project will enhance the build environment by introducing visitor-serving uses such as restaurants and a market (retail) and providing overnight visitor-serving uses (guest rooms), along a busy commercial corridor in the Venice Coastal Zone. The proposed development provides much needed overnight accommodations proximate to an established commercial area and provides four dwelling units, replacing three existing

single-family dwellings, currently maintained as a preschool. The proposed new restaurant is consistent with the existing restaurant uses located on Abbot Kinney Boulevard and the proposed two and three-story portions of the project will complement the pedestrian-oriented character and massing of the corridor and area. In addition, new automobile and bicycle parking will be provided for the new and existing uses, and onsite loading will be provided for the commercial uses. The proposed project also provides dedications and improvements to the right-of-way adjacent to the site, including the construction of new ADA-compliant sidewalks and pedestrian access ramps, repairing existing curb and gutter, and the closing of all unused driveways. The public right-of-way improvements will enhance pedestrian access to and adjacent to the site, and the surrounding vehicular circulation system.

**The land use and zoning allows the proposed mixed-use project. As a normal course of business, hotels and restaurants associated with hotels commonly have alcohol service. The proposed mixed use project, with its hotel and restaurant is no different. The proposed mixed use project will revitalize the western segment of the Abbot Kinney Boulevard commercial corridor and the on-site sale of alcohol in the hotel, restaurant and small market is essential to its revitalization of this segment of the business district.** The proposed mixed-use development is comprised of uses that are consistent with the established commercial corridor and adjacent residential neighborhood, as well as design and massing that is compatible with the area's transitioning, and right-of-way improvements that facilitate pedestrian and vehicular access and enhance the public realm. As such, the proposed development will enhance the built environment and provide a service that is essential and beneficial to the Venice Coastal Zone.

2. **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 properties immediately south of Abbot Kinney Boulevard are developed with an elementary school and playground, while the lots fronting Broadway and Westminster Avenue are developed with one and two-story commercial structures. The properties north of Electric Avenue are developed with multi-family residential structures that vary from one to three stories in height; the structures fronting Electric Avenue are one story in height. The properties fronting Electric Avenue, along the south side of the street, are developed with two and three-story commercial and residential structures, with a flat-roof height of 30 feet; these buildings are adjacent to one-story residential structures. The three-story structure, located on the east side of Westminster Avenue, includes rooftop decks and vehicle access from Electric Avenue. The project site and properties proximate to the site are developed with one and two story structures in an urban area.

The proposed project site encompasses the entire rear portion of the block with new structures fronting Abbot Kinney Boulevard (south), Broadway (west), Electric Avenue (north), and Westminster Avenue (east). The project proposes a 70,310 square-foot mixed-use development designed as four structures connected by pedestrian bridges and subsurface levels. The development (above ground) is comprised of three (3) three-story structures and one (1) two-story structure, with a maximum flat-roof height of 30 feet. The proposed development will retain two existing structures fronting Abbot Kinney Boulevard (proposing tenant improvements) and construct new two and three-story structures. The existing structures maintain a flat-roof height of approximately 30 feet, consistent with that of existing two and three-story structures along Abbot Kinney Boulevard. New



development is only proposed on four lots fronting Abbot Kinney Boulevard and will preserve much of the existing massing and scale of the commercial block. The building wall is articulated with balconies and recessed planes at the second and third level. The proposed flat-roof height of 30 feet and three-stories is similar to that of existing structures along the south side of Electric Avenue that extend more than 300 feet. As such, the proposed 30-foot-tall portions of the project are consistent with the massing and scale of the existing development, adjacent to the multi-family residential neighborhood.

Four rooftop areas are proposed for use by hotel employees and guests. The rooftop deck along Electric Avenue is proximate to multi-family residential uses; however, this area includes a rooftop garden and solar equipment area with a limited area (approximately 1,500 square feet) for as an open deck. The deck area, along the northeast portion of the roof, is stepped back, more than 12 feet from the property line (Electric Avenue). The decks located Westminster Avenue, Broadway and Abbot Kinney include areas range from 450 to 1,200 square feet and are located along primarily commercial corridors. The noise expected to be generated from the rooftop decks would be sufficiently buffered by the ambient noise from the streets and required to comply with the City's Noise Ordinance. No amplified music is permitted on the rooftop decks. As conditioned, the operation of the rooftop areas is not expected to impact the adjacent properties or surrounding area.

The proposed ~~apartment~~ hotel, dwelling units, restaurant, retail, and office uses are consistent with the permitted uses in the C2 zone and are appropriate uses for the Community Commercial land use designation in the Venice Coastal Zone Land Use Plan. The commercial uses are consistent with the existing uses on Abbot Kinney Boulevard. The vehicle entrance is located on Electric Avenue, adjacent to the multi-family residential neighborhood. The project's driveway access replaces an existing surface parking lot, and encloses all valet and parking operations. The proposed rooftop deck, along Electric Avenue, is comprised of solar equipment and a rooftop garden, and limited to use by hotel guests. Furthermore, the proposed commercial uses are located along the south side of the property, fronting Abbot Kinney Boulevard and minimizing impacts on the adjacent residential neighborhood.

The project proposes the sale and consumption of a full line of alcoholic beverages in the new hotel restaurant and bar area (and hotel roof decks and pool area for hotel guests), in the hotel guest rooms (liquor cabinets), hotel guest room services, and in all areas of the hotel (lobby, outdoor courtyard, lounge area, and business center), and offsite consumption for the market. The hotel would be operated 24 hours, however alcohol service (in all areas except the guest room liquor cabinets) and the operation of the hotel market would be limited to operating between 7:00 A.M. to 1:00 A.M. The proposed hours of operation are typical of hotel uses and the operating hours (service of alcohol) are similar with that of restaurants and retail uses on Abbot Kinney Boulevard and along commercial corridors proximate to the site. **On-site alcohol sales within the proposed mixed project is a matter of convenience for visitors to the hotel, restaurants patrons, employees and others coming to the location. Without on-site alcohol, sales within the proposed mixed project, its visitors, patrons and employees would be inconvenient and venture out along the Abbot Kinney Boulevard corridor seeking alcohol-serving establishments. Their activities (leaving and returning to the site) could adversely impact the commercial corridor and nearby neighborhoods and so, the on-site sale of alcohol serves to contain the mixed-use developments activities within a confined area and limit the community's exposure to the mixed use development.**

As such, the proposed development will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The project site is located within the Venice Community Plan, which is one of 35 Community Plans forming the Land Use Element of the General Plan. Properties within the Venice Coastal Zone are also subject to the provisions of the Venice Coastal Zone Land Use Plan (LUP), which was adopted by means of a plan amendment to the Community Plan. The Community Plan and LUP designate the project site with a Community Commercial land use designation, with corresponding zones of CR, C2, C4, RAS3, and RAS4. The project site is zoned C2-1-CA. The project is in substantial conformance with the purposes, intent, and provisions of General Plan, Community Plan, and Specific Plan.

General Plan Framework Element

The Framework Element for the General Plan (Framework Element) was adopted in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the project:

*Goal 3. Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.*

*Objective 3.9. Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.*

*Goal 7B. A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.*

*Objective 7.2. 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.*

*Policy 7.2.4. Ensure that the City has enough capacity to accommodate the development of general commercial uses, which support community needs in all parts of Los Angeles.*

*Policy 7.2.5. Promote and encourage the development of retail facilities appropriate to serve the shopping needs of the local population when planning new residential neighborhoods or major residential developments.*

*Goal 7.3. A City with thriving and expanding businesses.*

*Objective 7.3. Maintain and enhance the existing businesses in the City.*

*7.3.2. Retain existing neighborhood commercial activities within walking distance of residential areas.*

The project proposes a new mixed-use development comprised of new retail (market), office, and restaurant uses as well as improvements to two existing restaurants and public right-of-way, within a Community Center in the Venice Community Plan area. The proposed project adds approximately 10,507 square feet of new commercial floor area, provides new visitor-serving uses and further enhances a critical commercial corridor for residents and visitors to the Venice Coastal Zone.

#### Land Use Element – Venice Community Plan

The Venice Community Plan was adopted by City Council on September 29, 2000. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services, which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The proposed project is in conformance with the following objectives and policies of the Venice Community Plan:

*Goal 2. A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.*

*Objective 2-1. To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*

*Policy 2-1.1. New commercial uses shall be located in existing established commercial areas or shopping centers.*

*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.*

*Objective 2-2. To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*

*Policy 2-2.1. Encourage pedestrian-oriented uses and mixed-use in designated areas.*

*Objective 2-3. To enhance the appearance of commercial districts.*

*Policy 2-3.1. Require that new development be designed to enhance and be compatible with adjacent development.*

The project proposes a new mixed-use development comprised of new retail (market), office, and restaurant uses as well as improvements to two existing restaurants and public right-of-way, within a Community Center in the Venice Community Plan area. The project adds approximately 10,507 square feet of new commercial floor area, provides new visitor-serving uses and further enhances a critical commercial corridor for residents and visitors to the Venice Coastal Zone. The proposed project includes physical improvements to the

pedestrian right-of-way, including new ADA-compliant sidewalks, reconfigured intersections, and closure of unused driveways. The proposed mixed use development is designed as three separate structures (above ground) with heights varying from two to three stories, maintaining the massing of the development and surrounding area.

Land Use Element – Certified Venice Land Use Plan

The Venice Land Use Plan was adopted by the City Council on October 29, 1999 and certified by the California Coastal Commission on June 14, 2001. The LUP is part of the California Coastal Commission's Local Coastal Program intended for the Venice Coastal Zone; however the necessary Implementation Plan was not adopted. The LUP was adopted by means of a plan amendment to the Community Plan and provides policies applicable to development in the Venice Coastal Zone. As discussed in Finding No. 8 below, it is found that the project is in conformance with the objectives and policies of the Venice Land Use Plan.

Venice Coastal Zone Specific Plan

The Specific Plan was adopted by the City Council on December 2, 2003. As discussed in Finding No. 16 below, the project is in conformance with the applicable regulations of the Venice Coastal Zone Specific Plan.

As such, the proposed project substantially conforms with the purpose, intent and provisions of the General Plan, the Venice Community Plan, Land Use Plan, and Venice Coastal Zone Specific Plan.

**Alcoholic Beverage Findings**

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

The project site encompasses a commercially-zoned block, located within a commercial corridor, Abbot Kinney Boulevard to the south, and adjacent to a multi-family residential neighborhood, Electric Avenue to the north. The proposed mixed-use development consists of ~~a an apartment~~ hotel with 78 guest rooms and 4 dwelling units, a new two-story, 3,810 square-foot restaurant with 1,829 square feet of interior Service Floor area and 684.5 square feet of outdoor Service Floor area, and a new 2,935 square-foot market (retail) with 150 square feet of Service Floor area. The project proposes the sale and consumption of a full line of alcoholic beverages in the new hotel restaurant and bar area (and hotel roof decks and pool area for hotel guests), in the hotel guest rooms (liquor cabinets), hotel guest room services, and in all areas of the hotel (lobby, outdoor courtyard, lounge area, and business center), and offsite consumption for the market. The proposed hours of operation, restaurant use, and market are consistent with the existing commercial uses along Abbot Kinney Boulevard and are preferred uses identified in the Land Use Plan for areas designated for Community Commercial land uses.

As conditioned, the sale of a full line of alcoholic beverages for on-site and off-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of a full line of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions the

sale of a full line of alcoholic beverages for off-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**Generally, the proposed mixed use project is allowed by right within the commercial zone (with the exception of the hotel because of its proximity to residential use), and so are its components –restaurant, market, office. On-site alcohol sales associated with the uses are expected to be part of their operations; patrons are not expected to travel off-site to purchase alcohol separate for a dining or cocktail experience. To have patrons of the mixed use project travel into the community to procure alcohol while at the hotel, would in fact adversely impact the community. Hence, offering on-site sale of alcohol beverages to patrons of the mixed project is deemed not to adversely impact the pertinent community.**

5. **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 California Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 2733.00). Currently there are 17 on-site licenses and 3 off-site licenses in this census tract. **Five establishments with on-site licenses also hold Type 58 and 77 licenses.** Records from the California Department of Alcoholic Beverage Control show that there are two active Type 47 ABC Licenses for the two existing restaurants, to be maintained and improved as part of the proposed development: Primitivo Wine Bistro (License No. 514811) was active since June 8, 2015 and License No 569602 was active since August 24, 2016. The proposed hotel restaurant seeks a renewal and extension of an existing Type 47 License, No. 345545, active since October 7, 1998; adding the new areas within the hotel and seeking an off-site license for the sales within the proposed market.

According to statistics provided by the Los Angeles Police Department’s Pacific Division Vice Unit, within Crime Reporting District No. 1413, which has jurisdiction over the subject property, a total of 528 crimes were reported in 2018 (171 Part I and 357 Part II crimes), compared to the citywide average of 185 offenses and the high crime reporting district of 222 crimes for the same reporting period.

Part I Crimes reported by LAPD include, Homicide (0), Rape (1), Robbery (3), Aggravated Assault (18), Burglary (32), Auto Theft (17), Larceny (100). Part II Crimes reported include, Other Assault (7), Forgery/Counterfeit (1) Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (3), Prostitution Related (1), Sex Offenses (0), Offenses Against Family (0), Narcotics (30), Liquor Laws (22), Public Drunkenness (3), Disturbing the Peace (0), Disorderly Conduct (2), Gambling (0), DUI related (1) and other offenses (287). Of the 528 total crimes reported for the census tract, 22 arrests were made for liquor

laws, 3 arrests were made for under the influence of alcohol, and 1 arrest was made for driving under the influence. Crime reporting statistics for 2019 are not yet available.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within revitalized hubs are supported by a significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application for a license if there is evidence that normal operations will be contrary to public welfare and will interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness.

The above statistics indicate that the crime rate in the census tract where the subject site is located is higher than the city average. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

6. **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 project site is zoned for commercial uses and will continue to be utilized as such with the proposed mixed-use development. The following sensitive uses are located within a 1,000-foot radius of the site:

- Westminster Elementary School, 1010 Abbot Kinney Boulevard
- Westminster Senior Citizen Center, 1234 Pacific Avenue
- Westminster Dog Park, 1234 Pacific Avenue
- New Bethel Baptist Church, 503 Brooks Avenue
- Multi-family residential neighborhood, adjacent

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

**On-site alcohol sales within the proposed mixed project is a matter of convenience for visitors to the hotel, restaurants patrons, employees and others coming to the location. Without on-site alcohol sales within the proposed mixed project, its**

**visitors, patrons and employees would be made inconvenient and venture out along the Abbot Kinney Boulevard corridor seeking alcohol serving establishments. Their activities (leaving and returning to the site) could adversely impact the commercial corridor and nearby residential neighborhoods and so, the on-site sale of alcohol serves to contain the mixed-use developments activities within a confined area and limit the community's exposure to the mixed use development.**

### **Coastal Development Permit**

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.

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

Chapter 3 of the Coastal Act includes provisions that address public access, recreation, marine environment, land resources, development, and industrial development. The following addresses conformity with the applicable policies of Chapter 3 of the Coastal Act.

*Section 30222 states the priority of development purposes (private land); that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.* Visitor-serving commercial recreational facilities such as campgrounds, hostels, motels, and hotels are encouraged in the Coastal Zone to increase access to the Coast through the provisions of visitor accommodations. The project consists of the development of a new **mixed-use project comprised of a apartment** hotel providing 78 guest rooms and four dwelling units, within the Venice Coastal Zone. The proposed project will provide visitor accommodations and other visitor-serving commercial uses proximate to the Abbot Kinney commercial district as well as Venice Beach. The proposed project will not result in the net loss of any existing Residential Units and is zoned C2-1-CA, allowing for residential and commercial uses.

*Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.* The project consists of the demolition of existing structures, excavation, and grading, in order to construct a new three-story mixed-use development with three subterranean parking levels. Approximately 24,591 cubic yards of dirt will be exported from the site. The proposed excavation and export of dirt is subject to review by the Department of Building and Safety and is conditioned to comply with the recommendations listed in the Geology and Soils Approval Letter (LOG 93259). Also, the proposed project is subject to compliance with Federal, State and Local regulatory standards to ensure appropriate treatment of any potential paleontological resources unexpectedly encountered during grading and excavation activities regulations.

*Section 30250 states (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels*

*in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The proposed project is located along Abbot Kinney Boulevard, an established commercial corridor primarily developed with similar retail, office, and restaurant uses. Abbot Kinney Boulevard is a 70 foot-wide right-of-way with one travel lane in each direction, on-street public parking, served by public transit (local and rapid Metro stops and the Big Blue Bus), and is marked as a shared lane for bicycles. The project site has convenient access to existing public services, beach, bus lines, etc... The proposed development includes visitor-serving uses such as guest rooms (within an **apartment** hotel), restaurants, and retail uses and is located within a highly developed commercial corridor.

*Section 30251 The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.* The project site and properties proximate to the site are developed with one and two story structures in an urban area.

The proposed project site encompasses the entire rear portion of the block with new structures fronting Abbot Kinney Boulevard (south), Broadway (west), Electric Avenue (north), and Westminster Avenue (east). The project proposes a 70,310 square-foot mixed-use development designed as four structures connected by pedestrian bridges and subsurface levels. The development (above ground) is comprised of three (3) three-story structures and one (1) two-story structure, with a maximum flat-roof height of 30 feet. The proposed development will retain two existing structures fronting Abbot Kinney Boulevard (proposing tenant improvements) and construct new two and three-story structures. The existing structures maintain a flat-roof height of approximately 30 feet, consistent with that of existing two and three-story structures along Abbot Kinney Boulevard. New development is only proposed on four lots fronting Abbot Kinney Boulevard and will preserve much of the existing massing and scale of the commercial block. The building wall is articulated with balconies and recessed planes at the second and third level. The proposed flat-roof height of 30 feet and three-stories is similar to that of existing structures along the south side of Electric Avenue that extend more than 300 feet. The proposed project is conditioned to observe a rooftop setback of 12 feet from the easterly and westerly property lines. As such, the proposed 30-foot-tall portions of the project are consistent with the massing and scale of the existing development, adjacent to the multi-family residential neighborhood.

The properties immediately south of Abbot Kinney Boulevard are developed with an elementary school and playground, while the lots fronting Broadway and Westminster Avenue are developed with one and two-story commercial structures. The properties north of Electric Avenue are developed with multi-family residential structures that vary from one to three stories in height; the structures fronting Electric Avenue are one story in height.



The properties fronting Electric Avenue, along the south side of the street, are developed with two and three-story commercial and residential structures, with a flat-roof height of 30 feet; these buildings are adjacent to one-story residential structures. The three-story structure, located on the east side of Westminster Avenue, includes rooftop decks and vehicle access from Electric Avenue. The project site and properties proximate to the site are developed with one and two story structures in an urban area.

The proposed project improves access to and around the 46,870 square-foot site, reconstructing the existing sidewalk, closing unused driveways, constructing ADA compliance ramps (corners), and constructing a new sidewalk along Electric Avenue. The project also includes new street trees and landscaping, enhancing the pedestrian realm, adjacent to the project site. The proposed project is conditioned to prohibit the use of the public right-of-way for the loading purposes. As such, the proposed development along Electric Avenue is visually compatible with the surrounding area and consistent with the character and scale of the neighborhood. The site and immediate neighborhood do not contain natural land forms, nor do they maintain views to the ocean; the subject site is approximately half a mile inland. The proposed three-story structure would not obstruct views of the ocean or any other scenic areas, is visually compatible with the character of the existing area, and will enhance the visual quality of the subject site and immediate area.

*Section 30252 The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.* The project proposes the development of a mixed-use project comprised of 78 guest rooms, four dwelling units, and groundfloor commercial uses. The project provides both visitor-serving facilities and “commercial facilities within or adjacent to residential development,” which is in keeping with policies of the Coastal Act and the pedestrian-oriented nature of Abbot Kinney Boulevard. While, the 60-space surface parking lot is being removed, the proposed project will provide a total of ~~175~~ **184** parking spaces onsite to satisfy the parking requirements of the existing and proposed uses and will also provide additional bicycle parking for hotel guests, residents, and visitors. The provision of bicycle parking and proximity of transit to the property is consistent with the Coastal Act’s policies regarding non-automobile circulation. Further, the proposed project is conditioned to prohibit the use of the adjoining right-of-way for loading purposes in order to maintain and enhance public access the coast and other public institutions.

*Section 30253 states new development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and*

*neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The proposed development is located within a methane zone, liquefaction area and within 4.7 kilometers of the Santa Monica Fault. As such, the project is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The property is also located within Zone C (National Flood Insurance Program rate maps), areas of minimal flooding.

The project site is also located within an area that may be affected by Sea Level Rise. On August 12, 2015, the Coastal Commission adopted a Sea Level Rise Policy Guidance document, subsequently updated and adopted on November 7, 2018. This policy document provides a framework and directions for local jurisdictions to address sea level rise (SLR) in Local Coastal Programs (LCPs) and Coastal Development Permits (CDPs). In May 2018, the City completed an initial sea level rise vulnerability assessment for the Venice Coastal Zone. The report provides that: *Existing wide beaches generally protect Venice from coastal hazards. Coastal assets along or near the beachfront are potentially vulnerable during a large storm event in combination with SLR greater than 3.3 feet. After 4.9 feet SLR, beachfront assets are more vulnerable to damage from flooding or potential erosion of the beach. A SLR of 6.6 feet is a tipping point for Venice's exposure to extreme coastal wave events. Beachfront and coastal assets could flood annually, beaches could be greatly reduced in width, and high water levels could greatly increase potential for flooding of inland low-lying areas.* As discussed in the analysis, *there is considerable uncertainty around the timing of SLR, how coastal processes may be affected, and what adaptation approaches will be applied in the future (VSLRVA, pg. 45).* Policies and development standards to address the potential impacts of SLR would be addressed in the City's LCP for the Venice Coastal Zone.

A Sea Level Rise Hazards Analysis was prepared by GeoSoils, Inc., a report dated May 20, 2019. The Coastal Storm Modeling System (CoSMoS) was utilized to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6-foot sea level rise and a 100-year storm scenario. Based on this scenario, the proposed development could potentially be affected by flooding as a result of SLR at or above the stated level; however, the potential for such flooding in severe storm events is likely to increase towards the end of the project's life (based on a typical development life of 75 years). The proposed development includes three subterranean levels, however, the foundation and basement levels are required to be water-proofed and are subject to further review and compliance with zoning and building code requirements. Furthermore, any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

**8. 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 a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were

not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

The following provides a discussion of the applicable policies of the certified LUP:

*Policy I. A. 17. Youth Hostels and Hotels. Development of temporary housing opportunities, such as hotels and youth hostels, shall be permitted through the conditional use permit/coastal development permit process in the Medium Density Residential and Community Commercial categories. The capacity of the proposed youth hostel shall be a factor of consideration for residential zones. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in Community Commercial and General Commercial land use categories.*

*Policy I. B. 2. Mixed-Use Development. Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use...The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*

*Policy I. B. 6. Community Commercial Land Use. The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.*

*Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.*

*Policy I. B. 7. Commercial Development Standards.*

- *Density/Intensity: Maximum Floor Area Ratio (FAR): 1.5 to 1 for retail and/or office and residential.*
- *Lot consolidation of more than two lots shall be permitted for mixed-use projects which conform to the existing scale and character of the surrounding community and provide adequate on-site parking.*
- *Yards: Per the following Ground Level Development Policy which requires that commercial development be designed in scale with, and oriented to, the adjacent pedestrian accessways (i.e. sidewalks).*
- *Ground Level Development: Every commercial structure shall include a Street Wall, which shall extend for at least 65% of the length of the street frontage...The*

- required Street Wall at sidewalk level shall be a minimum of 13 feet high. (A Street Wall is the exterior wall of a building that faces a street.)*
- *Street Walls adjacent to a sidewalk café, public plaza, retail courtyard, arcade, or landscaped area may be setback a maximum of 15 feet along the project which consists of the sidewalk café, public plaza, retail courtyard, arcade, or landscaped area. Such areas shall not be considered in calculating the buildable area of a project...but shall be considered in calculations for required parking.*
  - *At least 50% of the area of the ground floor Street Wall shall be devoted to pedestrian entrances, display windows, and/or windows affording views into retail, office, gallery, or lobby space.*
  - *Blank walls shall be limited to segments of 15 feet in length, except that walls containing a vehicle entry shall be limited to the width of the door plus five feet.*
  - *All projects shall provide at least one pedestrian entrance into each business or use for each street frontage.*

*Policy I. E. 2. Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.*

*Policy II.A.3 Parking Requirements.*

- a. *Hotel: 2 spaces; plus 2 spaces for each dwelling unit; plus 1 space for each guest room or each suite of rooms for the first 30; plus 1 space for each two guest rooms or suites of rooms in excess of 30 but not exceeding 60; plus 1 space for each three guest rooms or suites of rooms in excess of 60; plus 1 space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas; plus 1 space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.*
- b. *Office: 1 space for every 250 square feet of floor area*
- c. *Spa: 1 space for every 250 square feet of floor area*
- d. *Retail: 1 space for every 225 square feet of floor area*
- e. *Restaurant (existing): 1 space for every 50 square feet of Service Floor area*

*Policy II. A. 4. Parking Requirements in the Beach Impact Zone...Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor.*

*Policy II. A. 10. Valet Parking. Valet parking programs may be permitted and implemented in order to increase the amount of available public parking in parking impacted areas. In*

*order to ensure that any valet parking program that is permitted to operate in the Venice Coastal Zone does not negatively impact coastal access opportunities, all approved valet parking programs shall comply with the following policies:*

- a. The use of public parking areas for valet vehicle Drop-off/Pick-up stations shall be limited to the minimum area necessary and occupy the fewest number of public parking spaces.*
- b. Vehicle Storage/Parking. The storage of vehicles by valets is prohibited in public parking lots, on public rights-of-way and in on-street parking spaces (except for loading and unloading) unless it is determined that use of the public parking area will not conflict with the need for public parking by beach goers.*
- c. A valet parking program that utilizes public property in the coastal zone shall be available for use by the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers).*

The project consists of the demolition of an existing restaurant, three single-family dwellings, and a 60-space, surface parking lot and the construction of a mixed-use development comprised of ~~a an apartment~~ hotel having 78 guest rooms, four dwelling units and commercial uses consisting of a new restaurant, retail, office, and spa uses. The subject site is zoned C2-1-CA with a General Plan Land Use Designation of Community Commercial. As outlined in Policy 1.B.6, *overnight visitor-serving uses, such as hotel and youth hostels, are preferred uses in the Community Commercial land use category.* The proposed mixed-use development further conforms to the development regulations outlined in Policy I.B.7, discussed in Finding No. 16.

Furthermore, as discussed in Finding No. 1, the proposed development is consistent with the mass and scale of the existing character of the neighborhood (both commercial and residential character), as provided in Policy I.E.2. The proposed development is designed with four structures (above ground), connected by pedestrian bridges and subterranean levels. As such, the massing of the structure is reduced and further articulated, matching the scale of commercial and residential development adjacent and proximate to the site. The proposed two and three story structures fronting Abbot Kinney Boulevard, Westminster Avenue, and Broadway are consistent with existing commercial and mixed-use structures. The proposed three-story structure fronting Electric Avenue is consistent in scale and massing with the existing three-story structures on the south side of Electric Avenue, adjacent to the residential neighborhoods to the north.

The mixed-use development is consistent with the commercial development standards outlined in Policy I.B.7 and further discussed in Finding No. 16. The mixed-use development proposes an FAR of 1.5:1 on a site comprised of eight lot and will construct four structures (designed as separated building above ground). The ground floor includes Street Walls that extend more than 65 percent of the length of the street frontage (all four streets) and are designed with windows, pedestrian entrances, and storefronts. As conditioned, the project conforms to the commercial development standards.

The project provides ~~475~~ **184** parking spaces within a subterranean, automated parking garage; the parking provided complies with the required parking for Hotel uses, as outlined in Policy II.A.3 and for commercial development in the Beach Impact Zone, as outlined in Policy II.A.4. The project also provides required parking for two existing restaurant uses with a combined Service Floor area of 2,268 square feet, consistent with the requirements outlined in the LUP. A valet service is provided onsite for the automated parking, and all drop-off and pick-up areas are anticipated to be onsite. As conditioned, the loading of

passengers or goods is prohibited in the public right-of-way. As such, all proposed valet operations are consistent with Policy II.A.10.

The proposed mixed-use development is consistent with the policies of the certified Land Use Plan and the standards of the Specific Plan (discussed below) and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

**9. 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 Interpretive Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretive Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources.” In addition to the Regional Interpretive Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The Regional Interpretive Guidelines have been reviewed and the proposed project is consistent with the requirements for Parking, Height, Setbacks, Access, and Articulation; the project also complies with the policies of the LUP and standards of the Specific Plan (discussed in Finding No. 2 and 16).

**10. The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

The subject property is located within the Single-Jurisdiction area of the California Coastal Zone. As such, Coastal Development Permits are issued by the City of Los Angeles, which are then appealable to the California Coastal Commission. The Director of Planning has been guided by the actions of the Coastal Commission in its review of similar applications in the Venice Coastal Zone:

- 1697 Pacific Avenue (CDP Nos. 5-03-071-A3 & A-5-VEN-15-0025). On February 12, 2016, the Commission approved with conditions, the expansion of service floor area to the roof deck of an existing hotel.
- 1697 Pacific Avenue (CDP Nos. 5-03-071 & A5-VEN-03-067). On August 7, 2003, the Commission approved with conditions, the addition of a 5<sup>th</sup> floor and 30 new guest rooms to an existing 92-room hotel within the dual jurisdiction of the Coastal Zone.
- 1119-1123 Abbot Kinney Boulevard (No. A-5-VEN-03-466). On December 11,

2003, the Commission found No Substantial Issue with regards to an appeal of Coastal Development Permit issued by the City (ZA-2002-1848-CDP-MEL-SPE-PP-SUB-CUB), for the construction of 35-foot high mixed-use building comprised of seven live-work units, two commercial condominium units, and groundfloor commercial uses within the single jurisdiction of the Coastal Zone.

- 4750-4761 Lincoln Boulevard (A5-VEN-98-222). The City's Coastal Development Permit was appealed to the Coastal Commission on May 26, 1998 and was heard on November 4, 1998. The appeal was withdrawn. Coastal Commission staff's recommendation was that the Commission determine that no substantial issue exists; located within the single jurisdiction.

The proposed project is consistent with the previous decisions of the City and the California Coastal Commission that have included the development of a mixed-use structures comprised of residential and commercial uses, hotel uses, and the expansion of hotel uses in the Venice Coastal Zone.

11. **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.**

The project proposes the demolition of six existing structures and a 60-space surface parking lot, for the construction of a three-story, mixed-use development comprised of 78 guest rooms, four dwelling units, and groundfloor commercial uses within an urban area on a commercial corridor. The property is located more than 1,500 feet inland from the public road (Pacific Avenue) that is nearest to the sea or shoreline of any body of water. The property is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

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.*

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

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of the Venice Place Project by preparing an EIR (Case Number ENV-2016-4321-EIR/State Clearinghouse No. 2016061033). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code

Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR. CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

A full discussion of the EIR and environmental clearance is outlined in Finding No. 22 of this document.

### Site Plan Review

13. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The project site is located within the Venice Community Plan, which is one of 35 Community Plans forming the Land Use Element of the General Plan. Properties within the Venice Coastal Zone are also subject to the provisions of the Venice Coastal Zone Land Use Plan (LUP), which was adopted by means of a plan amendment to the Community Plan. The Community Plan and LUP designate the project site with a Community Commercial land use designation, with corresponding zones of CR, C2, C4, RAS3, and RAS4. The project site is zoned C2-1-CA. The project is in substantial conformance with the purposes, intent, and provisions of General Plan, Community Plan, and Specific Plan, as discussed in Findings No. 3, 8, and 16.

14. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The proposed development is designed with four structures (above ground), connected by pedestrian bridges and subterranean levels. As such, the massing of the structure is reduced and further articulated, matching the scale of commercial and residential development adjacent and proximate to the site. The development will maintain two existing structures fronting Abbot Kinney Boulevard (proposing tenant improvements) and construct a new two-story and three-story structure. The properties immediately south of Abbot Kinney Boulevard are developed with an elementary school and playground, while the lots fronting Broadway and Westminster Avenue are developed with one and two-story commercial structures. The existing structures maintain a flat-roof height of approximately 30 feet, consistent with that of existing two and three-story structures along Abbot Kinney Boulevard. New development is only proposed on four lots fronting Abbot Kinney Boulevard and will preserve much of the existing massing and scale of the commercial block.



The properties north of Electric Avenue are developed with multi-family residential structures that vary from one to three stories in height, the structures fronting Electric Avenue are one story in height. The properties fronting Electric Avenue, along the south side of the street, are developed with two and three-story commercial and residential structures, with a flat-roof height of 30 feet; these buildings are adjacent to one-story residential structures. As such, the proposed 30-foot-tall portions of the project are consistent with the massing and scale of the existing development, adjacent to the multi-family residential neighborhood. The building wall is articulated with balconies and recessed planes at the second and third level. The proposed flat-roof height of 30 feet and three-stories is similar to that of existing structures along the south side of Electric Avenue that extend more than 300 feet. The three-story structure, located on the east side of Westminster Avenue, includes rooftop decks and vehicle access from Electric Avenue. The proposed three-story structure fronting Electric Avenue is consistent in scale and massing with the existing three-story structures on the south side of Electric Avenue, adjacent to the residential neighborhoods to the north.

**Off-street parking facilities and loading areas.** The mixed use development will provide a total of ~~475~~ **184** parking spaces within three subterranean levels, accessed by an automated parking system and operated by a valet. A 600 square-foot loading area is provided onsite, along Broadway. The onsite loading space satisfies the requirements of LAMC Section 12.21-C.6. However, the proposed on-street loading area displaces parking for public access, public recreation and public institutions; hence, the project is conditioned to prohibit the use of the public right-of-way for loading purposes.

**Lighting.** All common areas and pedestrian walkways within the project site will be illuminated, designed with downward facing lights and shielded so the light source cannot be seen from adjacent residential properties.

**Landscaping.** The project provides approximately 5,257 square feet of landscaped area in an open courtyard on the ground floor and provides a swimming pool, 3,160 square feet of rooftop deck area, and garden (accessible to hotel guests).

**Trash collection.** An enclosed trash and recycling room is provided along Broadway.

The project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities and loading areas, lighting, landscaping, trash collection and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties.

15. **The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed mixed-use project is comprised of a apartment hotel ~~consists of with~~ 78 guest rooms and 4 dwelling units and ground floor commercial uses. As such, the open space requirements of LAMC Section 12.21-G do not apply as the mixed use development does not consist of six or more dwelling units. As previously discussed, the proposed development provides common recreational areas and amenities primarily for visitors and their guests, consisting of a ground level courtyard, rooftop swimming pool, and rooftop deck areas with a garden. However, residents of the four dwelling units are anticipated to have access to these amenities. As such, the proposed mixed-use project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

## Project Permit Compliance

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

The site is improved with approximately 12,560 square feet of development, comprised of three restaurants totaling 7,444 square feet, a private school consisting of 1,572 square feet within three (residential) structures, 3,544 square feet of office space and a 60-space surface parking lot. There is also 2,963 square feet of existing outdoor landscaped area at the Project Site used as a retail nursery known as the Sculpture Garden that will remain. There is also a temporary vegetable garden, the Cook's Garden, at 1033 Abbot Kinney. Two of the three restaurant businesses and two of the three buildings in which they reside will be maintained, preserving street frontage on Abbot Kinney. One of the three restaurant buildings, at 1031 Abbot Kinney, will be demolished and replaced with a new restaurant serving the hotel and the public.

The proposed project is the demolition of six existing structures and surface parking lot, for the construction of a 63,964 square-foot mixed-use development (70,310 square feet of new and existing development) consisting of: the maintenance of two existing restaurants, the demolition of a 2,442 square-foot restaurant and the construction of a ~~4,200~~ 3,810 square-foot hotel restaurant having ~~1,896~~ 2,514 square-feet of Service Floor Area, the construction of a new ~~an apartment~~ Hotel with ~~four residential units and 80~~ 78 guest rooms, 4 dwelling units, ~~2,534~~ 2,935 square feet of groundfloor retail space comprised of a market with ~~500~~ 170 square feet of Service Floor Area and a 1,735 square-foot spa, and ~~3,374~~ 2,027 square feet of office space. The project will construct three (3) new three-story mixed-use buildings, a maximum of 30 feet in height, and one (1) new two-story building, approximately 25 feet in height; all new structures are connected by pedestrian bridges and subterranean levels. Tenant improvements are proposed to the existing restaurant structures comprised of interior and exterior improvements. The project provides a total of ~~475~~ 184 parking spaces, at grade and within three subterranean levels. ~~The applicant proposes to provide two on-street loading areas on Broadway, limiting the use of the two spaces for loading during the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday and 10:00 A.M. to 4:00 P.M.;~~ A loading area is also provided onsite.

The proposed project complies with the applicable General Land Use and Development Regulations set forth in Section 9, Land Use and Development regulations for the North Venice Subarea set forth in Section 10.F, the Commercial Standard outlined in Section 11, and the Parking provisions set forth in Section 13 of the Specific Plan as evidenced below:

**Section 9 General Land Use and Development Regulations.** The proposed mixed-use development, comprised of residential and commercial uses, would construct three structures (connected by pedestrian bridges) on eight lots. Section 9.A.1.e(4) states that: *lot consolidation of more than two lots shall be permitted for mixed-use and multi-family residential Venice Coastal Development Projects, provided the project conforms to the existing scale and characteristic of the surrounding community, the required parking is on-site and the project conforms with development standards in Section 9.A.2 below.* As outlined in Section 9.A.2: (a) the project provides subterranean parking that is fully below natural grade, and (b) the structures incorporate visual breaks and Architectural Features such as articulated entrances, vertical and horizontal projections, incorporates a change

in material and plane every 20 horizontal feet and 15 vertical feet. Consistent with subsection B., height is measured from the midpoint of the centerline of the street lowest in elevation. The proposed Roof Access Structures are minimized and limited to 100 square feet (measured from the exterior walls) and 10 feet in height; all other mechanical equipment and roof structures are limited to no more than five feet in height. The project complies with the applicable provisions of Section 9 of the Specific Plan.

**Section 10.F North Venice Subarea Development Regulations.** The proposed development is subject to the density, height, and setback requirements for the North Venice Subarea. Subsection 2.b limits density in commercial zones to that of the R3 zone. The project is subject to and complies with a density limitation of 1 dwelling unit for each 800 square feet of lot area and 1 guest room for each 500 square feet. The project site is approximately 46,877 square feet. The proposed four dwelling units and 78 guest rooms are within the allowable density for the subject site. The project proposes a maximum height of 30 feet with a flat roof, consistent with the height limitation of subsection 3.a. The proposed dwelling units, located on the third floor, are set back five feet from the required yard (zero feet), consistent with subsection 4.a. The project complies with the applicable provisions of Section 10.F of the Specific Plan.

**Section 11 Commercial Design Standards.** The mixed-use project includes commercial uses on the ground floor, providing a Street Wall for more than 65 percent of the Building Frontage, with a minimum height of 13 feet. More than 50 percent of the Street Walls are designed with windows, pedestrian entrances, and storefronts; no blank walls are provided. Pedestrian entrances are provided on all frontages. The project proposes a maximum Floor Area Ratio of 1.5:1 for project comprised of retail, restaurant, office, and residential uses. All unpaved areas are landscaped, lighting is directed onsite, and trash/recycling areas are provided within the proposed structure. As conditioned, the project complies with the applicable provisions of Section 11.B of the Specific Plan.

**Section 13 Parking.** The project provides ~~175~~ 184 automobile parking spaces within a subterranean, automated parking garage, as provided in the table below:

USE	PARKING STANDARD	PROJECT	REQUIRED/PROVIDED
Hotel	2 spaces; <i>plus</i>		2 spaces
Dwelling Unit	2 spaces per DU; <i>plus</i>	4 dwelling units	8 spaces
Guest Room	1 space per guest room (first 30 rms); <i>plus</i> 1 space per 2 guest rooms (31-60 rms); <i>plus</i> 1 space per 3 guest rooms (60+ rms); <i>plus</i>	78 guest rooms	51 spaces
Service Floor Hotel Restaurant	1 space per 100 SF of floor area used for consumption of food or beverages.	2,514 SF Service Floor	25 spaces
Office	1 space per 250 SF	2,027 SF	8 spaces
Spa	1 space per 250 SF	1,735 SF	7 spaces

<b>Retail</b>	1 space per 225 SF	2,935 SF	13 spaces
(w/ seating)	1 space per 50 SF	170 SF	3 spaces
<b>Beach Impact Zone</b>	1 space per 640 SF of ground floor area	<del>8,065 SF</del> <b>14,256.75 SF</b>	<del>13 spaces</del> <b>22 spaces</b>
			<del>130 spaces</del> <b>139 spaces</b>
<i>Existing Restaurants</i>	<i>1 space per 50 SF of Service Floor Area</i>	<i>2,268 SF</i>	<i>45 spaces</i>
<b>Total Automobile Parking Spaces</b>			<del>175 spaces</del> <b>184 spaces</b>

The proposed mixed-use project complies with the parking standards outlined in Table D. of the Specific Plan as well as the Beach Impact Zone (BIZ) parking requirements outlined in Subsection E. In addition, the proposed project provides a minimum 45 parking spaces for two existing restaurants located at 1021-1029 South Abbot Kinney Boulevard. Any existing required parking for the existing restaurants are required to be maintained. Minor interior and exterior improvements are proposed for the structures with Service Floor areas of 927 square feet (1021-1025 Abbot Kinney Blvd.) and 1,341 square feet (1027-1029 Abbot Kinney Blvd.). As conditioned, the project complies with the applicable provisions of Section 13 of the Specific Plan.

**The project complies with the Findings outlined in Section 8.C as follows:**

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

The subject project site is approximately 46,877 square feet of lot area comprised of nine lots in a block bound by Electric Avenue to the north, Westminster Avenue to the east, Broadway to the west, and Abbot Kinney Boulevard to the south; three lots abutting the project site are developed with a parking lot, a building formerly used as a church (1039-1041 Abbot Kinney), and an office formerly used as a multifamily residence (1043 Abbot Kinney), are not included in the project site. The properties to the north and northeast are zoned RD1.5-1 and are developed with one and two-story, single and multi-family structures; the residential structures abutting Electric Avenue are one-story. The property east of the site maintains a 1-story commercial building (fitness use) and 2-story residential building above groundfloor parking in the C2-1-CA zone; the property south of the site includes the Westminster Avenue Elementary School located within the [Q]PF-1XL zone, the school’s frontage on Abbot Kinney includes a 2-story structure, open recreation field, and a parking lot.

The proposed mixed-use project consists of four new structures, connected by pedestrian bridges and walkways, ranging in height from two stories and 23 feet in height to three stories and 30 feet in height. The proposed project frontage on Abbot Kinney Boulevard is comprised of a two-story structure to house a new restaurant (replacing an existing restaurant) and will be similar in height to an existing two-story restaurant abutting the lot. A three-story structure, to be located on the southeast corner of the project site is proximate to similar three-story mixed-use structures on Abbot Kinney Boulevard and Westminster Avenue, immediately abutting the lot the west is a two-story commercial structure.

The main structure of the proposed project consists of three stories (30 feet) of mixed-uses, rooftop deck, and groundfloor parking, with frontage and vehicle access on Electric Avenue; the structure would be located within 45 feet of one-story residential structures along the north side of Electric Avenue. The proposed structures are similar to existing two and three-story structures with rooftop decks and groundfloor garages located on Abbot Kinney Boulevard east and west of the project site. The existing structures are adjacent to similar one and two-story, single and multi-family residential structures north of Electric Boulevard. As such the proposed development is compatible in scale and character with the existing neighborhood, consistent with the character of Abbot Kinney Boulevard and Electric Boulevard, and would not be materially detrimental to the adjoining lots or immediate area.

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

The Venice Local Coastal Land Use Plan (“LUP”) was certified by the California Coastal Commission on June 14, 2001. However, the necessary Implementation Plan was not certified and Local Coastal Program was not adopted by the City and certified by the Coastal Commission. The City is in the initial stages of preparing a new LCP; prior to its adoption the guidelines contained in the certified LUP are advisory. A full discussion of the applicable policies of the certified LUP is provided in Finding No. 8. As stated, the proposed project conforms to the applicable policies of the LUP and development standards of the Venice Specific Plan.

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

As discussed in Finding No. 18, the project includes the demolition of three single-family dwellings. However, as reviewed by the Los Angeles Housing Department (LAHD) in a letter dated July 6, 2010, no affordable units exist at 1047-1051 Abbot Kinney Boulevard. As such, no Replacement Affordable Units are required.

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

As discussed in Findings No. 18-19, the subject project consists of the demolition of three single-family residential structures and construction of a mixed-use development containing four new Residential Units. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore no Inclusionary Residential Units are required.

**17. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review that would mitigate the negative environmental effects of the project, to the extents physically feasible.**

The City of Los Angeles (the “City”), as Lead Agency, has evaluated the environmental impacts of implementation of the Venice Place Project by preparing an EIR (Case Number ENV-2016-4321-EIR/State Clearinghouse No. 2016061033). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code

Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR. CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The Final EIR contains a Mitigation Monitoring Program, which identifies mitigation measures for the project. A full discussion of the EIR and environmental clearance is outlined in Finding No. 22 of this document.

### **Mello Act Compliance Review**

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

#### **18. Demolitions and Conversions (Part 4.0).**

The project includes the demolition of three single-family residential structures currently utilized as the Ecole Claire Fontaine Day Care Center, in operation since 2004. **The administrative record includes leases signed by the Ecole Claire Fontaine Day Care Center dating back to 2004, which note the property was being leased to a pre-school. The rental rates for the pre-school exceed levels of affordable rents.** Although the single-family structures currently maintain nonresidential uses, they are legally permitted as dwelling units. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA), previously the Los Angeles Housing Department (LAHD), dated July 6, 2010 found that no affordable units exist at 1047-1051 Abbot Kinney Boulevard. LAHD's determination found *the property had been operated as a day care center since 2004, and there are currently no units being used for residential purposes*. Furthermore, the proposed project includes the construction of four new Residential Units (dwelling units within **a mixed-use structure an apartment hotel**), as such the project would not result in a Conversion and would maintain a Residential Use on the project site.

Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion; and the applicant is not required to provide any Affordable Replacement Units.

#### **19. Categorical Exemptions (Part 2.4) Small New Housing Developments.**

The project proposes the construction of a mixed-use development comprised of 78 guest rooms, four Residential Units, and commercial uses. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units

are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. **For the purposes of Mello Act analysis, Attachment 1 of the Interim Administrative Procedures defines Residential Units as “a dwelling unit, efficiency dwelling unit, or joint living and work quarters as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC); a mobilehome, as defined in Section 18008 of the California Health and Safety Code; a mobilehome lot in a mobile home park as defined in Section 18214 of the California Health and Safety Code; or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the California Health and Safety Code.”** Therefore, the proposed development of four new Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

### **Waiver of Street Dedications and Improvements**

The Director of Planning may waive, reduce, or modify the required dedication or improvement, based on substantial evidence in the record, after making any of the following findings set forth in LAMC Section 12.37-1.2(b). A Notice of Requested Waiver was mailed on June 4, 2018 as required under LAMC Section 12.37-1.2(a). One (1) written comment was received from the Department of Transportation (DOT) during the 14-day comment period. DOT recommended a waiver of no more than 2.5 feet on Electric Avenue, to ensure a 5-foot wide sidewalk is provided.

20. **The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.**

The project site abuts Electric Avenue to the north, Broadway to the west, Westminster Avenue to the east, and Abbot Kinney to the south. The applicant requests a waiver of the required street dedication on Electric Avenue to provide a 4.5-foot dedication in lieu of the 7.5 feet otherwise required and on Westminster Avenue to provide a 2-foot dedication in lieu of the 5 feet otherwise required.

Electric Avenue is designated as a Local Street with a current right-of-way width of 40 feet, having a roadway width of 22.5 feet. Designated Local Streets are required to have a 60-foot-wide right-of-way and a 36-foot wide roadway. The street currently provides one travel lane in each direction and parking on both sides of the street, as such no additional dedication is necessary to widen the roadway. However, a dedication is necessary to construct a new sidewalk adjacent to the project site. A minimum width of five feet is necessary to meet ADA requirements for three feet of unobstructed access and provide additional area for future street lights and trees. As such, a 7.5-foot dedication is not necessary, a minimum 5-foot wide dedication satisfies the objective of the Mobility Plan to provide safe access for pedestrians. The resulting 5-foot wide sidewalk is consistent with the pedestrian improvements along Electric Avenue.

Westminster Avenue is designated as a Local Street with a current right-of-way width of 50 feet, having a roadway width of 28 feet. The required 5-foot dedication would result in a sidewalk width of 12 feet and half-roadway width of 18 feet. The street currently provides one travel lane in each direction and parking on both sides of the street; parking is restricted along red-curb areas adjacent to the subject site. The requested dedication of two feet, in lieu of the required 5 feet, would result in a sidewalk width of 12 feet and half roadway width of 15 feet.

As provided in the Complete Streets Design Guide, *Local Streets are intended to accommodate lower volumes of vehicle traffic. Local streets have one lane in each*

*direction and have parking on both sides of the street.* The reduced street dedications would maintain the roadway widths and existing parking, while enhancing the pedestrian realm, increasing and promoting safe pedestrian access to and from the project site. Therefore, the required dedications and improvements are necessary to meet the City's mobility needs for the next 20 years, based on guidelines the Street Standards Committee has established.

## **ADDITIONAL MANDATORY FINDINGS**

21. 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.
22. **FINDINGS OF FACT (CEQA)**

**[The following provides the sections of Finding No. 22 that include revised text. The Commission's action to adopt the Revised Findings includes the revisions below and the sections that remain unchanged]**

Update **Finding 22: Findings of Fact (CEQA)**, with the following:

On page 44, In Section a. INTRODUCTION, under subheading Environmental Review Process and Record of Proceedings, add the following language after "Final EIR" and modify "Public Hearings":

**Erratum. The City released an Erratum for the Project in July 6, 2020, which included corrections and minor modifications to the EIR. The Erratum addressed corrections to replace any references to an Apartment Hotel use with a mixed use project, including a hotel use, and to modify the Project Design Feature for the Traffic Demand Management (TDM) program to remove reference to an airport shuttle from the site. The Erratum states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.**

**Appeal Recommendation Report. The City released an Appeal Staff Report on July 6, 2020, in response to four appeals on the approval of the Project, including appeals raising issues on the EIR.**

**Public Hearings.** A noticed public hearing for the Project was held by the Associate Zoning Administrator on August 1, 2019 **and by the West Los Angeles Area Planning Commission on July 15, 2020.**

**Supplemental Responses. The City released a Supplemental Response Letter on August 27, 2020, in response to two CEQA appeals.**

**Erratum. The City released a second Erratum for the Project in September 2020, which included supplemental information regarding the infeasibility of Alternative 4, Historic Preservation Alternative. The Erratum states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.**



**Public Hearings. A noticed public hearing for the Project was held by the Planning and Land Use Committee of the City Council on September 10, 2020, by the City Council on September 15, 2020, and by the West Los Angeles Area Planning Commission on October 21, 2020.**

On page 45, in Section b. PROJECT DESCRIPTION, correct the project description to accurately reflect the project as analyzed in the EIR, and as approved:

The proposed project is the demolition of six existing structures and surface parking lot, for the construction of a ~~63,964~~**63,891** square-foot mixed-use development (70,310 square feet of new and existing development) consisting of: the maintenance of two existing restaurants, the demolition of a 2,442 square-foot restaurant and the construction of a ~~4,200~~**3,810** square-foot hotel restaurant having ~~1,896~~**2,514** square-feet of Service Floor area, ~~the construction of~~ a new **Apartment Hotel mixed-use building** with four residential **dwelling** units and ~~8078~~**hotel** guest rooms, ~~2,534~~**2,935** square feet of ground floor retail space **including** a market with ~~500~~**170** square feet of Service Floor area, a 1,735 square-foot spa, and ~~3,374~~**2,027** square feet of office space. The project will construct three (3) new three-story mixed-use buildings, a maximum of 30 feet in height, and one (1) new two-story building, approximately 25 feet in height; all new structures are connected by pedestrian bridges and subterranean levels. Tenant improvements are proposed to the existing restaurant structures comprised of interior and exterior improvements. The project provides a total of ~~475~~**184** parking spaces, at grade and within three subterranean levels. ~~The applicant proposes to provide two on-street loading on Broadway, the use of the spaces during the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday and 10:00 A.M. to 4:00 P.M. a loading area is also provided zone onsite.~~

On page 47, in Section c. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION, under the subheading Air Quality, Impact Summary modify:

As noted in pages 24-26 of the Initial Study and Section 4.B of the Draft EIR, **and the Appeal Recommendation Report**, the project would not conflict with the implementation of the 2016 Air Quality Management Plan, as the analysis shows that increases in particulate matter or other criteria pollutant emissions during construction would not exceed the SCAQMD-recommended significance thresholds, and the project is otherwise consistent with all air quality plans. Regional and localized emissions during both the construction and operational phases of the project also fall under South Coast Air Quality Management District thresholds. The project would also not subject sensitive receptors or other people to substantial pollutant concentrations or odors. Therefore, the project will result in less than significant impacts related to air quality.

On page 49, in Section c. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION, under the subheading *Noise*, add the following findings for operational noise:

*Noise (Thresholds e and f) and Operational Noise (Thresholds a, b, c)*

*Impact Summary:*

**Operational on-site noise impacts were also evaluated for Noise thresholds a and c, based on the project including a variety of operational noise sources that would be contained within the building structures, in the open spaces areas, or passive**

sources that generate low levels of noise. These are constrained by Project Design Features NOI-1, NOI-2, and NOI-3. It is anticipated that project activities would occasionally be audible at adjacent land uses (e.g., truck, valet, or balcony activity), but these activities would not increase the permanent CNEL at the property line of affected uses by 3 dBA CNEL to or within 70 to 75 dBA or incrementally increase the permanent CNEL by more than 5 dBA. Therefore, on-site noise impacts would not result in a substantial permanent increase in ambient noise levels in the project vicinity above existing levels. Impacts would be less than significant and no mitigation is required.

Off-site operation-related noise impacts were also evaluated for Noise threshold a, based on truck noise for solid waste collection. Solid waste would continue to be stored along Broadway and would not constitute a new noise source. Therefore, solid waste generation would not increase daily truck noise and would not increase the existing CNEL. Therefore, mobile noise impacts would not result in the exposure of persons to or generation of noise levels in excess of the City's standards. Impacts would be less than significant and no mitigation is required.

For Noise threshold b, the project's ongoing operations would not include significant sources of vibration or groundborne noise, such as heavy equipment operations or subterranean transit activities. Operational vibration in the project vicinity would be limited to vehicular travel on the local roadways. Similar to existing conditions, traffic-related vibration levels would not be perceptible by sensitive receptors. Therefore, operation of the project would not result in exposure of persons to or generation of excessive groundborne vibration. Impacts associated with operation vibration would be less than significant and no mitigation is required.

See Section 4.H (Noise) of the Draft EIR and pages 49-51 of the Initial Study. See also Appendix 4-1 (Noise Appendix) of the Draft EIR. See also Section II (Responses to Comments, LAUSD and Amanda Seward letters) and Appeal Recommendation Report.

On page 51, in Section c. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION, under the subheading *Transportation/Circulation: Project Design Features*, modify the PDF, per Erratum, dated July 2020:

**TRANS-PDF-2**      The Project Applicant shall submit to DOT a Transportation Demand Management (TDM) Plan designed to reduce the total net project trips during the peak commute periods. The “peak trip goal” shall be 8 (driveway) P.M. peak hour trips generated by the project as shown in Table 4 provided in Attachment “A” of Appendix K-2 of the Draft EIR. The TDM Plan will prepare and implement a TDM Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. As appropriate, these measures would be designed to provide

incentives for use of transit and rideshare, to reduce the number of vehicle trips, and facilitate LADOT's First and Last Mile Program. **A full detailed description of the TDM Program shall be prepared by a licensed Traffic Engineer and submitted to DOT for review and approval, prior to the issuance of any certificate of occupancy by the Department of City Planning and LADOT.** The TDM Program strategies ~~could~~ **shall** include, **but shall not be limited to,** the following:

- ~~Implementing vehicle trip reduction incentives and services;~~
- ~~Providing on-site education on alternative transportation modes;~~ **Implementation of an interactive, digital Transit Information Display;**
- Implementing flexible/alternative work schedules and telecommuting programs;
- **Implement enhanced pedestrian connections (e.g. improve sidewalks, widen crosswalks adjacent to the project, and pedestrian level lighting, etc.);**
- **Design the project to ensure a bicycle, pedestrian and transit friendly environment;**
- Providing bicycle amenities such as bicycle racks and lockers for employees;
- ~~Providing subsidized transit passes;~~ **Participation in the Metro Business Transit Access Pass (B-TAP) Program;**
- Providing bicycles for patrons and employees to use;
- ~~Providing airport shuttle for patrons;~~
- ~~Providing on-site facilities to encourage use of alternative forms of transportation; and~~
- ~~Providing a pick up/drop off area for taxis and shared ride services.~~
- **Provide parking as an option only (i.e. unbundle the parking);**
- **Coupled with the unbundled parking, provide on-site car share amenities;**
- **Provide rideshare program and support for project employees and tenants;**

**The project shall also provide a mitigation monitoring system to confirm that the project is achieving the trip reduction target as needed.**

On page 54, under Section d. LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION, delete all text under subheading Noise (Threshold b), and move operational noise to page 49, in Section c. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION, under the subheading Operational Noise and move construction impacts to page 59, under Section e. SIGNIFICANT AND UNAVOIDABLE IMPACTS, under subheading Noise. See above and below for additions.

On page 58, under Section e. SIGNIFICANT AND UNAVOIDABLE IMPACTS, under subheading Cultural Resources (Threshold a) Impact Summary: Reference:

For a complete discussion of the project's impacts associated with cultural resources, see Section 4.C (Cultural Resources) of the Draft EIR and pages 30-32 of the Initial Study. See also Appendices C-2 (Archaeology Response, April 6, 2016), C-3 (Paleontology Response, April 8, 2016), F (Historic Resources Technical Report, August 2018) of the Draft EIR. See also Section II (Responses to Comments, Amanda Seward letter) of the Final EIR. See also Responses to Appeals, including Exhibit 7 (GPA Letter on Appeal). **See also Appeal Recommendation Report.**

On page 59, under Section e. SIGNIFICANT AND UNAVOIDABLE IMPACTS, under subheading Cultural Resources (Threshold a) Finding:

*Finding:*

**Changes or alterations have been required in, or incorporated into, the project which partially mitigate or avoid the significant effects on the environment. However,** specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

On page 59, under Section e. SIGNIFICANT AND UNAVOIDABLE IMPACTS, under subheading Noise (Thresholds a, c, and d) Impact Summary:

**Construction** Noise (Thresholds a, ~~b~~, ~~c~~, and d)

Impact Summary:

**Construction** noise impacts are evaluated in Section 4.H of the Draft EIR, based on information and technical analysis provided in the Noise and Vibration Study by Terry A. Hayes Associates, Inc., June 2018, **and the Appeal Recommendation Report.** Concerning Noise threshold a and Noise threshold d, Table 4.H-9 in Section 4.H of the Draft EIR evaluates the unmitigated construction noise levels at seven nearby sensitive receptors, and the 5-dBA/10-day significance threshold is exceeded at six of them. Thus, on-site construction noise would result in the exposure of persons to or generation of noise levels in excess of the City's standards **and would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.** Prior to the implementation of mitigation, the Project would result in a significant impact from construction-related noise.

Off-site construction-related noise impacts were also evaluated for Noise thresholds a and d, based on truck noise on nearby streets. As shown in Table 4.H-10 of the Draft EIR, construction truck traffic would result in a maximum noise level increase of approximately 1.9 dBA Leq. These incremental noise level increases would not exceed 5 dBA, which is the threshold established by the CEQA Thresholds Guide. During other construction phases, the number of construction truck trips would be lower, which would result in lower noise levels. Therefore, off-site noise impacts related to haul truck noise levels would not result in the exposure of persons to or generation of noise levels in excess of the City's standards. Impacts would be less than significant and no mitigation is required.

**Regarding Noise threshold b, construction-related vibration impacts were evaluated in Section 4.H of the Draft EIR, based on information and technical analysis provided in the Noise and Vibration Study by Terry A. Hayes Associates, Inc., June 2018 and in the Appeal Recommendation Report.**

**Construction activity would not result in building damage at sensitive receptors (i.e. the residential and school buildings identified as being sensitive due to their users) but would result in annoyance at the residences directly across Electric Avenue, Broadway, and Westminster Avenue. Without mitigation, the project would result in exposure of persons to or generation of excessive groundborne vibration. Impacts associated with construction vibration in these places could be potentially significant.**

**Construction activity would occur adjacent to other buildings (located at 1041/1043 Abbot Kinney, not the identified sensitive receptors) on the project's block and would potentially result in structural damage to the church building (currently occupied as office) and office building, in addition to potentially resulting in annoyance to users of the office building. Without mitigation, the project would result in exposure of persons to or generation of excessive groundborne vibration. Impacts associated with construction vibration in these places could be potentially significant.**

~~Off site operation-related noise impacts were also evaluated for Noise threshold a, based on truck noise for solid waste collection. Solid waste would continue to be stored along Broadway and would not constitute a new noise source. Therefore, solid waste generation would not increase daily truck noise and would not increase the existing CNEL. Therefore, mobile noise impacts would not result in the exposure of persons to or generation of noise levels in excess of the City's standards. Impacts would be less than significant and no mitigation is required.~~

~~Operational on-site noise impacts were also evaluated for Noise thresholds a and c, based on the project including a variety of operational noise sources that would be contained within the building structures, in the open spaces areas, or passive sources that generate low levels of noise. These are constrained by Project Design Features NOI-1, NOI-2, and NOI-3. It is anticipated that project activities would occasionally be audible at adjacent land uses (e.g., truck, valet, or balcony activity), but these activities would not increase the permanent CNEL at the property line of affected uses by 3 dBA CNEL to or within 70 to 75 dBA or incrementally increase the permanent CNEL by more than 5 dBA. Therefore, on-site noise impacts would not result in the exposure of~~

~~persons to or generation of noise levels in excess of the City's standards. Impacts would be less than significant and no mitigation is required.~~

On page 61, under Section e. SIGNIFICANT AND UNAVOIDABLE IMPACTS, under subheading Noise (Thresholds a, **b**, e, and d) Mitigation Measures, add:

**NOI-MM-13 Prior to commencement of construction activity, a qualified structural engineer shall survey the existing foundation and other structural aspects of adjacent commercial buildings located on the same block as the Project. The qualified structural engineer shall hold a valid license to practice structural engineering in the State of California. The qualified structural engineer shall submit a preconstruction survey letter establishing baseline conditions. These baseline conditions shall be forwarded to the lead agency and to the mitigation monitor prior to issuance of any foundation only or building permit for the Project. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-on letter describing damage, if any, to adjacent buildings. The letter shall include recommendations for any repair, as may be necessary. Repairs shall be undertaken prior to issuance of any temporary or permanent certificate of occupancy for the new building.**

On pages 61-62, under Section e. SIGNIFICANT AND UNAVOIDABLE IMPACTS, under subheading Noise (Thresholds a, **b**, e, and d) Finding, add:

*Finding:*

**Changes or alterations have been required in, or incorporated into, the project which partially mitigate or avoid the significant effects on the environment. However,** specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

On page 62, under Section e. SIGNIFICANT AND UNAVOIDABLE IMPACTS, under subheading Noise (Thresholds a, **b**, e, and d) Rationale for Findings, modify as follows:

**For Noise Thresholds a and d,** ~~t~~The Project would be required to comply with **Mitigation Measures NOI-MM-1 through NOI- MM-11**, which are feasible measures to control noise levels, including engine mufflers and noise blanket barriers. These mitigation measures would reduce noise levels associated with individual pieces of equipment and combined construction noise levels. For example, **NOI- MM-1** would reduce heavy-duty equipment noise levels by at least 3 dBA. **NOI-MM-5** would reduce ground-level construction noise by 10 dBA for ground-level receptors.

Mitigated noise levels associated with construction activities are shown in Table 4.H-12 of the Draft EIR. Noise in this table was estimated for the structural phase of construction, which would include multi-story construction activity. As a result, the worst-case analysis does not account for the 10-dBA ground-level source to ground-level

receptor reduction. **The 10 dBA source to ground level receptor reduction is a reduction in noise levels due to the vertical distance between a source at an elevated position and a ground level receptor. The analysis only assumes noise attenuation due to horizontal distance to present the most conservative assessment of construction noise. Therefore, the presented noise levels are conservative and would likely be quieter as the vertical distance from the source to receptor increases. Equipment vibration for an aboveground project is only related to the ground level construction equipment and the 10 dBA attenuation has no bearing on the vibration levels. Nonetheless, it was conservatively concluded that the 5-dBA significance threshold would be exceeded at multiple sensitive receptors during construction activities. Therefore, with mitigation, the Project would result in a significant and unavoidable impacts related to exposure of persons to or generation of noise levels in excess of the City's standards and resulting in a substantial temporary or periodic increase in ambient noise levels.**

**For Noise Threshold b, Mitigation Measure NOI-MM-13 would reduce vibration impacts associated with on-site construction activity by requiring a survey of existing buildings by a qualified structural engineer. Should any damage occur post-construction, the engineer shall submit recommendations for repair. However, construction activity would result in short term and intermittent annoyance at multiple sensitive receptors. There are no feasible mitigation measures to substantially reduce typical equipment-related vibration in an urban environment. Therefore, with mitigation, the Project would result in a significant and unavoidable impact related to construction vibration.**

On page 65, under Section f. ALTERNATIVES, under subheading Alternative 2, Impact Summary, add:

Alternative 2 would not eliminate the significant and unavoidable construction noise and vibration, even with mitigation measures proposed. **Alternative 2 would not substantially lessen the significant construction noise and vibration impact.** This is because of the proximity to sensitive receptors in the area, including residential and Westminster Elementary.

On page 66, under Section f. ALTERNATIVES, under subheading Alternative 3, Impact Summary, add:

Alternative 3 would directly reduce noise levels within the community during the early AM (before 9 AM) and later PM (after 4 PM) hours. However, the significance noise threshold (which is based on an incremental noise level increase of 5 dBA), would still be exceeded at the same sensitive land uses during the noisiest construction activities. **Alternative 3 would not substantially lessen the significant construction noise and vibration impact.** This is because of the proximity of the Project Site to sensitive receptors in the area, including residential uses and Westminster Elementary.

On page 68, under Section f. ALTERNATIVES, under subheading Alternative 4, Impact Summary, add:

*Impact Summary:*

Alternative 4 would not avoid the Project's significant and unavoidable impacts that cannot be feasibly mitigated with respect to construction noise and construction vibration. As compared to the Project, Alternative 4 would eliminate the significant and unavoidable historic resources impacts by retaining the 3 historic bungalows. **Alternative 4 is identified in the Project's EIR as the Environmental Superior Alternative, due to the elimination of this impact on historic resources.**

*Finding:*

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible ~~the mitigation measures or alternatives identified in the environmental impact report~~ **Alternative 4.**

*Rationale for Finding:*

**Alternative 4 would not develop an economically viable project. Specifically, Alternative 4 would reduce the total hotel/residential floor area by 800 sf or 1.5 percent. Five of the larger hotel rooms (ranging from 409 square feet to 571 square feet) would be reduced in size to 315 square feet to 398 square feet. Alternative 4 would also create non-standard retail spaces, in part because the retained bungalows would be used as retail space. The largest contiguous useable retail space in Alternative 4 would be approximately 700 square feet, as compared to 2,935 square feet of retail with the Project. A Financial Feasibility Analysis (RCLCO Real Estate Advisors, August 25, 2020) submitted to the record concludes that the changes to the Project footprint and configuration in Alternative 4 would result in diminished revenues and increased construction costs, which would limit the ability of the Project to meet the minimum economic return threshold needed to support investment and development. Therefore, Alternative 4 is economically infeasible.**

**In addition, due to these economic constraints, Regarding the project objective to support the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities and tax revenues, this would not be met. Alternative 4 would redevelop the Project Site, and would expand the economic base of the City through increased commercial activity and tax revenue, same as the Project, but is not economically viable for development.**

Regarding the project objective to construct a high-quality mixed-use development anchored by a hotel, consistent with the uses and densities envisioned for the General Plan Framework Community Center designation, which may include overnight accommodations, cultural and entertainment facilities, and neighborhood-oriented services, this would be met. Alternative 4 would provide a mix of uses on the Project Site because it would include residential and hotel uses.

Regarding the project objective to, consistent with the Venice Coastal Land Use Plan Policy I.B.6 and designation of Community Commercial, provide a hotel use on one of two blocks on Abbot Kinney on which a hotel use is preferred, this would be met. Alternative 4 would be consistent with Policy I.B.6 because it would include a hotel on the block on which a hotel use is preferred, same as the Project, albeit to a lesser extent than the Project due to the reduction in one hotel room.

Regarding the project objective to develop a Project that is appropriate in scale and design to the adjacent residential neighborhoods, this would be met. Alternative 4 would be



similar in scale (a reduction by 1 hotel room is negligible) and design as the Project and would be consistent with the adjacent residential neighborhood. Alternative 4 would preserve and adaptively reuse the 3 bungalows structures at 1047, 1047A, and 1047B Abbot Kinney Boulevard within the overall Project Site. The bungalows would be moved approximately 40 feet to the southeast to front Westminster Avenue, renovated in accordance with the Secretary of Interior's Standards ("Standards") to preserve the character defining features, and used as retail/commercial space. The design would resemble contemporary modern styles with horizontal elements, large glass facades, and exposed industrial materials, such as brick, wood, and metal. The new structures would wrap around and above the existing restaurants to be retained. Several walkways connect Abbot Kinney Boulevard, Broadway, and Westminster Avenue, with the interior of the Project Site and its central courtyard, while second and third level pedestrian walkways connect the multiple buildings. The building layout, new building compositions, and material choice allow the retained buildings to maintain their identity while integrating them into the overall new design of the Project Site.

Regarding the project objective to provide visitor serving commercial activities, this would be met. Alternative 4 would include hotel, retail, spa, and additional restaurant uses for visitor serving commercial activities. **However, the largest contiguous useable retail space in Alternative 4 would be approximately 700 square feet, as compared to 2,935 square feet of retail with the Project which would impact the usability of the retail component.**

On page 71, under Section f. ALTERNATIVES, under subheading Environmentally Superior Alternative, last paragraph, add:

Accordingly, Alternative 4 was selected as the Environmentally Superior Alternative. **However, as discussed above, Alternative 4 has been found to be infeasible.**

On page 71, under Section h. STATEMENT OF OVERRIDING CONSIDERATIONS under subheading Environmentally Superior Alternative, third paragraph, add:

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the project discussed above **(including Alternative 4 which was identified as the environmentally superior alternative in the EIR)**, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that each of the project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to Cultural Resources and Noise (On-Site Construction Noise, Construction Vibration, and Cumulative Impacts).

ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A

## Exhibit A: Appeals

[https://clkrep.lacity.org/onlinedocs/2020/20-1024\\_misc\\_08-26-2020.0001.pdf](https://clkrep.lacity.org/onlinedocs/2020/20-1024_misc_08-26-2020.0001.pdf)

- A.1 Yelena Zeltser UNITE HERE Local 11, People Organized for Westside Renewal (POWER), Alba Luz Privado
- A.2 1041 Abbot Kinney, LLC/ Abbot Kinney Investment Property, LLC
- A.3 Keep Neighborhoods First
- A.4 Citizens Preserving Venice, Sue Kaplan

ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A

## Exhibit B: Determination

[https://clkrep.lacity.org/onlinedocs/2020/20-1024\\_misc\\_1\\_08-26-2020.0001.pdf](https://clkrep.lacity.org/onlinedocs/2020/20-1024_misc_1_08-26-2020.0001.pdf)

B.1 Zoning Administrator's Determination

B.2 Exhibit A

ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A

## Exhibit C: ENV-2016-4321-EIR (SCH No. 2016-061-033)

- C.1 Draft EIR  
<https://planning.lacity.org/development-services/eir/venice-place-project-0>
- C.2 Final EIR  
<https://planning.lacity.org/development-services/eir/venice-place-project-1>
- C.3 Errata, July 2020 and September 2020, and Financial Feasibility Study  
<https://planning.lacity.org/development-services/eir/venice-place-project-2>
- C.4 Supplemental Environmental Responses, June 30, 2020  
[https://clkrep.lacity.org/onlinedocs/2020/20-1024\\_misc\\_4\\_08-26-2020.pdf](https://clkrep.lacity.org/onlinedocs/2020/20-1024_misc_4_08-26-2020.pdf)
- C.5 Supplemental Environmental Responses, Letter to PLUM, August 27, 2020  
[https://clkrep.lacity.org/onlinedocs/2020/20-1024\\_misc\\_08-27-2020.pdf](https://clkrep.lacity.org/onlinedocs/2020/20-1024_misc_08-27-2020.pdf)
  - Exhibit 1 - CEQA Appeal Letter from Luz Privado, UNITE HERE Local 11 & POWER, August 18, 2020
  - Exhibit 2 - CEQA Appeal Letter from Sue Kaplan, Citizens Preserving Venice, August 24, 2020
- C.6 Mitigation Monitoring Program

ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A

## Exhibit C.5: Supplemental Environmental Responses, Letter to PLUM, August 27, 2020

[https://clkrep.lacity.org/onlinedocs/2020/20-1024\\_misc\\_08-27-2020.pdf](https://clkrep.lacity.org/onlinedocs/2020/20-1024_misc_08-27-2020.pdf)

- Exhibit 1 - CEQA Appeal Letter from Luz Privado, UNITE HERE Local 11 & POWER, August 18, 2020
- Exhibit 2 - CEQA Appeal Letter from Sue Kaplan, Citizens Preserving Venice, August 24, 2020

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**Re: CEQA Appeal Justification for Venice Place Project (DCP Case No. ENV-2016-4321-EIR;  
APC Approval Made Effective by August 7, 2020 Letter of Determination**

On behalf of UNITE HERE Local 11 and its members (“Local 11”), membership-based community organization People Organized for Westside Renewal (“POWER”), and Venice resident Alba Luz Privado (collectively “Appellants”), this Office respectfully appeals (the “Appeal”) the West Los Angeles Area Planning Commission (“APC”) approval of the above-referenced 70,310 square foot (“SF”) apartment hotel with 78 guest rooms and four dwelling units (“Project”) located at 1011 Electric Avenue and 1021-1051 S. Abbot Kinney Boulevard in the Venice Planning Area (“Site”). This appeal challenges APC’s approval of the Project’s Environmental Impact Report (“EIR”) under the California Environmental Quality Act (“CEQA”). Under Los Angeles Municipal Code (“LAMC” or “Code”) § 11.5.13, this Appeal is timely submitted within 15 days of the APC’s Letter of Determination mailed August 07, 2020, and all administrative appeals have been exhausted.

**REASON FOR THE APPEAL:** The Project’s EIR fails to adequately analyze and mitigate Project impacts as required under CEQA. Nor are the CEQA findings supported by substantial evidence.

**SPECIFIC POINTS IN ISSUE:** The specific points at issue were fully outlined in the comment letters attached hereto, including but not limited to Appellants’ prior comment letter dated August 1, 2019 and July 14 & 15, 2020 (Exhibits A, B, and C [respectively]). For example, the EIR fails to identify the Project’s inconsistency with various land use regulations, which is contrary to various provisions under the applicable land use plans (e.g., with various land use regulations, which in inconsistent with various provisions under applicable land use plans (see e.g., Venice Coastal Zone Specific Plan §§ 3, 9; Venice Community Plan, pp. I-2 – I-3, III-3 – III-5, III-7, III-12, III-17 [preserving and creating opportunities for affordable housing, mitigating traffic, protecting residents and classrooms from noise, etc.]).

Under CEQA, an EIR must identify, fully analyze and mitigate any inconsistencies between a proposed project and the general, specific, regional, and other plans that apply to the project. CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881. There does not need to be a direct conflict to trigger this requirement; even if a project is “incompatible” with the “goals and policies” of a land use plan, the EIR must assess the divergence between the project and the plan, and mitigate any adverse effects of the inconsistencies. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378-79; *see also Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (holding under CEQA that a significant impact exists where project conflicts with local land use policies); *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 998 (held county development and infrastructure improvements must be consistent with adopted general plans) (citing Gov. Code 65302).

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**HOW ARE YOU AGGRIEVED BY THE DECISION:** Appellants and their members live or work in the vicinity of the Project Site, breathe the air, suffer traffic congestions, and will suffer other environmental impacts of the Project unless it is properly analyzed and mitigated. Additionally, Appellants are committed to the assurance of responsible development in Los Angeles, that local land-use rules/regulations are followed, and informed decision-making by public officials regarding projects that may cause significant impacts to the environment in the City of Los Angeles. Hence, granting this Appeal will confer substantial benefit not only to Appellants but also the public, including citizens, residents, businesses and taxpayers affected by the Project, and will result in the enforcement of important public rights.

**HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** APC abused its discretion when adopting an inadequate EIR. Absent full compliance with CEQA, the required findings cannot be made. See e.g., Pub. Res. Code § 21082.1(c) and CEQA Guidelines §§ 15168, 15091(a).

Appellants reserve the right to supplement these comments at future hearings and proceedings for this Project. See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Appellants, this Office requests, to the extent not already on the notice list, for all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F. Please send notice by electronic and regular mail to: Jordan Sisson, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net).

Sincerely,



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Jordan R. Sisson  
Attorney for Appellants

Enclosure:

- Exhibit A: Appellants (8/1/19) Venice Place Project Comments
- Exhibit B: POWER (7/14/20) Venice Place Project Comments
- Exhibit C: Appellants (7/15/20) Venice Place Project Comments

**EXHIBIT A**



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August 1, 2019

**VIA EMAIL & HAND-DELIVERY:**

Juliet Oh, City Planner  
City of Los Angeles,  
200 North Spring Street, RM 721  
Los Angeles, CA 90012  
[juliet.oh@lacity.org](mailto:juliet.oh@lacity.org)

**RE: Venice Place Apartment Hotel Project (DCP Case Nos. ZA-2012-3354, ENV-2016-4321)**

Dear Ms. Oh:

On behalf of UNITE HERE Local 11 (“Local 11”), membership-based community organization People Organized for Westside Renewal (“POWER”), and City residents Kendra Moore and Alba Luz Privado (collectively or “Commentors”), this Office respectfully provides the City of Los Angeles (“City”) the following comments regarding the Final Environmental Impact Report (“EIR”)<sup>1</sup> and requested land use approvals (“Entitlements”) (collectively “Project Approvals”) for the referenced 70,310 square foot (“SF”), mixed-use, apartment hotel development including 78 guest rooms and 4 dwelling units (“Project”) located on an approximate 1-acre, multi-lot site in the Venice area of the City (“Site”) proposed by Wynkoop Properties, LLC (“Applicant”). Commentors are concerned with the Project’s compliance with the California Environmental Quality Act (“CEQA”) and the Los Angeles Municipal Code (“LAMC” or “Code”).

In short, the Code and City planning policy does not allow short-term stays at the Project’s proposed apartment hotel and, therefore, the City must require an enforceable Condition of Approval requiring as much. Otherwise, the Project is inconsistent with applicable zoning rules/policies, and the City cannot make the Code-required land use findings. Additionally, the Project’s air quality, greenhouse gas (“GHG”), and traffic analysis utilize faulty assumptions that mask the true impacts suffered by nearby residents. Furthermore, the Project avoiding feasible mitigation measures that could reduce these impacts, such as providing on-site affordable housing units, transit passes for workers and full payment of traffic impact fees. Lastly, because this Project will admittedly create significant cultural and noise impacts, the City must adopt a statement of overriding considerations—which it cannot do absent real commitments from the Applicant, like affordable housing.

*These Project Approvals are discretionary, not by right.* The City has the discretion to reject this Project and demand more for its residents. Commentors respectfully urge the City to exercise

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<sup>1</sup> Inclusive of the all appendices volumes (“VOL-##”). Unless other specified, all documents are retrieved from City website. Furthermore, please note that pages cited herein are either to the page’s stated pagination (referenced herein as “p. ##”) or the page’s location in the referenced PDF document (referenced herein as “PDF p. ##”).



its discretion and reject the Project Approvals until a recirculated Draft EIR is prepared that addresses the issues discussed herein.

## I. STANDING OF COMMENTORS

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix, Arizona. Members of Local 11, including hundreds who live or work in the City of Commerce, join together to fight for improved living standards and working conditions. Making these comments to public officials in connection with matters of public concern about affordable housing and compliance with zoning rules is protected by the First Amendment, the *Noerr-Pennington* doctrine and is within the core functions of the union. Unions have standing to litigate land use and environmental claims. *See Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

POWER is a membership-based community organizing group, working on issues that matter to people in our communities, such as affordable housing, community safety, and quality education. POWER was founded in 1999 to address the systemic economic and social injustices facing low-income people in Westside Los Angeles and organizes everyday grassroots leaders to take direct action and build governing power in LA to advance a "People & Planet First" agenda. POWER has organized several buildings in Venice, including the tenants at the Ellison.

Ms. Moore and Mr. Privado both live within roughly 0.3 miles from the Site and frequent the immediately adjacent area almost daily. As such, they will be adversely impacted if the issues discussed herein are not cured and, therefore, they have a beneficial interest in Project compliance with CEQA. This geographic proximity and nexus to the Project Site, alone, is sufficient to establish standing under CEQA and the Code. *See Bozung v. LAFCO* (1975) 13 Cal.3d 263, 272 (plaintiff living 1,800 feet from annexed property has standing to challenge the annexation); *see also Citizens Ass'n for Sensible Dev. v. County of Inyo* (1985) 172 Cal.App.3d 151, 158 ("a property owner, taxpayer, or elector who establishes a geographical nexus with the site of the challenged project has standing.").

Commentors also have public interest standing given the Project Approvals relate to the City's public duty to comply with applicable zoning and CEQA laws, and where Commentors seek to have that duty enforced. *See Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n6 (noting that "the public interest exception applies where the question is one of public right and the object of the action is to enforce a public duty – in which case it is sufficient that the plaintiff be interested as a citizen in having the laws executed and the public duty enforced" and "promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or defeats the purpose of legislation establishing a public right."); *see also La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2018) 22 Cal.App.5th 1149, 1158-1159 ("[o]ur Supreme Court has consistently recognized the importance of preserving the integrity of a locality's governing general plan for zoning" and that "the vindication of this significant policy benefits not only the persons living near the Project and the persons living within the geographical boundaries of the [area] at issue in this case, but also all residents of the City who benefit from the trial court's ruling that holds the City Council's zoning decisions to the letter and spirit of the municipal code."). Indeed, California "courts have repeatedly applied the 'public right/public duty' exception to the general rule that ordinarily a writ of mandate will issue only to persons who are beneficially interested." *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205-206; *see also Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166,

169-170 (it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced).

This comment letter is made to exhaust remedies under administrative law principles and Pub. Res. Code § 21177 concerning the Project, and incorporates by this reference all written and oral comments submitted on the Project by any commenting party or agency. It is well-established that any party, as Commentors here, who participate in the administrative process can assert all factual and legal issues raised by anyone. *See Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

## II. PROJECT BACKGROUND

Here, the Project proposes the demolition of one 2,442-SF restaurant, an existing private school, 2,200-SF of office space, and the surface parking lot; and the construction, use, and maintenance of a 70,31-SF, mixed-use development comprised of two existing restaurants and a new 3,810-SF hotel restaurant having 2,514-SF of floor area, a new Apartment Hotel with four dwelling units and 78 guest rooms, 2,935-SF of ground-floor retail space including a market with 170-SF of floor area, a 1,735-SF spa, and 2,027-SF of office use. The project will construct three new three-story mixed-use buildings, each with a maximum of 30 feet in height, and one (1) new two-story building, approximately 25 feet in height; all new structures are connected by pedestrian bridges. The Project provides a total of 175 parking spaces, at grade and within three subterranean levels and will provide an on-street loading area on Broadway, limiting the use of the space for loading during the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday and 10:00 A.M. to 4:00 P.M. on Saturday; a loading zone is also provided onsite.

In furtherance of their Project, the Applicant is requesting various discretionary Project Approvals from the City (DEIR, pp. 17, 58), including:

- Consideration and adoption of the Projects EIR.
- Conditional Use Permit authorizing the sale and dispensing of a full line of alcohol in various areas of the Project Site.
- Conditional Use Permit to allow an Apartment Hotel located within 500 feet of a Residential Zone.
- Coastal Development Permit for the Proposed Project in the Single Permit Jurisdiction of the California Coastal Zone.
- Site Plan Review for the construction of a mixed-use project comprised of more than 50 guest rooms.
- Project Permit Compliance Review for a project within the North Venice Subarea of the Venice Coastal Zone Specific Plan.
- Mello Act Compliance review for a project located within the Coastal Zone.
- Waiver of Dedication and/or Improvements to provide a 4.5-foot dedication on Electric Avenue instead of the 7.5 feet otherwise required and to provide a 2-foot dedication on Westminster Avenue instead of the 5 feet otherwise required.

To grant the abovementioned Project Approvals, the City *must* make numerous discretionary CEQA and land use findings, including but not limited to the following:

- That 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;

- That 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;
- That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan;
- That the proposed use will not adversely affect the welfare of the pertinent community;
- That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties; and
- That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan;
- That 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.
- Any other finding or findings as may be required for the development by the CEQA, such as the following that applies to the adoption of EIRs, Statement of Overriding Considerations (“SOC”), and Mitigation Monitoring Program Report (“MMRP”):
- Pursuant to and, the Certification and Adoption of a Final EIR, requiring the following findings that
  - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See e.g., LAMC §§ 16.05, 12.24, 12.20.2, Pub. Res. Code § 21082.1(c), 14 Cal. Code Regs. [“CEQA Guidelines”] §§ 15168, 15091(a))

### III. ZONING INCONSISTENCY REGARDING SHORT-TERM STAYS WITHIN APARTMENT HOTELS

Here, the Applicant is seeking a Conditional Use Permit approval for an apartment hotel to permit 78 hotel rooms and four apartment dwelling units. Under the Code, an “apartment hotel” is defined as a “residential building designed or used for both two or more dwelling units and six or more guest rooms or suites of rooms” (LAMC § 12.03, *emph. added*). However, as made clear by City Planning as recent as September 2018 (*emphasis added*), “[g]uest rooms and dwelling units located in either a residential hotel or apartment hotel are to be used for long-term tenancy (longer than 30 days) ... Apartment hotels and residential hotels do not allow for short-term stays at all.”<sup>2</sup> However, nowhere in the Draft or Final EIR includes adequate restriction barring short-term stays of these 82 rooms, such as an enforceable Condition of Approval (“COA”). Absent such a COA, the Project as proposed would conflict with the plain language of the Code and City planning policy and, therefore, the City cannot make all the Code-required land use findings cited above.

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<sup>2</sup> City Planning (9/13/18) City Planning Commission Recommendation Report (DCP Case Nos. CPC-2016-1243, ENV-2016-1277), p. A-16, <https://planning.lacity.org/ordinances/docs/HomeSharing/StaffRept.pdf>.

Hence, City Planning should not approve the Project absent adequate COA requiring all 82 hotel/apartment units to be made available for only long-term tenancy greater than 30 days. Otherwise, the City should require the appropriate modifications to the project or entitlement requires (e.g., Variance) to allow the project as proposed.

#### IV. THE PROJECT'S EIR INCLUDES VARIOUS INDESCRIPCENCIES REQUIRING ADDITIONAL MITIGATION MEASURES

Here, the Project's EIR shows inconsistencies in its air quality, greenhouse gas ("GHG"), and traffic analysis that may underestimate the Project's impact. For example, the Draft EIR's ("DEIR") air quality and GHG analysis rely on emission estimates via CalEEMod modeling, with output data files made available in Appendix E ("APP-E") of the Draft EIR. Upon review of the CalEEMod output files, the model shows multiple discrepancies from the narrative discussion in the Draft EIR, such as:

- The DEIR states the Project includes 3,371-SF of office uses, which is 788 SF more than the 2,583-SF of said uses currently existing on-site (DEIR, Tbl. 2-2). However, CalEEMod analyzed a Project of 2,027-SF of office uses (i.e., underestimated by 1,344 SF), which is 557 SF less than said uses currently on-site (APP-E, PDF pp. 1, 35, 89).
- The DEIR states the Project includes 4,670-SF of retail and spa uses (DEIR, Tbl. 2-2), but CalEEMod analyzed 4,269-SF of strip mall and health club uses (i.e., underestimated by 401 SF) (APP-E, PDF p. 35).
- The DEIR states the Project includes 8,855-SF of restaurant uses, which is 1,368 SF more than the 7,517-SF of said uses currently existing on-site (DEIR, Tbl. 2-2). However, CalEEMod analyzed a Project of 4,200-SF of restaurant uses (i.e., underestimated by 4,655 SF), which is 3,320 SF less than said uses currently on-site (APP-E, PDF pp. 1, 35, 89).
- The DEIR shows below-grade floor plans of approximately 34,861-SF floor plan (DEIR, Fig. 2-5) reaching depths of a minimum of 24.5 feet' (DEIR, Fig. 2-11)—resulting in approximately 31,633-CY of material to be excavated. However, DEIR states only 30,936 CY of material (i.e., underestimated by 697 CY) (DEIR, p. 2-32; APP-E, PDF p. 1). Based on the DEIR's assumed 9-CY truck capacity (DEIR, p 2-32), 31,633 CY of exported material would require approximate 3,515 round-trip truck trips (equivalent to 7,030 one-way trips). However, the CalEEMod analyzed only 6,876 one-way trips (i.e., underestimated by 154 trips).
- The DEIR states the Project's existing GHG emissions total 1,207.9 metric tons of CO2 equivalents per year ("MTCO2e/yr") (DEIR, Tbl. 4.E-3), but CalEEMod shows existing uses GHG emissions of 940 MTCO2e/yr (i.e., overestimated by 267.65 MTCO2e/yr) (APP-E, PDF p. 92).
- Furthermore, CalEEMod assumed reduced vehicle speed on unpaved roads as a construction mitigation measure (APP-E, PDF p. 45), which is not present in the MMRP.

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Similarly, the Project's Traffic Impact Study ("TIS") utilizes trip rates from the Institute of Transportation Engineers ("ITE") ninth edition, despite being prepared in December 2018 after the ITE released its Tenth edition in 2017 with revised traffic trip generation rates and land use categories that included more accurate trip counts.<sup>3</sup> As a result, the TIS underestimated the Project's trip generation by approximately 533 daily trips (before credits were applied), such as:

- The TIS analyzed the 78 hotel rooms as a "Hotel" generating 8.17 trips per unit (i.e., ITE Code 310, 9<sup>th</sup> ed.) (APP-K1, PDF p. 26). Under the ITE Tenth edition, however, this use generates 8.36 trips per unit (ITE Code 310, 10<sup>th</sup> ed.).<sup>4</sup> This amounts to an underestimation of 4.04 trips per unit or a total of 315.12 hotel-trips (pre-credit).
- The DEIR states the 8,885-SF, ground-floor restaurant uses will be neighborhood-serving, high-turnover, sit-down restaurant (DEIR, pp. 2-6, 2-23, 2-33; APP-E, PDF p. 35). This is akin to a "High-Turnover (Sit-Down) Restaurant" generating 112.18 trips per 1,000 square feet ("KSF") (i.e., ITE Code 932 10<sup>th</sup> ed.).<sup>5</sup> The TIS, however, analyzed said use as a "Quality Restaurant" generating 89.95 trips/KSF (i.e., ITE Code 931, 9<sup>th</sup> ed.) (APP-K1, PDF p. 26).<sup>6</sup> This amounts to an underestimation of 22.23 trips/KSF or a total of 197.51 restaurant-trips (pre-credit).
- The DEIR discloses the 3,371-SF, ground-floor office use is primarily comprised of "co-working office space" with several office rooms less than 350 SF in size (DEIR, pp. 2-5 – 2-7; see also Fig. 2-6). This is akin to "Small Office Building" less than 5,000-SF in size and generating 16.19 trips/KSF (i.e., ITE Code 712, 10<sup>th</sup> ed.).<sup>7</sup> The TIS, however, analyzed said use as a "General Office Building" generating 11.03 trips/KSF (i.e., ITE Code 710, 9<sup>th</sup> ed.) (APP-K1, PDF p. 26).<sup>8</sup> This amounts to an underestimation of 5.16 trips/KSF or a total of 17.39 office trips (pre-credits).
- The TIS analyzed the four apartment units as an "Apartment" generating 6.65 trips per unit (i.e., ITE Code 220, 9<sup>th</sup> ed.) (APP-K1, PDF p. 26). Under the ITE Tenth edition, however, this use is akin to "Multifamily Housing (Low-Rise)" generating 7.32 trips per unit (ITE Code 220, 10<sup>th</sup> ed.).<sup>9</sup> This amounts to an underestimation of 0.67 trips per unit or a total of 2.8 apartment-trips (pre-credit).
- The TIS assumed a Traffic Demand Management ("TDM") program would achieve a 15 percent reduction in hotel-trips (APP-K1, PDF pp. 5, 24, 26; APP-K2, PDF p. 3). However, this level of reduction is not specified in the Project's MMRP.

<sup>3</sup> PDF pp. 5-6, <http://neite.org/wp-content/uploads/2017/08/August-2017-Chronicle.pdf>; see also PDF p. 20, [http://www.azite.org/presentations/Luncheons/16Nov2017/AZITELuncheon\\_TripGen\\_16Nov2017.pdf](http://www.azite.org/presentations/Luncheons/16Nov2017/AZITELuncheon_TripGen_16Nov2017.pdf).

<sup>4</sup> PDF p. 4, [http://www.trpa.org/wp-content/uploads/Attachment\\_A\\_Trip\\_Table\\_2019.pdf](http://www.trpa.org/wp-content/uploads/Attachment_A_Trip_Table_2019.pdf).

<sup>5</sup> 8000 W. 3rd Street Mixed-Use Project (DCP Case No. ENV-2018-1651-MND) Trip Generation Calculations, PDF p. 11, 29-30, <https://planning.lacity.org/odocument/90d2c25b-476a-40bc-9c14-6bb50c95aa56/ENV-2018-1651-IS-10.pdf>.

<sup>6</sup> See ITE (9<sup>th</sup> ed.) Table of Contents Land Use Codes, PDF p. 7, <https://www.ite.org/pub/?id=e278c1c9%2D2354%2Dd714%2D516a%2D26e4dd7f5e7c>.

<sup>7</sup> See ITE (10<sup>th</sup> ed.) Table of Contents Land Use Codes, PDF p. 3, <https://www.ite.org/pub/?id=794F62D6-F31F-9EA7-4506-EF5DF11DE8F6>; see e.g., 8000 W. 3rd Street Mixed-Use Project (DCP Case No. ENV-2018-1651-MND) Trip Generation Calculations, PDF pp. 11, 34-35, <https://planning.lacity.org/odocument/90d2c25b-476a-40bc-9c14-6bb50c95aa56/ENV-2018-1651-IS-10.pdf>.

<sup>8</sup> See ITE (9<sup>th</sup> ed.) Table of Contents Land Use Codes, PDF p. 5, <https://www.ite.org/pub/?id=e278c1c9%2D2354%2Dd714%2D516a%2D26e4dd7f5e7c>.

<sup>9</sup> See e.g., Lankershim/Riverside Mixed-Use Project – Addendum Traffic Analysis, PDF p. 22, <https://planning.lacity.org/odocument/938384cf-3dbe-45dc-8e53-a015012abc43/ENV-2016-3904-I-3.pdf>.

Additionally, the DEIR states that the Project would be subject to a \$493,515 Transportation Impact Assessment fee (“TIA Fee”) pursuant to the Coastal Transportation Corridor Specific Plan (“CTCSP”) (APP-K2, PDF pp. 2-4). However, under the existing CTCSP TIA Fee calculation (Ord. 16899),<sup>10</sup> all applicants “shall pay” all non-exempt TIA Fees equal to (project unit measure) multiply (CTCSP trip rate) multiply (trip cost factor). See CTCSP § 6.C, Appendix A.<sup>11</sup> As shown in the below figure, the Project would seem to be subject to an approximate \$1.6 million TIA Fee. There is no explanation of what credits LADOT applied to reduce the TIA Fee obligation by more than \$1.1 million. Thus, failure to pay all appropriate fees would make the CTCSP TIA fee an inadequate mitigation measure and further evidence the Project’s inconsistency with applicable land use plans (a Code-required finding discussed *supra*).

Use [a]	Project Component [a]	CTCSP Trip Rate [b]	TIA Fee (Component x Rate x \$8,973) [c]
Hotel	78 rooms	0.7/room	\$489,925.80
Retail	4.670 KSF	5.0/KSF	\$209,519.55
Restaurant	8.885 KSF	10.5/KSF	\$837,113.60
Office	3.371 KSF	2.8/KSF	\$84,694.35
<b>Total</b>			<b>\$1,621,253.30</b>
<b>Notes:</b>			
a: DEIR, Tbl. 2-2			
b: CTCSP (Ord. 16899), Appendix A Trip Generation Table			
c: APP-K2, PDF p. 4 (noting current trip cost factor for CTCSP is \$8,973 per trip).			

Furthermore, faulty traffic tip generations directly affect a Project’s air quality and GHG emissions in the form of mobile emissions. As such, these inaccuracies must be resolved and mitigated to the fullest extent feasible, including but not limited to:

- restricting the four apartment units to be affordable,
- provide free transit passes for all workers at the Project (including the restaurants),
- provide for parking cash-out for workers who do not use their cars (including the restaurants),
- provide at least free one-way transit pass per day for guests at the property if the owners seek a variance or permissions that allow rentals of less than 30 days, and
- ensure the building is at least LEED Platinum or Equivalent certified, as is now required for commercial development in neighboring Santa Monica.

## V. STATEMENT OF OVERRIDING CONSIDERATIONS

Here, the DEIR admits, at a minimum, that the Project will have significant, unmitigated cultural and noise impacts. So too, Commentors are concerned about potentially significant air quality, GHG, land use, and traffic impacts masked by the various inaccuracies in the EIR’s analysis (discussed *supra*). However, the Final EIR fails to identify a CEQA-compliant Statement of Overriding Considerations (“SOC”).

// /

<sup>10</sup> [http://clkrep.lacity.org/onlinedocs/1988/88-1984-S1\\_ORD\\_168999\\_09-22-1993.pdf](http://clkrep.lacity.org/onlinedocs/1988/88-1984-S1_ORD_168999_09-22-1993.pdf).

<sup>11</sup> Ibid, PDF pp. 49- (Appendix A Trip Generation Table).

When approving a project that will have significant environmental impacts not fully mitigated, a lead agency must adopt a “statement of overriding considerations” finding that the project’s benefits outweigh its environmental harm. See CEQA Guidelines § 15043; see also Pub. Res. Code § 21081(b); *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222. An overriding statement expresses the “larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes and the like.” *Concerned Citizens of S. Central LA v. Los Angeles Unif. Sch. Dist.* (1994) 24 Cal.App.4th 826, 847. It must fully inform and disclose the specific benefits expected to outweigh environmental impacts, supported by substantial evidence. See CEQA Guidelines §§ 15043(b), 15093(b); see also *Sierra Club*, 10 Cal.App.4th at 1223. Furthermore, an agency may adopt a statement of overriding considerations *only after* it has imposed all feasible mitigation measures to reduce a project’s impact to less than significant levels. See CEQA Guidelines §§ 15091 & 15126.4. Hence, decisionmakers may not approve a project when feasible mitigation measures can substantially lessen or avoid such impacts. See Pub. Res. Code § 21002; see also CEQA Guidelines § 15092(b)(2).

Moreover, in addition to imposing all feasible mitigation, to the extent that overriding considerations are needed, key among the findings that the lead agency must make is that:

“Specific economic, legal, social, technological, or other considerations, including the provision of *employment opportunities for highly trained workers*, make infeasible the mitigation measures or alternatives identified in the environmental impact report ... [and that those] benefits of the project outweigh the significant effects on the environment.” Pub. Res. Code § 21081(a)(3) & (b), emphasis added.

Here, the DEIR fails to attempt to determine whether new jobs created by the Project, in either the construction phase or the operational phase, will be for “highly trained workers,” and what the likely salary and wage ranges of these jobs will be. Without this information, the City lacks substantial evidence to make any overriding statement. Genuine benefits could take the form of restricting the four dwelling units to be affordable, and/or providing payment of prevailing wages for all construction phase workers and living wages for all operational phase workers. Such requirements would ensure that the Project provides “employment opportunities for highly trained workers” in accordance with the mandates of CEQA. Without such requirements, the Project may actually depress wage rates and fail to provide high-quality job opportunities.

In short, the *City cannot find that the economic benefits of the Project outweigh the environmental costs if it does not provide more housing and/or know what the economic benefits will be*. A revised DEIR is required to provide this information. This issue of job quality is critically important to Local 11.

## VI. CONCLUSION

Commentors respectfully appreciate the opportunity to provide these comments. The issues of affordable housing and quality-of-life are paramount to POWER, which works address the systemic economic and social injustices facing low-income people in Westside Los Angeles. So too does Local 11 works to make our City a place of opportunity for all—a place where its members can work and afford to live—and makes these comments in furtherance of its First Amendment and its core function as a union per the *Noerr-Pennington* doctrine.

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Again, the Project is inconsistent with the plain language of the Code and City planning policy and must include a COA that bars short-term stays (less than 30 days) at this apartment hotel Project. So too is the Project EIR inadequate and must be cured with a revised analysis and greater commitment to mitigation measures (e.g., full payment of applicable TIA Fees, transit passes for workers, and affordable units on-site). Furthermore, the Project Approvals are discretionary, not by right. Absent compliance with the issues discussed herein, the City should reject Applicant's requested Entitlements for this Project. The City has clear legal authority to disapprove the Project and demand more for its residents. Commentors respectfully request that the City say any action on the Project Approvals until the issues discussed herein are resolved.

Commentor reserves the right to supplement these comments at future hearings and proceedings for this Project. *See Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4<sup>th</sup> 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period). Finally, on behalf of Commentors, this Office requests, to the extent not already on the notice list, all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. *See* Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net) (cc: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

Sincerely,



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Gideon Kracov  
Attorney for Commentors

**EXHIBIT B**



**July 14, 2020**

West Los Angeles Area Planning Commission  
c/o James Williams  
200 N. Spring Street, Room 272  
Los Angeles, California 90012

**Re: ZA-2012-3354-CUB-CU-CDP-MEL-WDI-SPP-SPR-1A — Comment for 7/15 hearing**

Dear West Los Angeles Area Planning Commission:

On behalf of our organization, which has worked since 1999 to create and preserve affordable housing within the Coastal Zone of Venice, I am writing you regarding the proposed “Venice Place Project” (ZA-2012-3354-CUB-CU-CDP-MEL-WDI-SPP-SPR-1A) prior to your hearing on July 15.

Our organization supports the appeal filed by Unite Here Local 11 and we continue to support their position on this project. To supplement our appeal, and to respond to the staff report, we are reiterating the following points:

- The Affordable Housing Determination from July 6, 2010 failed to properly identify the existing residential units as existing affordable units that must be replaced  
The Mello Act requires that a percentage of new residential units be set aside as affordable as part of a new residential project.

The July 6, 2010 affordable housing determination states that the three residential units being demolished had been converted to a day care center since 2004. This constitutes a conversion from a residential use to a nonresidential use within the coastal zone that is not coastal-dependent, and therefore is not permitted by the Mello Act. HCID must determine existing affordable housing based on either the income of the current occupants or the monthly housing cost. An unpermitted conversion to a nonresidential use is not sufficient evidence to find that no affordable housing exists.

Finding that unpermitted conversion to nonresidential uses results in no affordable housing units existing undermines the intent of the Mello Act and sets a dangerous precedent that jeopardizes the City’s ability to preserve any affordable housing within the Coastal Zone.

For instance, rent stabilized housing that is illegally converted into short-term rentals should be found to be required replacement affordable housing, and commercial income collected from short-term rentals should not be counted toward “monthly housing cost” in determining if affordable housing exists in a proposed conversion or demolition. It has been HCID’s policy to find existing affordable housing on the basis of insufficient evidence, and in cases where unpermitted conversions to short-term rentals have occurred (see the HCID determination for 2300 Pisani Place).

Given that the residential units being demolished at the proposed project site were not vacant and have a "monthly housing cost" of \$0 (given that no residential rent was collected), HCID's error should be corrected and the Commission should find that three replacement affordable housing units are required.

This finding would prevent setting a precedent that landlords who are currently renting out housing at moderate or low-income levels or to moderate or low-income households within the Coastal Zone could simply convert the housing to some non-residential use without seeking the appropriate permits and, after waiting out the clock for HCID's lookback period, apply to develop a new residential project while avoiding their obligation to replace existing affordable housing within the Coastal Zone.

Additionally, given that the project depends heavily on an interpretation of the LAMC that the proposed hotel guest rooms are a "residential use," they should be required to provide inclusionary affordable housing proportional to the total proposed residential portion of the project in order to comply with the Mello Act.

In the Appeal Recommendation Report, in Staff Response No. 4-2 (A-15 - A-18) and elsewhere, as well as in the applicant's letter of July 6, both staff and the applicant contend that the hotel guest rooms should be considered a residential use. If this is the case, the inclusionary affordable housing required by the Mello Act through the IAP must be applied to the entire residential project, not counting replacement affordable housing units. Assuming the HCID existing affordable housing determination is corrected and three replacement affordable units are required, the inclusionary requirement on the project should be applied to 79 total residential units (78 guest rooms plus four dwelling units minus three replacement affordable units), at either 20% of units set aside as low-income units, resulting 16 low-income units; or 10% of units set aside as very-low income units, resulting in eight very-low income units.

There is no specific condition proposed, nor is there any restriction in the LAMC, that would prevent the applicant from renting out their hotel rooms on a long-term basis. While the intent is transient occupancy, nothing would prevent them from converting this project to essentially a long-term residential development by renting rooms for longer than 30 days.

Additionally, we are in a housing and homelessness crisis that impacts the Venice Coastal Zone particularly acutely. We have the opportunity to demand a larger contribution from developers toward alleviating this crisis, and addressing the need for more housing opportunities, particularly more affordable housing opportunities, must be a higher priority for this commission than creating more hotel rooms. In other words, Homes Not Hotels!

For all of these reasons, should the commission not uphold the appeal in full, you should at least include the following conditions on this project:

- Given that three residential units are being demolished, which had been illegally converted to a nonresidential use, with a monthly housing cost of \$0, **three replacement affordable housing units are required in the project; AND**
- Give that the entire residential portion of the project consists of 82 residential units, of which three are replacement affordable units, **the Mello Act requires an inclusionary housing set-aside of either 16 low-income inclusionary units, OR 8 very-low income inclusionary units**

Sincerely,



Bill Przylucki, Executive Director

**EXHIBIT C**

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July 15, 2020; VIA EMAIL: [apcwestla@lacity.org](mailto:apcwestla@lacity.org)

**Re: Item 5, VENICE PLACE PROJECT APPEAL (DCP CASE NOS. ZA-2012-3354, ENV-2016-4321)**

On behalf of UNITE HERE Local 11 and its members (“Local 11”) and City resident Alba Luz Privado (collectively “Appellants”), this Office respectfully submits the following comments to the City of Los Angeles (“City”) West Los Angeles Area Planning Commission (“APC”) regarding the above-referenced development (“Project”). These comments, which incorporate by this reference all comments submitted by any commenting party, supplement comments made as part of the March 25, 2020 appeal (the “Appeal”) involving the Project’s various land use and environmental approvals (collectively “Project Approvals”) required pursuant to Los Angeles Municipal Code (“LAMC” or “Code”) and the California Environmental Quality Act (“CEQA”).

**First, a nearly 100 percent commercial hotel development with four meager dwelling units is not a *bona fide* mixed-use project and, thus, not entitled to relief from the Code or the applicable specific plan.** The applicant needs to characterize this Project as “mixed-use” because it seeks deviations and/or relief from the City’s Commercial Corner Development standards (LAMC § 12.22.23(d)) and to allow lot consolidation under the Venice Coastal Zone Specific Plan (“Specific Plan”) (Specific Plan § 9.A.1.e(4)). Here, with the exception of the four dwelling units amounting to roughly three percent of the Project’s proposed square footage (“SF”), all of the proposed new development is designed to function and/or facilitate a hotel for short-term stays less than 30 days (see e.g., APC staff report, PDF pp. 32, 311, 343 [78 guest rooms are for short term stays, 3,810-SF hotel restaurant largely serving hotel guests, 2,935-SF hotel market, 2,027-SF office likely used for hotel operations, 1,735-SF spa facilities for hotel patrons]). This is not legitimate. The letter and spirit of the Code make clear that this Project is not a genuine mixed-use development because *it is not predominately used for residential uses because guest rooms and hotels are considered “commercial” uses* (see LAMC §§ 12.22.A.23(d), 13.09.B.3):

(1) A Mixed Use Project as defined in Section 13.09 B.3. that consists of **predominantly residential uses** and does not contain commercial uses enumerated in Section 12.24 W.27.;

\* \* \*

**Commercial Uses** means those uses as first permitted in the CR, C1, C1.5, C2, C4, or C5 zones, **including guest rooms and hotels** as defined in Section 12.03 and Community Facilities as defined by this section.

The City cannot ignore the plain language of its Code based on the assertion that the hotel component is residential (see APC staff report, PDF p. 343).<sup>1</sup> Obviously, the intent of the Code and density bonus law is to provide relief to help *create housing—not short term hotel stays*. To approve the Project as a hotel use—with a minimal four dwelling units—sets a dangerous precedent to allow significant deviations from the Code for almost 100 percent commercial development with just a scintilla of housing. Do not set that precedent.

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<sup>1</sup> None of the Hollywood projects cited by applicant’s representatives involve the lot-consolidation and/or relief sought at issue here in this Venice Project (see e.g., APC Staff Report, PDF pp. 762, 775). So too, there are examples of the City classifying hotel and residential uses as distinctly separate (see e.g., Coastal Transportation Corridor Specific Plan § 5.B2 [“A residential use does not include hotels, motels, or other similar types of uses.”], <https://bit.ly/2Ci87Fc>; VTT 82618-CN Approval, p. 3 [project would include “(1) residential use– with 121 apartment units, one (1) hotel use – with 125 guestrooms ...”], <https://bit.ly/3j9j7R9>; 639 La Brea Project CEQA document, p. 15 [listing 125 guest rooms as “commercial uses” and 121 dwelling units as “residential uses”], <https://bit.ly/3eywhIE>; Affordable Housing Linkage Fee Ordinance (<https://bit.ly/3j9z9iC>), p. 2 & City Implementation Memo (<http://bit.ly/2W5CRyE>), p. 2 [listing hotels as “nonresidential uses”]).



**Second, the Project's last-minute change to the Project Approvals to allow hotel use means it must either seek a variance or be conditioned as an apartment hotel.** The Project includes four dwelling units and, thus, is not a "hotel" but rather an "apartment hotel" under LAMC § 12.03 (see figure below). If the applicant insists on a hotel use allowing short-term stays, it must seek a variance subject to the Code-required findings supported by substantial evidence. This should be considered by the ZA in the first instance – not the APC. Alternatively, as an "apartment hotel," the Project Approvals require explicit conditions to ensure short-term stays are not allowed for all of the Project's guest rooms (as requested in the Appeal).

**HOTEL.** A residential building designated or used for or containing six or more guest rooms, or suites of rooms, which may also contain **not more than one dwelling unit**, but not including any institution in which human beings are housed or detained under legal restraint. (Amended by Ord. No. 138,685, Eff. 7/10/69.)

**APARTMENT HOTEL.** A residential building designed or used for both **two or more dwelling units and six or more guest rooms** or suites of rooms. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

**Third, City staff must clarify how it intends to grant the Appeal "in part."** At page two of the APC staff report, staff states it is recommending to grant the appeal "in part" but fails to identify how it does so. The only perceivable change to the Project is that it now fundamentally changes the Project Approvals from an apartment hotel (disallowing short-term stays) to a generic hotel (allowing short-term stays)—which neither the Appellants' Appeal nor any other timely-filed appeal has requested (as discussed further below).

*It is procedurally unfair to the public to allow the applicant on appeal to fundamentally change the Project Approvals from an "apartment hotel" (as approved by the Zoning Administrator or "ZA"), to now a generic "hotel" (as proposed by the APC staff report).* At page A-2 in the APC staff report, staff states "[n]o approval for 'Apartment Hotel' was issued." This is clearly erroneous when the ZA clearly approved an "apartment hotel" as evidenced by the ZA's Letter of Determination dated March 12, 2020 ("LOD"), which approved an "apartment hotel" (see e.g., ZA LOD, pp. 2-3, 6, 15, 19-21, 24, 26-27, 32, 36-37, 41, 45). As fully explained in the Appeal, an apartment hotel allows only stays longer than 30 days. Central to the Appeal was the explicit request that APC impose a specific condition stating as much. This would ensure some level of housing in the form of month-to-month leasing. Now, staff is recommending on appeal to delete all references to "apartment hotel" and approve the 78 guest rooms for hotel use allowing short-term stays that provide no real housing for 78 rooms (see e.g., APC staff report, p. C-1 [figure below]).

- a. **An apartment hotel. A Hotel with** up to a maximum of 78 guest rooms and, a minimum of 4 dwelling units. The dwelling units shall be used for long-term stay; transient occupancy shall not permitted in the dwelling units.

No appellant filed an appeal urging APC to change the Project Approvals to allow short-term stays. Nor did the applicant file any appeal challenging the ZA's approval of the Project as an apartment hotel—as required under LAMC § 12.24.I (appeals must be timely submitted within 15 days of LOD setting forth "specifically the points at issue" and how ZA erred). Absent a timely appeal from the applicant, APC should not assist this bait-and-switch change in the Project Approvals.

**Fourth, the Project is inconsistent with the Code, applicable land use plans, the Coastal Act, and CEQA.** As mentioned above, the Project conflicts with the Code's zoning and planning provisions. Additionally, it is entirely unclear how this nearly 100 percent luxury hotel development will in any way further low-cost visitor accommodation, which is relevant under the Coastal Act. Furthermore, the record is replete with concerns over traffic, parking, noise, public safety and other project impacts and cumulative impacts suffered by nearby sensitive receptors like Westminster Elementary School. Collectively, these inconsistencies with the applicable zoning, Specific Plan and Community Plan provisions are undisclosed and unmitigated in the CEQA document (see e.g., Specific Plan §§ 3, 9; Venice Community Plan, pp. I-2 – I-3, III-3 – III-5, III-7, III-12, III-17 [preserving and creating opportunities for affordable housing, mitigating traffic, protecting residents and classrooms from noise, etc.]).

In sum, calling this Project a mixed-use development does not pass the smell test. It is almost entirely commercial. APC should grant the Appeal by rejecting the "hotel" use designation and require an explicit condition allowing only stays longer than 30 days for all guest rooms. Finally, Appellants reserve the right to supplement their comments at future Project hearings.

Sincerely,



Jordan R. Sisson, Attorney for Appellants

## **JUSTIFICATION/REASON FOR CEQA APPEAL OF CITIZENS PRESERVING VENICE re the Venice Place Project Case No. ENV-2016-4321-EIR (“the Project”)**

### **I. Identification of Appellants; Preliminary Statements**

This appeal is being filed on behalf of Citizens Preserving Venice, a non-profit organization organized under the laws of the state of California dedicated to preserving the quality of life in the Venice area of Los Angeles, and Sue Kaplan, a Venice resident (collectively “Appellants”).

These Appellants join in the appeal of UNITE HERE Local 11 (“Local 11”) and the community organization People Organized for Westside Renewal (“POWER”) dated August 18, 2020 and shall be deemed incorporated herein in addition to the appeal points submitted herewith. Appellants reserve the right to supplement these comments. Please send notices by electronic and regular mail to: Amanda Seward, 3530 Moore Street, Los Angeles, CA 90066, [amandaseward@artvista.net](mailto:amandaseward@artvista.net).

### **II. How Appellant is aggrieved by the decision.**

Appellant Citizens Preserving Venice is a non-profit organization organized under the laws of the state of California dedicated to preserving the quality of life in the Venice area of Los Angeles. It will be adversely impacted by the Project because it has a substantial interest in ensuring that the City’s decisions are in conformity with the requirements of law, and in having those requirements properly executed and the public duties of City officials enforced as they relate to application of the California Environmental quality Act (“CEQA”) and other laws that protect the quality of life in the Venice community. It also acts affirmatively to protect and enhance the life of the neighborhood as experienced by its residents, among others, the residents of Oakwood, a historically African American community that has been and continues to be vitiated by gentrification. Sue Kaplan is a long-time resident of Venice and a founding member of Citizens Preserving Venice. She has a long-time interest and history of activism in planning issues and in the preservation of historical resources in Venice.

### **III. Justification/Reason for the Appeal.**

The Project’s EIR fails to adequately analyze and mitigate the Projects impacts as required under CEQA. Nor are the CEQA findings supported by substantial evidence. The specific points at issue were outlined in the comments attached hereto, including Appellants’ prior comment letter dated July 6, 2020 (attached as Exhibit 1 and by this reference incorporated herein) and the March 26, 2020 letter of Carl Lisberger of Manatt, Phelps & Phillips, LLP, on behalf of its client, 1041 Abbot Kinney, LLC/Abbot Kinney Investment Property, LLC (attached as Exhibit 2 and by this reference incorporated herein). The issues raised in the comment letter of 1041



Abbot Kinney, LLC/Abbot Kinney Investment Property, LLC (Exhibit 2) regarding noise and parking deficiencies in the EIR are adopted by Appellants herein.

In addition to the noise and parking issues raised in the attached Exhibit 2, most notably, the EIR does not adequately consider the historic status of the block of Abbot Kinney the Applicant seeks to redevelop and does not consider in any meaningful way, Project Alternative 4, which would permit the development of the Project mostly as currently contemplated, but at the same time would preserve three historic buildings that the Project proposes to demolish.

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines section 15093, 15043[b].)

Here, the statement of overriding considerations never states why Alternative 4 is infeasible. (Letter of Determination, F-61.) All of the reasons set forth by the City to find that the Project, as approved, outweighs and overrides the significant and unavoidable impacts identified, actually support Alternative 4, as Project Alternative 4 actually meets the Project’s objectives as stated in the statement of overriding considerations. Certainly, the statement of overriding considerations offers no explanation as to why Alternative 4 was not feasible although the EIR acknowledged that Alternative 4 was the Environmentally Superior Alternative. (Letter of Determination, F-57.)

Alternative 4 would preserve and adaptively use the 3 bungalows at 1047, 1047A, and 1047B Abbot Kinney Boulevard that all parties acknowledge are historic. Alternative 4 would reduce the hotel use by 1 room and reduce the hotel room rentable square footage by 800 square feet, as compared to the Project. (Letter of Determination, F-53.) Otherwise, the Project would seemingly meet the stated objectives of the Project and Alternative 4 would offer an Environmentally Superior Alternative.

Finally, the EIR is premised upon an environmental baseline of no existing residential uses on site and therefore no analysis of potential significance in the area of housing. Because the ongoing non-residential uses of three of the buildings were operated as commercial establishments illegally, and the only legal use of those buildings was residential, the EIR should have discussed the impact on housing and the conflict with the Mello Act (Cal. Govt. Code section 65590 and 65590.1).

# **Exhibit 1**

**UPDATED as of July 6, 2020**

**JUSTIFICATION/REASON FOR APPEAL OF CITIZENS PRESERVING VENICE re the Venice Place Project Case No. ZA-2012-3354- (CUB)(CU)(CDP)(SPR)(SPP)(MEL)(WDI); Env-2016-4321-EIR (SCH No 2016-061-033) (“the Project”)**

PLEASE NOTE THAT THIS APPEAL JUSTIFICATION IS BEING RE-SUBMITTED ON JULY 6, 2020 WITH ADDITIONAL APPEAL POINTS AS AN UPDATE TO THE INITIAL APPEAL JUSTIFICATION FILED ON MARCH 26, 2020.

SEE ATTACHED EXHIBIT A FOR EMAILS FROM CITY PLANNING AUTHORIZING THE SUBMISSION OF ADDITIONAL APPEAL POINTS SUBSEQUENT TO THE INITIAL APPEAL FILING DATE.

**THIS SUBMISSION MUST BE PLACED IN THE APPEAL JUSTIFICATION SECTION OF THE STAFF RECOMMENDATION REPORT, PREFERABLY BEFORE THE MARCH 26, 2020 INITIAL APPEAL JUSTIFICATION, AND NOT IN THE CORRESPONDENCE SECTION, AS IT CONTAINS NEW APPEAL POINTS.**

**THE EXHIBITS MUST IMMEDIATELY FOLLOW THE UPDATED APPEAL JUSTIFICATION.**

THE ADDITIONAL APPEAL POINTS ARE BETWEEN THE RED MARKERS INDICATING “NEW” SECTIONS.

IF THE INITIAL APPEAL JUSTIFICATION HAS NOT ALREADY BEEN READ, WE ENCOURAGE COMMISSIONERS AND STAFF TO READ ONLY THIS DOCUMENT AND NOT THE DOCUMENT SUBMITTED ON MARCH 26, 2020. IF YOU HAVE ALREADY READ THE INITIAL APPEAL JUSTIFICATION DATED MARCH 26, 2020, YOU WILL ONLY NEED TO READ THE NEW SECTIONS HEREIN, AS NOTED BY THE RED MARKERS.

ALSO, PLEASE NOTE THAT APPEAL POINTS INCLUDED WITHIN EACH ENTITLEMENT SECTION ARE INCORPORATED BY REFERENCE IN ALL OTHER ENTITLEMENT SECTIONS.

THANK YOU!

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NEW

**Environmental Justice and Social Diversity**  
(applies generally as well as to the CDP approval)

On June 6<sup>th</sup>, City Planning issued a notice, asking the community to help it advance equitable Westside community plans. The flyer stated that “Planning is one of the many factors that play a key role in shaping access to housing, open space, jobs, and overall a healthy quality of life. As land use planners we have both an opportunity and shared responsibility to elevate the importance of inclusion and equity

in our practices.” and “...we have a lot of work to do in reevaluating how we approach our work in order to empower those who have been marginalized by planning practices of the past.”

In addition, at the June Coastal Commission hearing, Commissioner Wilson stated: ” I do want to speak to the structural inequality of down-zonings that occurred in the 50s and 60s...those were done on purpose and in many places where working families and families of color were, and L.A. is notorious for it...this subject of structural inequality is obviously on the minds of many of us in this current context. Even we, a few items before, we were looking at a walled community and building a new wall around that, again, **structural inequality often comes in the form of structures...**”

Venice was physically built by hundreds of African Americans who developed the Oakwood neighborhood at a time when it was one of the few neighborhoods in Los Angeles where they could live. Abbot Kinney encouraged the hiring of African American professionals to help him build his vision. He supported Oakwood’s development as an African American community. Over the decades Venice also became home to many Mexican American families, attracted by its affordable homes and proximity to local industries.

Over the last two decades, however, city planners have systematically abetted the accelerating gentrification of the Oakwood community, ignoring - or not caring – about its history and its socio-cultural heritage. For Oakwood it has become death by a thousand cuts.

Underlying City Planning’s complicity in the erosion of Oakwood’s heritage has been the unstated assumption that more expensive homes – and consequently wealthier generally white homeowners – were better. Time and again, bungalows and multi-family homes have been replaced by expensive single-family homes, aka McMansions. Affordable and RSO units have been demolished. The cumulative impacts of these projects on the social make-up of the Oakwood neighborhood have been ignored.

This hotel will not foster “inclusion and equity.” It will not help those “who have been marginalized by planning practices in the past.” It will perpetuate and worsen structural inequality.

The proposal is for a high-end hotel complex in the heart of Venice on Abbot Kinney Boulevard. Socio-economic and cultural diversity is what made Venice the world-famous destination it is today. It is this historic cultural legacy the hotel wants to tap into by locating in the heart of Venice. Yet this project has never acknowledged the socio-economic well-being of the neighborhood that it will inevitably disrupt nor the harm it will likely cause our neighbors in the Oakwood community over time. The hotel, if built, will continue the City’s pattern of disregard for this historic African American community and further exacerbate the displacement of Venice residents who have substantially shaped the character of this famous and unique coastal community.

City Planning has expressed its solidarity to the principles that correct the concerns of the Black Lives Matter movement and to finding ways to steer away from its past patterns and practices that have reinforced racial and economic inequities. However well intentioned, the right words are empty without the right actions.

As Coastal Commissioner Wilson indicated (quote above), it is wrong to wall off a community. In this case the Project would serve to wall off the Oakwood neighborhood with a block long 30-foot wall, with the parking entrance facing Oakwood. The Project essentially gives Oakwood the back of its hand. This would serve to perpetuate structural racism in Venice.

We are not just taking this opportunity of the Black Lives Matter movement to bring up these issues. We've been fighting against this Gentrification since this project began but we have never felt there was an ear open, or anyone receptive to addressing these concerns. In fact, in the past City Planners have indicated that the Environmental Justice Coastal Act sections and Commission Policy are not applicable to Venice, which is incorrect. They are State laws and policies that are directly applicable to the Venice Coastal Zone and the Project.

This hotel Project is the embodiment of Gentrification. This hotel Project is in the wrong place. Its approval will bring social and economic harm to the very people with whom City Planning has declared solidarity. This hotel is not Oakwood. It is not Venice. It violates the Coastal Act's Environmental Justice provisions and Policy and it harms the Social Diversity of Venice that the certified Land Use Plan Section I.E.1. requires to be protected.

See also comments noted below in Coastal Development Permit section with respect to the lack of any analysis of the Project's conformance with Coastal Act Chapter 3 Section 30213 Lower cost visitor and recreational facilities.

**END NEW**

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## **I. Reason for the Appeal.**

This appeal is being filed by Citizens Preserving Venice for the following reasons:

1. The Project is not in conformity with Chapter 3 of the California Coastal Act of 1976.
2. The Project will 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.
3. The issuance of a conditional use permit for the sale of alcohol will adversely affect the welfare of the community.
4. The proposed conversion of existing residential dwelling units to commercial use is in violation of the Mello Act (California Government Code Sections 65590 et al.) and the Interim Administrative Procedures for Complying with the Mello Act.
5. The Project is not a project under the Los Angeles Municipal Code, and therefore is not eligible for a maximum Floor Area Ratio of 1.5 to 1; is not exempt from the minimum 5-foot landscaped setback requirement along the perimeter of the site of the Project that would otherwise be required; and is not entitled to the requested lot consolidation.
6. The Project adversely affects the historical resources, including the block of the Project, along Abbot Kinney, identified in the certified Venice Local Coastal Program Land Use Plan (LUP) as a historical resource, and the six buildings dating from the 1900's, the historical period of the founding of Venice.
7. The parking plans do not comply with parking requirements.
8. The approved loading areas and conditions are unclear and could create unsafe and hazardous conditions.
9. The Zoning Administrator (ZA) determination does not adequately address the public comments submitted in this case. This appeal incorporates by reference all written and oral comments, in their entirety, submitted on the Project by any commenting party or agency.

## **II. How Appellant is aggrieved by the decision.**

Appellant is a non-profit organization organized under the laws of the state of California dedicated to preserving the quality of life in the Venice area of Los Angeles. It will be adversely impacted by the Project and the ZA's determination because it has a substantial interest in ensuring that the City's decisions are in conformity with the requirements of law, and in having those requirements properly executed and the public duties of City officials enforced as they relate to application of the California Coastal Act, the Venice Coastal Zone Specific Plan ("the VSP"), the LUP, the Mello Act and other laws that protect the quality of life in the Venice community. It also acts affirmatively to protect and enhance the life of the neighborhood as experienced by its residents, among others, the residents of Oakwood, a historically African American community that has been and continues to be vitiated by gentrification.

## **III. The points at issue/Why Appellant believes the ZA erred or abused his discretion.**

### **Conditional Use Permit**

A conditional use permit is required for the Project because the Project is within 500 feet of a residential zone. In addition, a conditional use permit is required pursuant to LAMC Section 12.24-W.1 to allow the sale and dispensing of alcoholic beverages.

A conditional use permit may only be granted if 1) the Project will enhance the built environment in the surrounding neighborhood; 2) 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; 3) the Project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan; and regarding the sale of alcoholic beverages, 4) the proposed use will not adversely affect the welfare of the pertinent community; 5) 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.

The ZA found that the Project enhanced the built environment because it introduced the visitor serving use of a hotel and related complementary businesses and concluded without explanation or evidence that it was compatible with the design and massing of the area. What the Determination does not explain is how a Project that consolidates eight lots, consists of 58,638 square feet in new development over 11,672 square feet in existing development, that includes three new three-story massive buildings is compatible with the low slung, small lot neighborhood surrounding the Project.

It especially ignores the entire adjacent residential neighborhood block on Electric and the Oakwood neighborhood of Venice which borders the Electric side of the Project. There is no consideration of the impact of the Project on Westminster Elementary School and playground which is directly across the street from the Project. The ZA erred and abused his discretion as he did not account for the built

environment in the largest and most sensitive portion of the surrounding neighborhood. The Determination also stated that the Project provided new parking. Never mind that the Project removes an existing surface public parking lot with 60 parking spaces and replaces this parking only with the minimal amount of parking spots required for the new development, thereby resulting in a net loss of parking in an area that already has a severe parking problem. Further, there appears a total absence of self-parking, which will have a negative impact on the adjacent residential neighborhood, as many of the patrons of the hotel complex's services will likely seek to avoid the valet service and automated parking and seek on-street parking in the surrounding neighborhood. The ZA offers no solution, just an empty admonition that "Employees shall be prohibited from parking vehicles within the adjoining residential neighborhoods."

The normal method for mitigating this impact would be permit parking. But this is difficult under the provisions of the LUP, as the establishment of residential preferential parking in the Coastal Zone is not permitted unless the displaced public parking spaces are replaced with new public parking at a minimum one-to-one ratio.

While a smaller boutique hotel could provide a benefit to the community, the proposed hotel is much too massive for its current proposed location. The Project's size is generally incompatible with the immediate residential area. The Project is comprised of nine lots tied together to form one parcel, providing a larger lot and greater square footage than any lot in the immediate area.

The Project certainly does not substantially conform with the purpose, intent and provisions of the General Plan, the applicable community plan, and the applicable specific plan. The Project as currently configured clearly is incompatible with many of the land use plans, policies and regulations governing the Project, and therefore, there is no basis for the finding of the ZA that the Project substantially conforms with the applicable land use policies.

Significantly, the ZA grants several exemptions and benefits only applicable to projects, when this Project does not meet the definition of a project. The applicant sought this designation because a project (i) is eligible for a maximum Floor Area Ratio of 1.5 to 1; (ii) is exempt from the Commercial Corner Development Standards of LAMC Sec. 12.22-A,23 and the minimum 5-foot landscaped setback requirement along the perimeter of the site of the Project that would otherwise be required; and (iii) as argued by the applicant, meets the lot consolidation requirements of the VSP contained in Section 9.A of the VSP and is therefore entitled to consolidate eight lots comprising the Project. We believe the Project does not qualify as a project and is not entitled to these exemptions and benefits. The Determination does not provide any reasoning for finding that this Project meets the requirements of a project.

A careful review of the LAMC Section 13.09 B demonstrates that the Project is not a Project under either the letter or spirit of the LAMC and thus is not entitled to any of the benefits sought. Section 13.09.B.3 of the Los Angeles Municipal Code provides in pertinent part:

Mixed-Use Project means a Project which **combines one or more Commercial Uses and multiple dwelling units** in a single building or in a Unified Development and which provides the following: [Emphasis supplied in bold font]

- (1) a separate, Ground Floor entrance to the residential component, or a lobby that serves both the residential and Commercial Uses components; and
- (2) a pedestrian entrance to the Commercial Uses component that is directly accessible from a



public street, and that is open during the normal business hours posted by the business. A minimum of 35 percent of the Ground Floor Building Frontage abutting a public commercially zoned street, excluding driveways or pedestrian entrances, must be designed to accommodate Commercial Uses to a minimum depth of 25 feet.

LAMC Section 13.09 B.3 defines Commercial Uses for the purpose of a Project as follows:

**Commercial Uses means** those uses as first permitted in the CR, C1, C1.5, C2, C4, or C5 zones, including guest rooms and **hotels** as defined in Section 12.03 and Community Facilities as defined by this section. [Emphasis supplied in bold font]

While the ZA labels four hotel rooms “dwelling units,” presumably to fit within the definition of Project in LAMC Section 13.09.B.3 and in order to be eligible for the bonuses and exemptions granted to Mixed Use Projects, they are not “dwelling units” within the meaning of the LAMC. Section 12.03 of the LAMC, which provides definitions for the terms used in Section 13.09, defines “dwelling” as: “Any residential building, other than an Apartment House, Hotel or Apartment Hotel.” The Project is an Apartment Hotel and therefore under Section 13.09 does not contain a dwelling unit within the definition of the LAMC.

The VSP has no definition of the term . The LUP provides that “ development provides an on-site mix of housing, retail, jobs and recreational opportunities consistent with the character of the Venice commercial areas, the City’s General Plan Framework Element and Coastal Act Policy Section 30252.” LUP Policy I.B.1. The question here is - is the classification of a project as a mixed-use residential and commercial project supportable when only 3.68% of the total project, or 4.62% of the total habitation space, is dedicated to residential use.

More importantly, it is bad precedent to allow a developer who has somehow wedged in a few very small residential units to combine up to eight lots in a community that generally disallows such combination. This is a gross and transparent distortion of the zoning codes, the VSP and the LUP, which express the Venice Community’s desire to restrict lot consolidation in order to protect the scale of the community. If allowed to stand as currently contemplated, the Project will create a dangerous precedent for Venice. It signals to developers who in order to achieve their development objectives to qualify for a project or for lot consolidation –no problem, just slap a couple of tiny efficiency units with kitchens on your project and you will qualify for an infinite number of lot consolidations and achieve your development objectives.

In this case, the applicant dedicates only about 3.68% of the total project or 4.62% of the total habitation space to long term housing and by doing so they would achieve an unprecedented lot consolidation and waiver of important land use policies. Further, if this precedent were established prior to the adoption of a certified Venice Local Coastal Program (“LCP”), it would prejudice the LCP, as it would set a precedent for something very significant that would need to be included in the LCP. While the LUP, the guiding policy document was certified by the Coastal Commission, the necessary implementation ordinances were not adopted. Therefore, a Coastal Development Permit (“CDP”) may only be issued if a finding can be made that the development will not prejudice the ability of the City to prepare a complete LCP, including the implementing ordinance. (See discussion regarding the Coastal Development Permit below.)

This very issue was discussed in a West Area Planning Commission meeting for a proposed project at

601-611 South Ocean Front Walk in 2016. There, the Commission members expressed concern about the cumulative impact and potential prejudice to the adoption of the LCP if an expansive definition of mixed use was accepted in evaluating projects in Venice prior to the adoption of the LCP. On that basis the Commission rejected a CDP for a project at 601 Ocean Front Walk in Venice.

Even if one accepted the applicant's definition of the Project as , that would not entitle the proponent to unlimited lot consolidation. 9.A.e (4) of the VSP states that "Lot consolidation of more than two lots shall be permitted for and multi-family residential Venice Coastal Development Projects, provided the project conforms to the existing scale and characteristic of the surrounding community." Here, the ZA's Determination ignores the second half of this statement. At over 60,000 square feet and extending over nine lots, the Project is profoundly out of scale with the surrounding community and other existing and multi-family developments on Abbot Kinney Blvd. and Electric Ave.

It should also be noted that the exemption in LAMC Sec. 12.22.A.23(d)(1) from the Commercial Corner Development Standards of Section 12.22.A.23 specifies that a project is exempt from the minimum 5-foot landscaped setback requirement only if it is a Project as defined in LAMC Section 13.09.B.3 that "consists predominantly of residential uses." For all of the reasons discussed above, it is not a Project as defined in LAMC Section 13.09.B.3 and certainly is not one consisting predominately of residential uses, as only four units in the hotel are dedicated to long term residency. Accordingly, the Commercial Corner regulations should apply to the Project, and the Project is not exempt from the minimum 5-foot landscaped setback requirement.

Here, the Project approval includes approval of the consolidation of eight lots. The relevant provisions of the VSP are as follows:

A. LOT CONSOLIDATION. Lot Consolidation of contiguous lots may be permitted, provided the consolidation complies with conditions specified in Subsection 1 and 2 below. Subterranean development that is entirely below street elevation is exempt from this subsection.

1. Number of Lots

e. Commercially and Industrially Zoned Lots:

(2) Other Commercial Venice Coastal Development Projects:

Two lots may be consolidated, provided the Venice Coastal Development Project conforms with development standards in Section 9 A 2 below: or three lots may be consolidated, provided the Venice Coastal Development Project conforms with development standards in Section 9 A 2 below and parking is subterranean with the roof at natural grade.

(4) and Multi-Family Residential Venice Coastal Development Projects:

Lot consolidation of more than two lots shall be permitted for mixed-use and multi-family residential Venice Coastal Development Projects, provided the projects conforms to the existing scale and characteristic of

the surrounding community, the required parking is on-site and the project conforms with developments standards in Section 9 A 2 below.

Similarly, the LUP provides that Lot consolidation of more than two lots shall be permitted for projects that conform to the existing scale and character of the surrounding community and provide adequate on-site parking. LUP Policy I.B.7.

Under the VSP and the LUP, “Lot Consolidation occurs when: (1) one or more structures are built over a lot line that divided two existing lots; or (2) a lot line is abandoned, a lot line is adjusted, lots are merged, or other action is taken by the City, for the purpose of allowing a structure to be built extending over what were previously two or more separate lots.” (Section 5.Q. of the VSP and the Definition Section, page I-15 of the LUP.)

The VSP has no definition of the term . The LUP provides that “ development provides an on-site mix of housing, retail, jobs and recreational opportunities consistent with the character of the Venice commercial areas, the City’s General Plan Framework Element and Coastal Act Policy Section 30252.” LUP Policy I.B.1. The whole idea of encouraging and conferring certain benefits on projects is to “increase opportunities for employees to live near jobs and residents to live near shopping.” (Policy 1.B.6 of the LUP.) As has been discussed above, clearly the Project does not qualify as a Project pursuant to LAMC 13.09B. Certainly, it does not qualify as a Project under the LUP, as it does not meet the housing objectives of projects under the LUP.

It should be noted too that a hotel would not qualify as a residential use under the LUP. In Policy 1.B.6 of the LUP, it is recognized that commercial, visitor-serving uses such as hotels are distinct from residential dwelling units. It provides, in pertinent part: “The areas designated as Community Commercial...will accommodate the development of community serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses.” It goes on to specify that visitor-serving commercial uses include “hotel” uses.

### **Conditional Use Permit Alcohol Sales--CUB**

In the March 12, 2020 Determination of the ZA in this case, the Zoning Administrator authorized the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction with a new apartment hotel and a new hotel restaurant, and the sale and dispensing of a full line of alcoholic beverage for on-site and off-site consumption in conjunction with a hotel market. Before a conditional use permit for the sale of alcohol may be issued, the following additional findings pursuant to L.A.M.C. Section 12.24.W.1 must be made:

1. That the proposed use will not “adversely affect the welfare of the pertinent community;”
2. That 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 (ABC) 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; and

3. That 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.” In this case Westminster Elementary School is directly across the street from the Project.

Here, the license would significantly expand both the geographic reach and sale/consumption of alcohol, to include sale/consumption in the hotel lobby, outdoor courtyard, lounge areas, business rooms, and new restaurants, as well as in-room service.

The ZA acknowledges that according to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, only three on-site and two off-site consumption licenses are allocated to the subject census tract and that currently there are 17 on-site licenses and 3 off-site licenses in this census tract, establishing an over saturation at the current time. Further, the ZA acknowledges that the crime statistics indicate that the crime rate in this census tract is higher than the city average. He states that the subject area suffers from a total of 528 crimes compared with the citywide average of 185 offenses and the high crime reporting district of 222 crimes for the same reporting period in 2018.

The ZA states that the California Department of Alcoholic Beverage Control has discretion to approve an application for a license if there is evidence that normal operations will be contrary to public welfare and will interfere with the quiet enjoyment of property by residents. Normal operations would mean that no new license could be granted. In order to approve an additional license, the ZA is required to make a finding that normal operations are contrary to public welfare and will interfere with the quiet enjoyment of property by residents and school children in this case. The ZA does not make this finding but rather simply states that because he has imposed a condition requiring surveillance and that bar employees will be required to attend training, the sale of a full line of alcoholic beverages for off-site consumption will benefit the public welfare and convenience because it would add another place to purchase alcoholic beverages. (Page 25-26 of the Determination.) It is impossible to conclude that employee training and “other conditions” will effectively deter criminal activity, public drunkenness and loitering. There are numerous studies performed by Los Angeles County Health and other credible institutions that prove that such nuisances and impacts cannot be effectively mitigated in an adjacent residential neighborhood and they definitely should not be allowed to occur adjacent to an elementary school. (These studies will be provided subsequent to the filing of the appeal.)

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## NEW

See discussion of the aforementioned studies below.

The ZA erred and abused his discretion with respect to the CUB Findings in two major ways: (1) He did not meet all of the six Findings required as per LAMC 12.24.E. and 12.24.W., and (2) He did not provide adequate or sometimes any evidence to making some of the Findings, rendering them conclusory.

1. The ZA completely omitted and thus did not address all six Findings, or portions of Findings, required for approval of the CUB as per LAMC 12.24.E. and 12.24.W., as follows:

FINDING 1.

This is a required Finding for the CUB approval. The ZA neglects to address this Finding with respect to the alcohol use, mentioning only the hotel use. There is no evidence or conclusion provided related to whether the Project will perform a function or provide a service with respect to the additional on- and off-site alcohol sales that is essential or beneficial to the community, city or region. There is no evidence provided to support the conclusion that an increase in alcohol concentration would be a convenience to the surrounding community or is a necessity to the surrounding community. In fact, logic alone informs a reasonable mind that it is not a necessity or convenience as the area is already over concentrated with alcohol licenses and premises. The sale and dispensing of a full line of alcohol throughout the hotel and off-site sales of alcohol will not benefit the community as the area is already saturated and there is no need for more. The immediate area has a high concentration of alcohol establishments and allowing another off-site license and a significant expansion of the on-site license for the entire hotel could adversely impact the surrounding neighborhood. Also, in addition to our above-mentioned studies by experts, testimony was supplied at the Public Hearings and in letters to City Planning that also highlighted the correlation between alcohol sales, crime, and other adverse impacts. The required Finding has not been met and the CUB cannot be approved.

FINDING 2.

This is a required Finding for the CUB approval that the Project will not adversely affect or further degrade the public health, welfare and safety of adjacent properties and the surrounding neighborhood. The ZA neglects to address this portion of the Finding. There is no evidence or conclusion provided that the Project will not harm the public health, welfare and safety of the adjacent properties, or that the quality of life and “right to quiet enjoyment” of the adjacent residential neighbors and the adjacent elementary school will be protected. The required Finding has not been met and the CUB cannot be approved.

FINDING 3.

This is a required Finding for the CUB approval. However, this Finding only addresses conformance with the applicable Plans with respect to commercial areas and neglects to address the relevant goals, objectives and policies of the residential portions of the Plans, including the impact on the surrounding and adjacent neighborhood and the adjacent elementary school with respect to additional on-site and off-site alcohol sales. The required Finding has not been met and the CUB cannot be approved.

FINDING 5.

The ZA does not address the portion of Finding 5. that states that consideration must be given to the number and proximity of premises for the sale or dispensing for consideration of alcoholic beverages within a 1,000-foot radius of the site; nor does the Finding indicate whether revocation or nuisance proceedings have been initiated for any use in the area. The required Finding has not been met and the CUB cannot be approved.

2. The ZA did not provide accurate or adequate evidence in order to support the conclusions made in the six CUB Findings required in LAMC 12.24.E. and 12.24.W, or the analysis is insufficient to support the Findings, as follows:

“Abuse of discretion is established if...the findings are not supported by the evidence.” (See Cal. Code Civ. Proc. 1094.5(b)), or if the analysis is insufficient to “bridge the analytic gap

between the raw evidence and ultimate decision or order.” (West Chandler Boulevard Neighborhood Assn. v. City of Los Angeles (2011) 198 Cal.App.4<sup>th</sup> 1506.)

FINDING 4.

The ZA failed to adequately consider the impact of the CUB on the public welfare of the community.

In order to approve a license adjacent to a sensitive use such as a school, church or an adjacent residential neighborhood, Business and Professions Code 23958 requires an investigation of all matters that may affect the public welfare, including morals. A key component of the analysis of the effects on the welfare of the pertinent community is consideration of the impact of the significant increased alcohol use on morals of the area. The proposed on-site and off-site sale of alcohol on the premises during the hours of 7 a.m. to 1 a.m. is contrary to the public welfare and morals, especially the elementary school students at Westminster Elementary School, across the street from the project.

The sale of alcohol adjacent to a school not only advertises substance abuse but also glamorizes it. Per the California PTA resolution “REGULATION OF LIQUOR LICENSES NEAR SCHOOLS, adopted by Convention Delegates May 1997, Reviewed and deemed relevant November 2017, “A 600-foot distance is inadequate for the protection of grade one through 12 schools from possible effects from such licenses.”

There are many aspects of the sale of alcohol at this Project that will influence and negatively impact the students of Westminster School. A hotel with alcohol service and an open site plan right in the path of young children walking to school directly across Abbot Kinney Blvd does not show an intent to comply with the goal of responsible liquor licensing or protecting children’s safety.

The Project includes a roof deck, pool area and bar that face the school, in full view of the school children during lunch and recess. This design affords the hotel guests a perch to view the activities of elementary school students which is not desirable to the parents of the students and disregards student privacy.

The Project design includes rooms with balconies facing Broadway which is a main thoroughfare for parents walking their children to and from school. Hotel guests will have access to alcohol beginning at 7 a.m. or, for that matter, 24/7 in the hotel room. This creates a dangerous risk that guests will be partying on balconies in the view of students walking to school at 7:30 a.m. or walking home between 2:20 p.m. and 6 p.m., when after school activities end. Children are easily influenced by the adults around them. Viewing adults engaged in the consumption of alcohol near their school, the place they need to feel safe in, is impactful to young minds. At this age their prefrontal cortexes aren’t developed enough to allow them to access the rational part of their mind.

As cited on The Science of Psychotherapy website by Matthew Dahlitz, Neuroscience Magazine: “The prefrontal cortex (PFC) is the cerebral cortex covering the front part of the frontal lobe. This brain region has been implicated in planning complex cognitive behavior, personality expression, **decision making**, and **moderating social behavior**. The basic activity of this brain region is considered to be orchestration of thoughts and actions in accordance with internal goals. The most typical psychological term for functions carried out by the prefrontal cortex area is executive function. Executive function relates to abilities to differentiate among conflicting thoughts, **determine good and bad**, better and best, same and different, future consequences of current

activities, working toward a defined goal, prediction of outcomes, expectation based on actions, and social “control” (the ability to suppress urges that, if not suppressed, could lead to socially unacceptable outcomes). The frontal cortex supports concrete rule learning, while more anterior regions along the rostral-caudal axis of the frontal cortex support rule learning at higher levels of abstraction.” (adapted from Wikipedia) As such, children under the age of 25 are very impressionable and don’t have the cognitive ability to differentiate from good and bad behavior.

The school children will be walking past the hotel every day when going to/from school. There will be observations of public drunkenness and there will be alcohol consumption in the common areas, including the roof deck that oversees the elementary school. These observations will impact the morals of the children at a very young, impressionable age. The ZA erred and abused his discretion as he did not consider the impact of the hours of operation for on- and off-site alcohol use on the adjacent elementary school or the adjacent neighborhood. Nor did he consider the impact of the extensive alcohol use on the morals of the adjacent elementary school children.

Lastly, with respect to the impact of the CUB, the ZA completely omitted an analysis of the impact on the adjacent neighborhood and elementary school of the noise from alcohol being served in the open areas. There is no discussion of possible reduction of hours of alcohol use/sales or any mitigation measures for the impact of sound. The ZA also omitted an analysis of the impact of the extensive loading zone activity and increased traffic and parking demands on the neighborhood and school children, both of which would be significant adverse impacts.

#### FINDINGS 4. and 5.

The ZA failed to consider readily available evidence from experts, as well as testimony from neighbors and parents at Public Hearings and in letters to City Planning, with respect to the adverse impacts of increased density of on- and off-site alcohol outlets (premises) when making his conclusions in Findings 4. and 5.

A study prepared by Los Angeles County Department of Public Health (See attached EXHIBIT C) states: “A high density of alcohol outlets increases alcohol consumption, motor vehicle crashes, alcohol-related hospital admissions, injury deaths, assaults and violent crime, suicides, drinking and driving, child maltreatment, and neighborhood disturbances.” The report found that a high density of alcohol outlets in a community increases rates of violent crime, alcohol-involved motor vehicle crashes, and alcohol-related deaths. It concluded that limiting the density of alcohol outlets is effective in reducing alcohol-related harms. The study’s findings indicate that having a high density of either on-premises or off-premises alcohol outlets was associated with significantly higher rates of alcohol-related harms. Additional findings are that communities with a high density of either on- or off-premises outlets were:

- 1) 9 to 10 times more likely to have increased rates of violent crime,**
- 2) 4 times more likely to have increased rates of alcohol-involved crashes, and**
- 3) 5 times more likely to have increased rates of alcohol-related deaths.**

Finally, the study recommends that local governments highlight areas where on-premises or off-premises alcohol outlets are oversaturated and use their land use powers to limit the number of new alcohol outlets in those areas.

Also, the Institute for Public Strategies prepared a briefing document entitled The Power of Local Municipalities to Control Alcohol Outlet Density (See attached EXHIBIT D). The

briefing states that high alcohol-outlet density can threaten public health and safety and reduce the quality of life in surrounding neighborhoods. Their research shows that there is a direct correlation or a nexus between high alcohol availability and increases in drunken driving, sexual assault, crime and violence, underage drinking, health problems and economic decline, and the relationship to the problems created is statistically significant. In fact, for these reasons, the ABC has established guidelines for the acceptable level of alcohol outlet density in a given census tract. If the number of alcohol retailers exceeds the number recommended, that census tract is considered to be oversaturated, or an undue concentration of alcohol licenses.

In addition, the Institute for Public Strategies briefing document references a guide for local government, funded by the California Department of Alcohol and Drug Programs, that indicates that in areas of undue concentration of alcohol licenses [which go hand in hand with the related premises] that high crime and proximity to sensitive land uses, i.e. schools, churches and residences, can be used as a basis to reject a public convenience or necessity waiver and thus cause denial of a license. Here we have both high crime and proximity to sensitive land uses, which is a basis for denial.

This guide also urges local governments to have policies and procedures in place to prevent oversaturation of alcohol.

The above-mentioned documents and studies prepared by third party experts provide evidence that adding more alcohol, especially the significant amount of alcohol consumption that would be associated with a large hotel, to a census tract area that already has an “undue concentration of alcohol licenses” and “high crime” will escalate crime and other negative consequences to the surrounding area.

In addition, a significant amount of evidence has been provided through testimony of neighbors, parents, and other community members in Public Hearings and letters to City Planning that the surrounding area is already saturated with alcohol establishments and that adding even more will have a detrimental impact on the surrounding neighborhood and the residents’ and the elementary school children’s quality of life and right to quiet enjoyment.

#### FINDING 5.

The first paragraph in Finding 5. has numerous errors of fact.

The Finding states that there are 17 on-site licenses. In fact, there are 21 on-site licenses in the census tract as of the date of the determination. The Finding states that there are two active Type 47 ABC licenses for the two existing restaurants. In fact, there is only one, License No 569602, for the Felix restaurant. The Primitivo Wine Bistro License No. 514811 was cancelled and transferred. The Finding states that the proposed hotel restaurant seeks a renewal and extension of existing Type 47 license No. 345545, for which the primary owner is West Indies Trading Co, Inc., and which active since October 7, 1998. That is incorrect. This license has been active since September 14, 2010 and expires on August 31, 2020. (See attached EXHIBIT B for the correct evidence.) The extent of the errors of fact by the ZA calls into question the evidence and the conclusions based on the evidence throughout the CUB Findings.

#### FINDING 5.



The ZA failed to consider the extent of alcohol licenses in the census tract in excess of the ABC-established limits, and he does not make any conclusions relative to the significant expansion of the on-site alcohol license.

As mentioned above, there are 21 (not 17) active on-site licenses in the census tract, compared to three on-site licenses allocated to the census tract by the ABC. There are SEVEN TIMES MORE LICENSES THAN ALLOWED, which is a serious over saturation of alcohol licenses in the area. The number of alcohol licenses in the area **far exceeds** the amount allocated by the ABC and the ZA fails to connect this substantial evidence to his conclusions.

Also, the significant expansion of the existing Type 47 license No. 345545, to cover all of the new areas in the entire hotel—including the hotel lobby, the outdoor courtyard, the lounge areas, the business rooms, the new restaurants, as well as in-room service--is not a new license but it would materially increase the concentration of alcohol in the surrounding area and the census tract.

Although the ZA admits that the crime rate in the census tract where the subject site is located is higher than the City average and that the number of alcohol licenses in the area far exceeds the number allocated by the ABC, he omits the relevant fact that this means that there is an undue concentration of alcohol licenses, as defined by the ABC, and therefore an undue concentration of premises in the area. Instead, he uses the phrase “an over-concentration of licenses is suggested.” He is basing his finding--that the additional off-site license and significant expansion of the existing on-site license to cover the entire hotel will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages--on the fact that the ABC has discretion to approve an application for a license if there is evidence that normal operations will be contrary to public welfare and will interfere with the quiet enjoyment of property by residents. However, there is no evidence provided to support that statement, nor can the ZA rely on actions that have not been taken by the ABC in making the conclusions in his Findings. The Finding requires that the ZA find that approval of the CUB will not result in an undue concentration of premises for the sale or consideration of alcoholic beverages. Given that an undue concentration of alcohol licenses already exists, it simply follows that there is an undue concentration of premises, and adding one more, especially premises the size of the hotel, is only going to make the concentration and over saturation much worse.

In addition, the ZA cannot speculate or assume that the ABC will take certain actions in support of the Project’s public convenience and necessity. The ZA has a separate responsibility under City law, regardless of what the ABC may do. Whether and for what reasons the ABC approves an alcohol license is not directly related to the responsibilities of the ZA in finding that an “undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages” will not result from the granting of the application.

The ZA mentions some conditions that have been placed on the CUB. However, there is no proof or studies that indicate that the conditions cited are effective in mitigating the adverse effects of additional alcohol licenses or that the conditions will in any way but nominally have an impact on those nuisances and other adverse impacts; in fact, the undersigned Appellants have had many experiences with CUBs in Venice where the conditions imposed are ignored by the applicant and also not enforced by the City. This is a City-wide problem.

Also, given the extensive number of crimes in the Crime Reporting District reported in 2018, which is significantly higher than the City average, and the overconcentration of licenses and related premises in the area, the standard CUB conditions such as the ZA has imposed on this Project are not likely to be effective in protecting the welfare and safety of the surrounding community. There are no studies or proof or evidence provided that indicates that the conditions cited will in any way have an impact on the types of crimes and nuisances impacts in an area such as this.

In addition, under CEQA the cumulative impacts of a Project must be considered, and the cumulative impact of adding an off-site alcohol license and significantly expanding an existing on-site alcohol license to the entire hotel operation would be significantly harmful to the welfare and safety of the adjacent and surrounding community and the adjacent elementary school.

#### FINDING 5.

The ZA failed to adequately consider the significant statistics regarding crime in the area.

According to the LAPD, the Crime Reporting District had a total of 528 crimes in 2018, as compared to a City-wide average of 185 and the High Crime Reporting District's 222 crimes. The Crime Reporting District of the proposed project has almost THREE TIMES the number of crimes of the City average! And it has 2.4 times the number of crimes of the high crime reporting district! There is no analysis of this very significant evidence and the impact that would be caused by adding even more premises dispensing alcohol. The Finding goes on to provide detail of the 528 Part 1 and 2 crimes and states that conditions of approval are being imposed in order to prevent public drinking, public drunkenness, and driving under the influence. However, those conditions will only impact 4 out of the 528 crimes listed--the 3 for public drunkenness and the 1 for a DUI!

#### FINDING 6.

The ZA does not meet the requirements of Finding 6 as there is no evidence or analysis of the impact of additional on-site and off-site alcohol consumption on the adjacent Westminster Elementary School, the nearby church or the adjacent residential neighborhood.

State Business and Professions Code 23789 does not allow for the approval of an alcohol license **for premises** within 600 feet of a school (the Westminster Elementary School is 65 feet from the Project site) or in the immediate vicinity of a church, and CCR 61.4 does not allow for the approval of an alcohol license for premises within 100 feet of a residential neighborhood (the adjacent neighborhood is 50 feet away from the Project site), unless public convenience or necessity is found. Here, there is no evidence that dispensing of additional alcohol on-site and off-site is a necessity or would be a convenience to the community. State law limits the issuance of new licenses in geographical areas defined as high crime and in areas of undue concentration of retail alcohol outlets. This can only be overridden by a determination that the license would serve public convenience or necessity, in other words, if it is proven that the outlet will provide a benefit to or satisfy an existing need of the surrounding community. The ZA errs in that, although he states that the residential neighborhood would be adjacent to the proposed Project, he does not state that the Westminster Elementary School would be adjacent to the proposed Project. There has been significant public testimony in several Public Hearings and a significant number of letters to City Planning regarding the serious concerns about alcohol consumption adjacent

to the residential neighborhood, church and elementary school. In addition, in order to approve a license adjacent to a sensitive use such as a school or church, Business and Professions Code 23958 requires an investigation of all matters that may affect the public welfare and morals, and special conditions are required related to the sensitivities of the school or church and the impact on morals. According to the ABC, licenses within 600 feet of, let alone adjacent to, schools are usually only approved in more dense areas such as a downtown area. The impacts on all of the sensitive uses, including the school, church and residential neighborhood, must be considered and analyzed, and specific conditions must be provided, such as limiting the hours of alcohol consumption and restricting the use of the loading zone when school children are present. However, there is no discussion and analysis by the ZA at all relative to the impacts on the school, including related to loading areas and traffic that will make arrival and departure from the school dangerous. The ZA states that the project “will contribute to a neighborhood” but provides no evidence re. how it will contribute.

**END NEW**

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Also, notably, the ZA does not include in the CUB Findings the advice of the Los Angeles Police Department, as is the practice when considering the crime rate in issuing a conditional use permit to allow the sale of alcoholic beverages.

In this case, Westminster Elementary School is directly across the street on one side of the Project and a residential community is directly on the other side of the Project. Alcohol, hotel rooms, and strangers adjacent to a public elementary school do not mix well. Further, the application of off-site sales in an already over saturated neighborhood is especially tone deaf, given the problems associated with a longstanding and growing homeless population in this same neighborhood and a proliferation of street-level, illicit drug sales.

### **Coastal Development Permit**

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. The applicable findings include: 1) that the development is in conformity with Chapter 3 of the California Coastal Act of 1976; 2) that the permitted 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; 3) That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission have been reviewed, analyzed, and considered in the light of the individual project in making its determination; 4) that the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

The Coastal Act of 1976 was enacted by the State Legislature as a “a comprehensive scheme to govern land use planning for the entire coastal zone of California.” Its passage was the result of the recognition that uncontrolled development of the California coastline could not continue. One of its goals is to “protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.” To achieve this goal the Coastal Act sets forth

specific policies governing public access, recreation, the marine environment, land resources, and development along the coast. It provides specific protection for “sensitive coastal resource areas,” defined in the Coastal Act as those bounded land and water areas within the coastal zone of vital interest and sensitivity, such as highly scenic areas and special communities or neighborhoods which are significant visitor destination areas. Under the Coastal Act, new development where appropriate is to protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The Coastal Act specifically provides that prior to certification of the LCP, a CDP shall only be issued if the issuing agency, or the California Commission on appeal, finds that the proposed development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3. Further, the Coastal Act requires that new development not have a significant adverse impact, either individually or cumulatively, on coastal resources. Section 30105.5 provides:

“Cumulatively” or “cumulative effect” means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

### **Chapter 3 of the Coastal Act**

The LUP recognizes Venice as a special coastal community. Policy I.E.1 provides: “Venice’s unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976.” The LUP lists this block of Abbot Kinney Boulevard as a historical resource.

In making Finding No. 7 that the development is in conformity with Chapter 3 of the Coastal Act, the Determination makes no mention of this and does not consider the impact of the Project on this historic resource, required to be protected under Chapter 3 of the Coastal Act.

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### **NEW**

The ZA errs and abuses his discretion in Finding 7. as he only cites Coastal Act Chapter 3 Section 30253(e), but does not analyze conformance of the Project with this key Chapter 3 section. Coastal Act Section 30253(e) states that “Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics are popular visitor destination points for recreational uses.” The Venice Coastal Zone is in fact a Special Coastal Community, as designated in the original Coastal Plan, which preceded and formed the basis for the Coastal Act, and as designated by the Coastal Commission in the certified LUP. Thus, additional protections are necessary to protect the scale and character of Venice’s unique neighborhoods, as per the certified LUP guidance in Policies I.E.1., I.E.2. and I.E.3. This project would be the largest project to ever be proposed in the Venice Coastal Zone and, if approved, would cause significant adverse cumulative impacts to Venice, being a precedent for other projects of this size. The Special Coastal Community of Venice, a Coastal Resource according to the Coastal Commission, must be preserved and protected from projects like this that would cause a significant adverse cumulative impact on the relatively small scale and unique community character of the Venice Coastal Zone community.

The ZA also errs in Finding 7. As he does not consider the cumulative impacts of the project on

coastal resources, which is required prior to the certification of a Local Coastal Program. Cumulative impacts is one of the most important issues here, as the Project is the largest project to ever be proposed for Venice and the Coastal Act and certified LUP protect Venice's existing scale and character and does not allow for projects of this sheer size. The ZA also errs in that this Finding does not recognize that the Venice Coastal Zone has been designated by both the City and the State Coastal Commission as a "Special Coastal Community" (as defined in the certified LUP) and must be preserved and protected from projects like this that would cause a significant adverse cumulative impact on the relatively small scale and unique community character of the Venice Coastal Zone community.

In addition, the ZA errs and abused his discretion in Finding 7. as he completely omits any discussion of conformance of the Project with Chapter 3 Coastal Act Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals, which states: "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." The Coastal Commission noted in its Staff Report for the 2 Breeze project (5-14-1932 Lambert) that "...many hotels are exclusive because of their high room rates...the expectation of the Commission, based upon several recent decisions, is that developers of sites suitable for overnight accommodations will provide facilities which serve the public with a range of incomes. If the development does not propose a range of affordability on site, the Commission has required off-site mitigation, such as payment of an in-lieu fee to fund construction of lower cost overnight accommodations such as youth hostels and campgrounds. Lodging opportunities for budget-conscious visitors to the coast are increasingly limited...most newly constructed hotels are designed and marketed as high cost products [and so rooms for] persons of low and moderate incomes will make up fewer of the guests staying overnight in the Coastal Zone. Without low-cost lodging facilities, a large segment of the population will be excluded from overnight stays at the coast. Access to coastal recreational facilities, such as beaches, harbors, piers, and special coastal communities, is enhanced when lower cost overnight lodging facilities exist to serve a broad segment of the population."

END NEW

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Further, the Determination recognizes that the immediate area is surrounded by one and two-story structures. On page 27, the last sentence of the third full paragraph states: "The project site and properties proximate to the site are developed with one- and two-story structures in an urban area." (This is also stated on page 28, the last sentence in the first full paragraph.) Yet the ZA goes on to justify the three-story mass and scale of the Project by comparing it with a couple of out of place three-story structures (that should not have been approved) and does not consider the majority of the surrounding structures (all one- and two-story structures) that are acknowledged to reflect the character of the neighborhood.

Thus, the ZA errs and abuses his discretion in concluding that the proposed 30-foot tall portions of the project are consistent with the massing and scale of the existing development, adjacent to the multi-family residential neighborhood as he is only comparing to a very small portion of the surrounding structures and not considering what is by far the largest and most sensitive portion.

The Appellant will supply additional information that shows that 74% of the surrounding structures are 0- or 1-story, 8% are 2-story and 18% are 3-story. Only 18% of the surrounding structures are 3 stories, which in no way justifies a block long 3-story structure facing a 1-story residential area.

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**NEW**

See attached EXHIBIT E for Appellant's Streetscape, which contains evidence regarding mass, scale and character of the site and surrounding area. Corner buildings demand special attention because they are more visible than other buildings on the block. This Streetscape was prepared using the common industry practice for projects that are on corners of blocks: the immediate neighborhood, or cornerscape, or viewshed is four lots from the corner on both sides of the street that the building fronts, and two lots from the corner on both sides of the other street running at right angles to the fronting primary street. The area included in the Streetscape is shaded in light green in the map below.

**STREETSCAPE AREAS**


The Streetscape shows that 64% of the structures are 1 story, 31% are 2-story and 5% are 3-story. Just 5% of the surrounding structures being 3 stories in no way justifies a block long 3-story structure facing a 1-story residential area. In addition, there are seven existing structures **on the block of the proposed hotel**. Two of them (29%) are 2 story and the remaining five are 1 story (71%). **None are 3 stories.**

The total square footage of the buildings in the Viewshed is 118,868. The usable building space is 52% of the block's total land area (i.e. its Floor Area Ratio, or FAR), a FAR of .52. **The same area with the proposed hotel increases** the square footage **by 49%** to 176,638, and the FAR increases to .79, **a 52% increase.**

The block on which the hotel will be located has an existing FAR of .29 and a total building square footage of 16,920. **With the hotel completed**, the new FAR for **that block would be** 1.28, or 3.4 times larger, and new total building square footage would be 74,690, also **3.4 times larger**.

The residential properties in the Oakwood neighborhood on the east side of the proposed hotel together have a FAR of 0.54 and a total building square footage of 59,087, and they comprise 76 living units. **The three-story hotel** with roof deck, with square footage of 70,310 and a FAR of 1.5 that is **1.8 times or almost two times larger than the FAR of the east side Oakwood properties**, will loom over the surrounding residential neighborhood.

The proposed Project is grossly incompatible with the surrounding area and thus violates Coastal Act Section 30251 and 30253 as well as certified LUP policies I.E.1, I.E.2. and I.E.3. In fact, the Project, the largest ever proposed in the Venice Coastal Zone and spanning the vast majority of a city block, would stick up from the surrounding primarily residential community like a giant island rising out of the ocean, to be seen for miles and to tower over the surrounding community.

## END NEW

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For all of the above reasons, the Project does not comply with the applicable LUP Policies. Accordingly, the ZA erred in its Finding No. 8 that 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.

The Determination also found that the Project was consistent with the various planning ordinances and plans, as it was a Project.

The West Los Angeles Area Planning Commission's decision on 601 Ocean Front Walk (ZA-2015-102-CDP-SPP-1A), at the hearing on September 7, 2016 is instructive. The issue there was also whether the immaterial number of residential units qualified the project as mixed use, with the associated benefits related to FAR and lot consolidation. The WLAAPC concluded that due to that project's immaterial amount of residential use it did not qualify as "mixed use," and therefore denied the project as proposed.

Below are some excerpts from the audio transcript for that hearing, from the Commissioner discussion: President Donovan:

"Mixed Use isn't defined here [in the certified Land Use Plan] and thus I must use judgment and I know mixed use when I see it and I don't see it here today."

He said that if this project was approved as proposed, it would prejudice the LCP. He goes on to say that **"This is not for us to decide at this point as our decision would prejudice the LCP."** He reiterated that there were insufficient mitigation measures and not enough attention on the cumulative impacts, and thus **a project of this size was out of scale with the surrounding area and that it would have a substantial adverse impact.**

### Commissioner Halper:

The ZA erred in his Finding re. prejudicing of the LCP with respect to classification of the proposed project as a mixed use. The current proposal, which assumes that the smallest possible sized unit allows, 800 sq. ft, is adequate to support an increase of 50% from the FAR of 1:0 for office and retail,

to a FAR of 1.5:1 that is based on an unspecified mix of commercial (retail and/or office) and residential uses. One cannot justify that 2.7% of a project can get a 50% FAR "bonus" for the project.

In this case, the total square footage of the "apartments" is 2,588 square feet. The apartments as a percentage of the total habitation space is 4.62% (As per the Project Description, the total square footage of hotel space is 53,384 sq. ft and the total square footage of the apartments is 2,588 square footage. Total habitation space is  $53,384 + 2,588 = 55,972$  sq. ft.  $2,588$  divided by  $55,972 = 4.62\%$ ).

In this case, the percentage of the square footage of the apartments is 3.68% of the total square footage of the project, of 70,310 square feet as per the Project Description. (Total square footage of the apartments of 2,588 divided by total square footage of the project of 70,310 = 3.68%).

By either measure, 3.68% of the total project or 4.62% of the total habitation space, one cannot justify that this minor percentage of a project can result in a 50% FAR "bonus" for the project (the minor amount of residential use is being used to qualify the project as mixed use, thus resulting in a FAR of 1.5:1 as opposed to 1:0). The precedent set by the WLAAPC on September 7, 2016 in denying the project as proposed (with an immaterial amount of residential use supporting a classification) must be followed; and the LCP must not be prejudiced. This is not a project and must not be treated as one.

For the reasons stated above, the Appellant points out that the Project is not a project, none of which arguments is addressed by the ZA in the Determination. If the Project is not a project, then even under the ZA's rationale it does not comply with the VSP and LUP.

Also, in making Finding No. 7, there seem to be contradictory or unclear statements about the loading areas around the perimeter of the Project. Finding No. 7 states that the proposed project includes a condition prohibiting the use of the public right-of-way for loading purposes, and as such, "the proposed development along Electric Avenue is visually compatible with the surrounding area and consistent with the character and scale of the neighborhood." Whether the on-street loading zone on Broadway that is in the plans is approved, or whether its use is conditioned by Condition 17, which states "Commercial loading shall be prohibited along Broadway" is also a source of confusion. As the specifics of what is being approved for a loading zone for the Project are not clear, it is not possible to comment on that for the purposes of Finding No. 7.

## **Parking**

Adequate parking has not been required as per LUP Policy II.A.3. and Coastal Act Sections 30210, 30211, 30212, 30214, and 30252. Coastal Act Section 30252 states "The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities," detailed as follows:

1. It is not clear from the determination whether the 60 parking spaces in the surface parking lot that is being demolished are being appropriately replaced. As part of the determination the ZA must verify whether any of these spaces are for Public Parking, which are required by the Coastal Act to be replaced. We have evidence that this lot was used for public valet parking, mostly for beach parking during the day. In addition, the ZA needs to determine whether there are parking covenants or agreements for other parties with any of the existing properties for the overall project, in order to assure that these obligations are being covered in the parking requirement for the new project.



2. It is not clear whether the service floor area for the existing restaurants has been correctly calculated and where those existing parking spaces are currently located.
3. The parking requirement for the existing restaurants must be recalculated in conjunction with the overall project and it must be assured that there is no consideration of ADA aisle width in order to reduce the service floor area, as this practice is no longer allowed.
4. The ZA must assure that the parking requirement for the existing Felix restaurant at 1023 Abbot Kinney is recalculated as it is common knowledge and apparent on the Plans that the service floor area was expanded during the tenant improvement process (DIR-2016-262-CEX), even though it is not allowed to expand service floor area using a CEX (Coastal Exemption). The service floor area for the Felix restaurant must be recalculated as a part of the overall project parking requirement calculation.
5. The parking calculation must include the service floor area for all areas of the hotel where alcoholic beverages will be served, including the hotel roof decks, pool areas, lobby, outdoor courtyard, lounge area and business center.
6. The parking calculation must include a requirement for the existing retail nursery, the Sculpture Garden as it will be on the Project Site and thus part of the overall Project. It is 2,963 square feet.
7. The displaced parking spaces for public access due to the proposed on-street loading area must be replaced.
8. The wrong parking requirement was used for the service floor area of the restaurant. The parking requirement table on page 4 - 5 states that the parking standard for the hotel restaurant is 1 space per 100 sq. ft of floor area used for consumption of food or beverages, whereas the Parking Requirement Table in LUP Policy II.A.3. (as well as the comparable table in the VSP) states " 1 space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas; plus 1 space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly." It is not clear whether the requirement has been correctly calculated as per the LUP and VSP requirements.
9. The front patio service floor area of the retail store has not been included in the parking requirement calculation.

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**NEW**

10. Major parking problems are glossed over in the ZA's Determination.

The ZA's Determination errs by describing the project's parking plan in a manner that differs materially from the plan specified in the EIR, because it omits one of the plan's main components, the 80-space offsite parking area at Westminster School, and it also omits the Secondary Valet Station on Abbot Kinney Blvd. that was intended to relieve congestion at the Valet court on Electric Ave. by moving cars from there to the offsite area.

The ZA's Determination further errs by taking the conclusions of the EIR's traffic study, which specifies

that its analysis is of a project that not only has onsite parking, but also includes both a secondary valet station and an offsite parking lot, and applying these conclusions to a version of the project which has neither, because he has determined they should not be permitted.

**There's nothing about offsite parking** in the Determination's introduction to its FINDINGS OF FACT (CEQA), section. It simply notes:

175 parking spaces in a three-level underground garage and 56 bicycle spaces. (ZA Determination – page 42)

The section's Project Description more explicitly rejects the possibility of offsite parking, in that all 175 spaces are accounted for onsite:

“The project provides a total of 175 parking spaces, at grade and within three subterranean levels.” (ZA Determination – page 45)

However, the Secondary Valet Area makes its appearance when called on to justify inclusion of *Transportation/Circulation* under the heading of: LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION

#### **TRANS-PDF-6 Valet Operations**

Staff will be present at the inbound driveway to the Main Valet Area at all times, to divert vehicles as needed to the Secondary Valet Area at the south side of the site. The Secondary Valet Area will be staff at 5 PM every day. Staff at both locations will be able to communicate instantaneously via wireless communication, to enable quick re-routing of inbound vehicles. (underlining added) (ZA Determination – page 52)

So, the valet operation's CEQA impacts are only mitigated by the Secondary Valet Area, which in turn feeds cars to the offsite lot. But this is not the project he has described, which has a total of 175 spaces, all onsite and served by a single valet station.

**A false conclusion** is reached by taking the conclusions of the EIR's traffic study, based on a project with two valet stations and an offsite parking lot, and applying them to the project as he describes it in the CEQA introduction and project description, i.e. with only 175 parking spaces, all within the subterranean garage, with just a single valet station, and with no offsite parking lot.

The conundrum arises from parking and valet conditions that the ZA Determination places on the project - - without admitting that these very things he's prohibiting are not only in the plan but materially contribute to the EIR's conclusion that the project would not have substantial impacts due to parking and queuing.

**The resulting discrepancies** from the EIR materially contradict information in the project's KOA Traffic Study and the analysis in the FEIR regarding parking capacity, vehicle queuing capacity, and resultant impacts on traffic and neighborhood, on-street parking.

If the conditions of the ZA Determination are accepted, then the sections of the FEIR involving traffic, valets, vehicle queuing and parking have to be re-analyzed. If the ZA's conditions are rejected, then the impacts they attempted to mitigate must be re-addressed.

The problems involve the 80-space off-site parking at Westminster School and the Secondary Valet Station on Abbot Kinney Blvd. As reflected in numerous parts of the EIR, these both play major roles in mitigating problematic impacts. However, they both create problems of their own, as we've detailed in previous communications, and both are correctly and explicitly denied by the ZA Determination.

Nevertheless, the ZA adopts the EIR's findings that the project's impacts on traffic and parking do not rise to the level of significance if mitigated – even though the mitigations are the offsite parking and second valet station, both of which the ZA himself has removed from the project.

**The discrepancies are not minor.** There is a reduction of parking capacity by 80 spaces. And in terms of the ability to timely park arriving vehicles and avoid on-street queuing, the impact is even more pronounced. The KOA Traffic Impact Study has a full 50% of arrivals and departures being routed to and from the offsite lot.

An additional project trip distribution of 50 percent of the inbound trip totals was applied to a route from the Main Valet Area to the Secondary Valet Area (for vehicle drop-off) then to the proposed off-site parking area at the Westminster Avenue School, which is currently leased by the project owner. For outbound vehicles, 50 percent of the overall trips were added to a route from the off-site parking area to the Secondary Valet Area. (Traffic Impact Study for Proposed Venice Place Hotel - Page ES-1)

So that extra capacity is crucial to the orderly operation of the entire parking system, as well as drop-offs and pick-ups (which are both prohibited by the ZA's Determination on both Electric and Abbot Kinney).

The importance of the offsite parking and second valet station are called out in several places in the EIR; among them:

Vehicles would be directed away from the Electric Avenue driveway by valet employees to the Abbott Kinney Boulevard valet area, as needed to avoid queuing on Electric Avenue by inbound vehicles. This would apply for peak site activity times in the evening and during special events that would occur in the evening. This dual approach, with the parking system and traditional valet operations, will help to manage inbound vehicle flows, and queuing onto adjacent roadways will be avoided through this approach. (underline added) (Venice Place Project City of Los Angeles - Final Environmental Impact Report July 2019 - Page II-27)

**Nevertheless, the ZA acted correctly** in rejecting the offsite parking arrangement. There were good reasons for doing so, as the applicant's proposed plan involved a great deal of valet traffic across Abbot Kinney Blvd., as well as a valet station on Abbot Kinney that was likely to impede westbound traffic on that street. The offsite parking also relied on a lease (of unidentified duration), which is not permitted, since offsite parking spaces must be dedicated by covenant in order to fulfill parking requirements.

Furthermore, apparently in response to our comments in a previous communication, the applicants offered, and the FEIR includes, a set of voluntary parking regulations for special events. These specify amounts of offsite parking required for various event sizes, as well as the number of valets required.

Unfortunately, even if the ZA's conditions were rejected by the WLAAPC, the table below would be meaningless unless its terms were explicitly incorporated into enforceable project conditions.

Additionally, this entire mixed-use project relies on consolidation of more than two lots, which is only permitted under the Venice Coastal Zone Specific Plan under the following conditions, set out in Section 9.A.2:

Lot consolidation of more than two lots shall be permitted for

mixed use and multi-family residential Venice Coastal Development Projects, provided the project conforms to the existing scale and characteristic of the surrounding community, the required parking is on-site and the project conforms with developments standards in Section 9 A 2 below. (underline added)

If the offsite parking were approved, the project would no longer conform to this requirement that “the required parking is on-site.”

### **Conclusion**

The parking plan as conditioned by the ZA no longer has anywhere near the capacity, nor the rate of service, that was in the parking plan analyzed in the EIR. Consequently, the EIR traffic study is no longer relevant if the ZA’s recommended conditions are adopted, as it would no longer reflect the sufficiency of project’s conditioned parking plan.

Therefore, as stated above, the ZA erred by making an unsubstantiated finding that the project would have no substantial impact, since his own determination eliminates the necessary, substantiating mitigations. Nor does he offer any possible mitigations to replace them.

One final point: under-parked projects greatly increase traffic congestion: in his 2011 treatise, *The High Cost of Free Parking*, UCLA professor Donald Shoup cites decades’ worth of studies showing that “...on average, 30% of the cars in congested traffic were cruising for parking.” Therefore, the ZA erred in understating the project’s impacts not only on parking, but on traffic, as well.

**END NEW**

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### **Sea Level Rise**

The Determination does recognize that the Project is located within an area that may be affected by Sea Level Rise, but finds that the potential for such flooding in severe storm events is likely to increase towards the end of the project’s life, based on a typical development life of 75 years and brushes off that the three subterranean levels might be adversely impacted in the interim, stating that they are subject to further review and compliance with zoning and building code requirements and found therefore that the Project is consistent with the Coastal Act. A thorough consideration of the Sea Level Rise and its impact on the Project is required under Chapter 3 of the Coastal Act and missing here.

### **Approval of the CDP will Prejudice the Ability to Prepare a Local Coastal Program**

There simply is no basis for Finding No. 8 that the Project will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act. Indeed, the Project sets a precedent for projects, lot consolidation, three-stories of mostly commercial space in a neighborhood of low-slung residential buildings and rehabilitation of historic resources in an important special coastal community.

Similarly, the ZA also errs on Finding No. 9, as he does not consider the cumulative impacts of the project on coastal resources, which is required prior to the certification of a local coastal program. The issue of cumulative impacts is a big concern for this Project, as the proposed project is the largest project

to ever be proposed for Venice, and the Coastal Act and certified LUP protect Venice's existing scale and character and does not allow for projects of this sheer size. The ZA also errs in that this Finding does not recognize that the Venice Coastal Zone has been designated by both the City and the State as a "Special Coastal Community" (as defined) and must be preserved and protected from projects like this that would cause a significant adverse cumulative impact on the relatively small scale and unique community character of the Venice Coastal Zone community. Omitting an analysis of the impact of the project on the Special Coastal Community of Venice, a designated Coastal Resource, which is a key part of the applicable Chapter 3 Coastal Act sections that must be considered in the CDP Findings, is a major error and abuse of discretion by the ZA.

### **Prior Decisions of the California Coastal Commission Cited by the Zoning Administrator**

The ZA recognizes that his decision must be guided by any applicable decision of the California Coastal Commission. Nevertheless, the decisions cited by the ZA in reaching his Determination in this case are inapplicable as they do not involve projects of this magnitude. Each of these is discussed below:

#### 1697 Pacific Ave, February 12, 2016

This is the Hotel Erwin. The addition of a roof deck service floor area is in no way a "similar application in the Venice Coastal Zone." The issue with this permit was simply assuring there was adequate parking for the expansion of the service areas.

#### 1697 Pacific Ave, August 7, 2003

This too is the Hotel Erwin. The addition of a floor of an existing hotel is in no way a "similar application in the Venice Coastal Zone."

#### 1119-1123 Abbot Kinney Blvd, December 11, 2003

This project is a project of a reasonable size (only 3 lot consolidation, and significantly smaller in size), and with a substantial number of dwelling units vs. commercial uses. In addition, this project was required to take the street dedications.

Comparing the proposed Venice Place Project to this project highlights the fact that the Venice Place Project is way too large for the area in overall scale, has excessive lot consolidations, is not a project as the number of dwelling units is immaterial in comparison to the total project, and should not be allowed to waive the street dedications. The 1119-1123 Abbot Kinney decision actually supports a denial of the Venice Place Project.

#### 4750-4761 Lincoln Blvd, November 4, 1998

This project is not at all similar to the subject project. This project is for an apartment building and not a project. Also, according to the Coastal Commission's archives, the Staff's recommendation was for a Substantial Issue, not a No Substantial Issue determination, as alleged in the Determination.

Significantly, this the Venice Place Project would be the largest project to ever be proposed in the Venice Coastal Zone, and if approved would cause significant adverse cumulative impacts and set precedent for other projects of this size. The Coastal Act protects Venice's existing scale and character and does not allow for projects of this sheer size, especially in such a sensitive area. The Project's sheer

size, impact on a historic resource, unprecedented lot consolidation, treatment as a project when only 3.6% of the entire Project (or 4.6% of the hotel space) contemplates the provision of housing, make the finding that it 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, as set forth in Finding No. 8, ludicrous. The whole idea of encouraging and conferring certain benefits on projects is to “increase opportunities for employees to live near jobs and residents to live near shopping.” (Policy 1.B.6 of the LUP.) Four extended stay units in a luxury hotel will not increase opportunities for employees to live near jobs and residents to live near shopping. Yet, this is being used to justify all sorts of exceptions to compliance with rules that would otherwise be applied to the Project.

## **Site Plan Review**

The purpose of a site plan review is to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, and other infrastructure and environmental settling. Pursuant to LAMC Section 16.05, the decision maker must find that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan and any applicable specific plan and that the project consists of an arrangement of buildings and structures, off-street parking facilities, loading areas, and other pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.

For the reasons stated above, this Project does not comply with the purposes, intent and provisions of the General Plan, the applicable community plan and the specific land use plans governing the project. Further, the parking is not adequately addressed.

First, as stated above, the total absence of self-parking will have a negative impact on the adjacent residential neighborhood, as patrons of the hotel complex’s services will be incentivized to avoid the cost of valet service and automated parking (this is not an inexpensive combination). The normal method for mitigating this impact would be permit parking. However, The Venice Coastal Zone Local Coastal Program’s Certified Land Use Plan makes that completely infeasible:

Policy II. A. 6. Preferential Parking. Establishment of residential preferential parking districts shall be contingent upon replacing displaced public parking spaces with new public parking at a minimum one-to-one ratio.

While the ZA notes that restricted parking was requested by a neighborhood resident at the hearing, he does not address the issue other than to put the proprietors of the businesses occupying the project on best behavior to tell their employees not to park in the adjacent residential area. This is not a condition; it is a fantasy. Further, the Service Floor Areas are understated in the Parking Requirement findings, causing the Project to be significantly under-parked. Several service floor areas have been left out of the calculations.

The relevant parking requirements for a Coastal Development Permit, as stated in “the applicable policies of the certified LUP,” are found in “Policy 11.A.3 Parking Requirements” and are cited on p. 31 of the ZA’s Determination. In addition to other requirements, they include: “

“...1 space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas; plus 1 space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.”

The ZA Determination characterizes the LUP policies as “advisory” “guidelines.” However, the VSP has the same requirements for hotels, and they are binding, not advisory:

Section 13 D. PARKING REQUIREMENT TABLE (p. 25) “One space

for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas;

plus

One space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly”

The following excerpts from various findings in the ZA letter lay out the areas in this hotel that are allowed to be used for “consumption of food or beverages:”

p. 2. Approvals “(e) and the on-site consumption of alcohol in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center.”

p. 19. MANDATED FINDINGS Conditional

Use Permits

“(f) and the on-site consumption of alcohol in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center...”

p. 21. Conditional Use Permit Findings #3

“The project proposes the sale and consumption of a full line of alcoholic beverages in the new hotel restaurant and bar area (and hotel roof decks and pool area for hotel guests), in the hotel guest rooms (liquor cabinets), hotel guest room services, and in all areas of the hotel (lobby, outdoor courtyard, lounge area, and business center)...”

p. 24. Alcoholic Beverage Findings #4 “...project proposes the sale and consumption of a full line of alcoholic beverages in the new hotel restaurant and bar area (and hotel roof decks and pool area for hotel guests), in the hotel guest rooms {liquor cabinets), hotel guest room services, and in all areas of the hotel (lobby, outdoor courtyard, lounge area, and business center)...”



INTERIOR COURTYARD & LOBBY

2



KEYPLAN

THE WESTMINSTER - CORNER OF WESTMINSTER & ABBOT KINNEY

1

Yet none of these areas besides the restaurants’ and the market’s service floor areas are being counted, as they should be in calculating those parking requirements already mentioned:

“...1 space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas; plus 1 space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.”

This is a major oversight. Those measurements and calculations need to be done and reflected in the parking requirements. The architect’s plans even show three tables on the project property facing Abbot Kinney that are obviously to be “used for consumption of food or beverages,” This use does not appear to be covered by the 170 sq. ft the ZA assigned to the Market, as there is seating inside, as well.

Additionally, the parking requirement for the existing restaurants must be recalculated in conjunction with the overall project and it must be assured that there is no consideration of the ADA aisle width in order to reduce the service floor area, as this practice is no longer allowed. Further, it is unclear whether the ZA properly considered the parking requirement for the existing Felix restaurant at 1023 Abbot Kinney as the service floor area was expanded during the tenant improvement process (DIR-2016-262-CEX), even though it is not allowed to expand service floor area using a Coastal Exemption (“CEX”). The service floor area for the Felix restaurant must be recalculated as a part of



the overall project parking requirement calculation. Also, it is unclear whether the parking calculation included parking for the existing retail nursery, the Sculpture Garden as it will be on the Project site and thus part of the overall Project. It is 2,963 square feet.

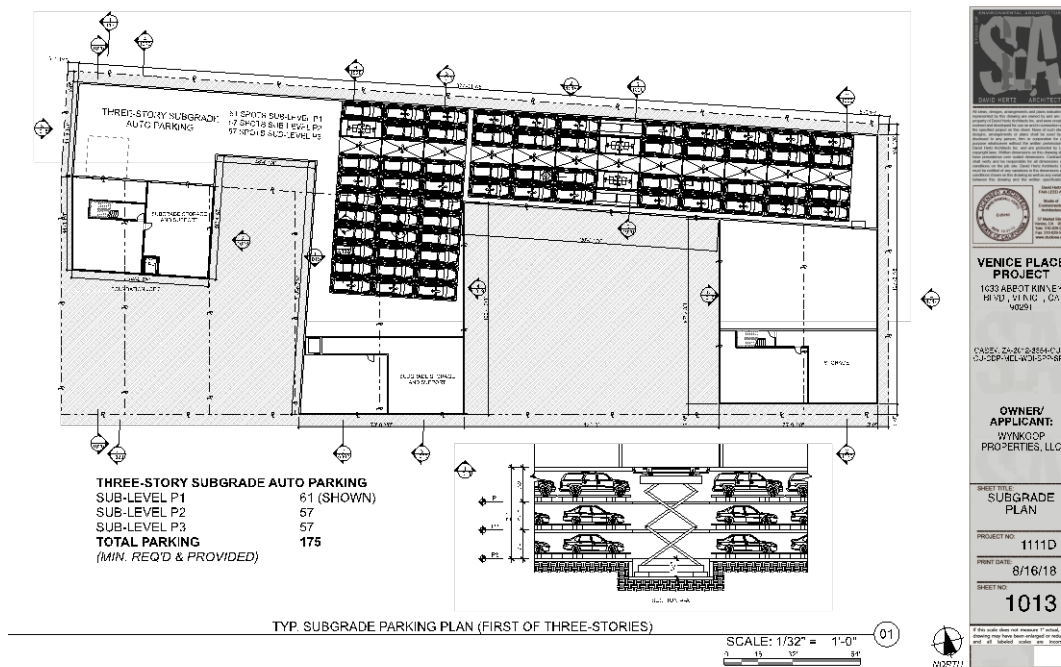
**Automated Parking System**

Because this project depends entirely on automated parking not only to satisfy code requirements but also to successfully serve the needs of the businesses and their clientele, it is extremely important to be sure the automated parking is capable of delivering the required number of spaces and sufficient, reliable service before proceeding with planning permits. Unlike a conventional garage, there are many aspects of automated parking that vary with the particular system, and they are still somewhat exotic to most planning practitioners.

We strongly urge that you have LADBS do a preliminary inspection of this installation’s plans in order to have confidence that the system can be installed as depicted, will have the promised capacity, and will be able to provide the rate of service claimed in the EIR.

One major reason to take this extra step is that the representations offered in the EIR are, quite frankly, deceptive in two crucial areas. First is the layout and capacity. Second is the claimed service rate.

The Subgrade Parking Plan shows a “typical” parking level with cars on closely packed rows of pallets alongside a narrow shuttle aisle via which they can be transported to and from the three elevators. The problem is that the depiction does not include any room for structural supports, and the spans required are 43ft for most of the garage, and 90 ft for the wider end.



Absence of structural supports renders the plan unrealistic, as there is no room between pallets, which are spaced less than 4” apart, to place them. The clearance along the central, shuttle aisle to the elevators is no greater.

Structural supports always present major obstacles to automated parking systems, depending on their number, size, and placement, causing inefficiencies in the use of space. In this case, that space is saved in the drawings by simply pretending no obstacles exist.

If long horizontal supports were to be used to solve this problem, the approximately 8- inch floor thickness depicted in the plans would no longer be sufficient. An increase in floor thickness or support depth would cause the depth of excavation to increase, taking it farther below the water level and further increasing the water pressure for incursion at the base, where the parking elevator motors lie in depression below floor level. It would also increase the amount of soil that would need to be removed and increase the attendant CEQA construction impacts.

Since the ability of this project to satisfy its parking requirements depends entirely on automated parking, the ability to certify compliance depends greatly on the layout of any structural supports. The “Typ. Subgrade Parking Plan” in Appendix A is therefore insufficient as a basis for approval of the parking plan, since it does not realistically depict the actual system capacity. Would this department sign off on a conventional garage with a required number of spaces if you had no floor plan or indication of where it would be possible to put spaces because of support pillars? Another difference between conventional and automated parking is that automated parking systems experience failures that can cripple an entire garage or a segment of it for hours or days. Has anyone analyzed the failure record of the proposed system and the impacts that failures of different types would have on capacity, speed and throughput of this project’s system? The system manufacturer should be able to provide this information.

The applicants have done a bait and switch on the parking system’s service rate. On page 53 of the ZA letter, under Project Design Features the service rate is stated:

TRANS-PDF-9 Automated Parking

The three lifts in the Main Valet Area will have a total minimum service rate of 80 vehicles per hour (combined input and output) \_ (approximately 27 per hour per lift).

Having stated this rate, the EIR supports it with data from a completely different system, employing an entirely different technology from the one being used in this Project. It’s made by the same company, which raises the question, why didn’t they supply the service rates for *this* system? Below are brochure photos (side-by-side) of the two systems, “Slide” and “Pace.” The combined service rate figures of 80 vehicles per hour, as set forth on page 53 of the ZA’s Determination, are for the Pace system. The hotel is not using the Pace system, it is using the “Slide” system. This issue was raised in a letter from David Ewing to Juliet Oh and Theodore Irving dated Aug. 30, 2019, but the issue has not been dealt with in the ZA’s Determination.

The service rate cited should not be accepted. The actual service rate should have been verified before accepting it as factual in the EIR. That mistake should not be perpetuated by continued reliance on it



going forward.

Service rates, even when correct, can only tell you the rate that the automation is capable of, but in this case, the configuration of the valet court and the system's elevators create the likelihood of bottlenecks and congestion extending into the public right-of-way.

The current site plan shows there is a very limited queuing area available for vehicles waiting to enter the elevators for the parking garage. The DEIR should have included a verified gate service rate specifically for vehicle entries and a separate service rate for vehicle exits. A combined rate always greatly overstates the system's ability to park vehicles in a high-demand situation, with cars queuing to park. You cannot simply divide the combined rate in half. The one-way rate of service is much lower, because the time required is much more than half what it is for the combined rate. The elevator can carry cars up and down in one round trip, but the free ride that an exiting car gets coming up to street level does not speed up an entering car ride down. In other words, it does not increase the time efficiency of the cars being parked. Therefore, the combined service rate, which is often used as selling point by manufacturers, which is often used as a sales point by manufacturers, is actually deceptive as a description of how many vehicles can be parked or delivered in a given period.

Another concern is some of the cars will be parked eight cars deep, and if the last car (Car X) needs to be retrieved, how quickly will the automated system be able to juggle the cars in the row to reach the eighth car? When those seven cars are moved to let Car X out, they block the aisle all the way past the two paired elevators, tying up the entire system until they can return to their spots.

This problem does not only pertain to when there is a full garage. The cars are on pallets, and whether a pallet is carrying a car or not, the pallet has to be moved to let the outermost pallet reach the transit aisle. While the system is doing all that, the queue may fill up the valet court, blocking the exit from the third elevator, where Car X is finally emerging. Or the queue may stretch out into the street. That would violate Parking Condition 16, which says:

"...All valet parking operations shall be conducted onsite; the queuing of vehicles shall be prohibited

in the public right of way.”

And that would create yet another problem, with Condition 16 f.:

“Valet service shall not utilize any local streets for the parking of any vehicles at any time.”

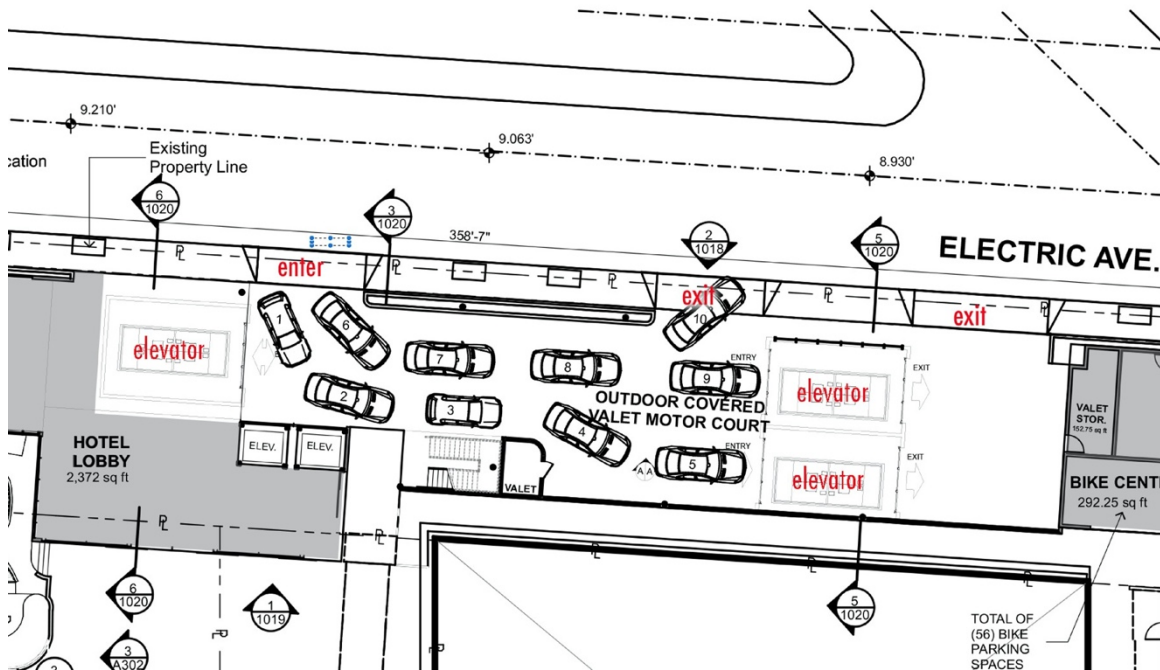
This could put the applicant in some jeopardy, since:

“Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.”

As vanishingly unlikely as that may be, the irony is that any such punishment would not be due to an intentional transgression by the applicant, but rather to failures by the ZA and Planning Commission to address the deficiencies of the parking scheme in the first place, thereby guaranteeing subsequent situations that made violations unavoidable. A condition, after all, is not a magic wand.

The EIR did not address any of this. Instead, the EIR substituted an independent study of an entirely different type of automation from that being proposed here, located in a very different and more efficient installation (West Hollywood City Hall garage). Also, the EIR should have addressed the reliability of the proposed system, the failure rate, and the impacts various types of failures would have on the gate service rate, garage capacity, and potentially on traffic on Electric Ave. These are not passive systems. They require maintenance, or they fail.

This is completely different than signing off on a conventional concrete garage.



The depiction above is from the First Floor Plan in Exhibit A of the EIR. The only things added are the red labels for clarity. The cars are as depicted in the plan. Notice that all it takes is two cars, #8 and #9, to block the exit. Also note that car #1 is blocking the third elevator just when it's most needed.

Now let's add pickups and drop-offs into the mix. Is a sensible Uber or Lyft driver going to venture into this mess? Of course not. She's going to drop her passenger on Electric, double parking to do so if necessary, but in any case, violating the prohibition on "the use of the adjoining right-of-way for loading purposes." (Electric is very narrow here, especially if the dedication is reduced from 7.5 ft to 5 ft, which is only enough to allow a sidewalk, but not to widen the street.)

Apparently, the offsite overflow lot for 80 cars at Westminster School that was in the EIR and was to serve the 2<sup>nd</sup> Valet station (on Abbot Kinney) is now off the table. That removes a mitigation and makes serious congestion in the valet court, and out into Electric Ave., much more likely. This makes it even more crucial that the automated parking be capable of performing as represented.

In order for the City to evaluate the site plan, it must know whether the automated parking system and the configuration of the valet court and vehicle elevators can accommodate the parking demand. As the automated parking system direly impacts the layout of the site plan for the Project, there should have been, but there is not, a detailed study of how this particular automated parking system and valet court layout will operate.

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## NEW

The viability of this entire project depends entirely on the ability and reliability of the automated parking garage to park and retrieve vehicles at a rate sufficient to handle the demand placed on it by the hotel, two restaurants, a market, events, and beach parking (BIZ).

While the parking system depicted in the project plans is not specified, it is easily identifiable as the U-Tron "Slide" system by its unique combination of layout and designation of some but not all spaces as capable of orthogonal movement of pallets.

The Slide is a novel and relatively untried system. From U-Tron's website, it appears they have only completed two Slide installations to date, one in New York and one in Israel.

The fact that U-Tron, the automated parking division of Unitronics, is the presumed provider means the evaluation of system performance is being provided by a highly interested party.

The reason that is worth noting is because U-Tron did not provide supporting performance data from a working example of the Slide system, but instead substituted performance data from an entirely different system (Pace) that it also owns, suggests that either the performance of the Slide system could not provide as high a service rate as Pace or, alternatively, that the performance data was not yet available for this new and novel system with only two completed installations. In any case, if U-Tron had to substitute apples-for-oranges as substantiation, they should have disclosed this issue and provided their best argument for why the substitution was legitimate. Without real verification of the Slide system's rate of service, it should not be accepted as the basis for approval of the entire project.

Importantly, reliability and maintenance are the Achilles heel of the automated parking business, and no supporting reliability nor maintenance data is offered for this project. New systems often take considerable time to work out bugs and efficiencies, so data is not optimized for some period after installation.

The point is that this is a relatively unproven system, so every precaution should be taken to assure that

it will operate properly and the project owner will not come back, hat in hand, after approval to ask for offsite parking, which is forbidden to this project under VCZSP 9.A.2.

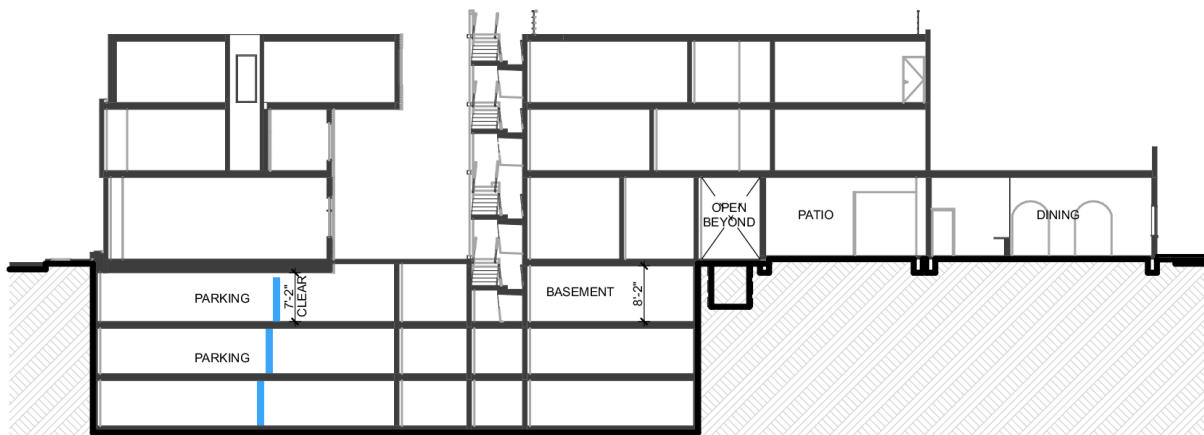
**Conceptual Plans**

There are no detailed plans of the automated garage. In the approved project plans it is only shown conceptually, in a “TYP. SUBGRADE PARKING PLAN (FIRST OF THREE-STORIES (Sheet 1013)). The other two stories are omitted. For a novel system, with an unusual layout tied to elevator placement in the valet court, the need for real plans is much greater and of a different character than for a conventional garage, the characteristics and requirements of which are well known and understood among planners and design and building professionals.

Unfortunately, if taken literally, the parking system as shown leaves no space between the pallets that carry automobiles to allow for vertical supports. The pallets are four inches or less apart, and they are in motion, requiring additional tolerances. This is a problem in a structure six floors tall (including 3 subterranean) and with spans of over 70 feet. Yet the floor thickness in the section included on this page appears to be only about 8 inches.

If greater floor depth is needed to support a 70 ft. span, that will require significantly deeper excavation, which in turn would have a cascade effect on other project data in the City’s Final EIR.

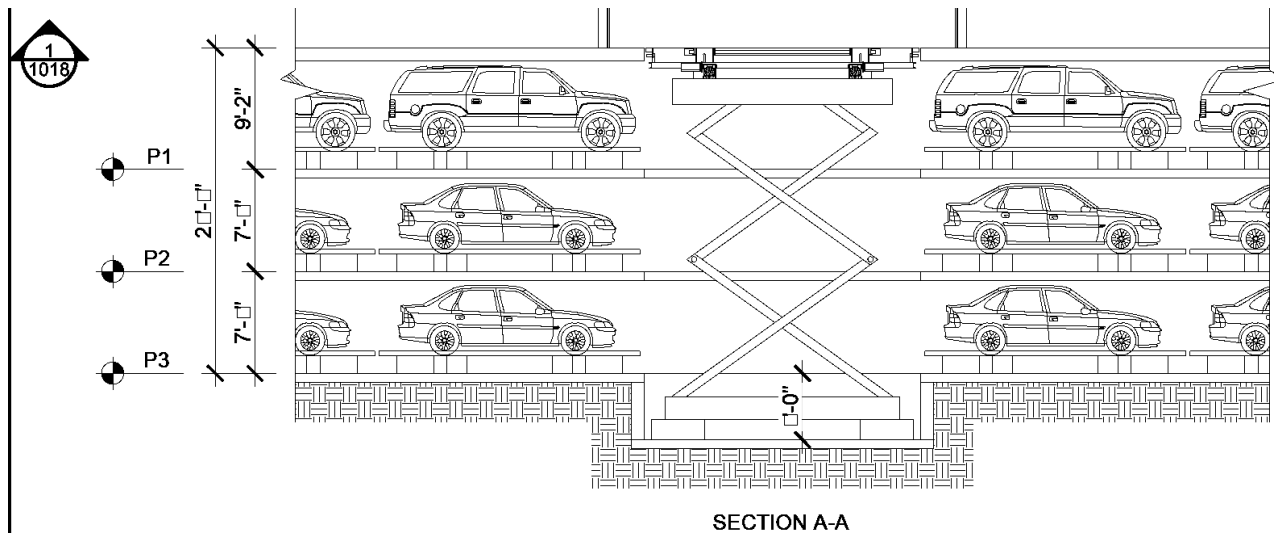
In other building sections, elsewhere in the plans (Sheet 1020), Section 1 shows the first level of parking with a vertical clearance of 7’2.” The clearances of the other two levels are unlabeled, but they are considerably less, as illustrated below by blue lines, all of the same length.



The pallets that carry vehicles in the parking system stand well above floor level, reducing the vertical clearances for vehicles.

Note in Section A-A, (shown below) from Sheet 1013, the vehicle clearances are omitted, as are floor-to-ceiling clearances. Only floor-to-floor heights are noted, and even then, the only exact height is for the first parking level. Even the total depth of the garage is omitted.

This does not provide an adequate basis on which to grant permission for a garage on which the operation of the entire mixed-use project must depend.



From the depiction in Section A-A, the clearance for the first level of vehicles is under six and a half feet, and for lower levels it's substantially less. What vehicles can be accommodated by these clearances, and what vehicles will end up parking on neighborhood streets?

**END NEW**

These issues should be resolved now, not when it's too late to substantially change the project design. Therefore, as stated earlier, we believe it's imperative that the City order a preliminary inspection of this installation's plans by LADBS before the ZA rules on the planning application, to assure that the system can be installed as depicted, will have the promised capacity, and will be capable of providing the rate of service claimed in the EIR. That's the only way to be sure the site plan as presented is tenable.

**Loading Zone**

Loading issues are unclear in the Determination where loading and unloading are permitted. On page 6, in the section on conditions: "17. loading. Pursuant to LAMC Section 12.21 C.66, all required loading areas shall be provided onsite. Commercial loading shall be prohibited along Broadway. Passenger loading shall be prohibited along Abbot Kinney Boulevard." Does this mean that all loading is done on-site?

On page 28, in the Coastal Development Permit section, the ZA says: "The proposed project is conditioned to prohibit the use of the public right-of-way [along Electric Ave.] for the loading purposes." Yet this was not mentioned in the conditions on loading.

On page 32, in the Coastal Development Permit section, the ZA says: "A valet service is provided onsite for the automated parking, and all drop-off and pick-up areas are anticipated to be onsite. **As conditioned, the loading of passengers or goods is prohibited in the public right-of-way.** As such, all proposed valet operations are consistent with Policy 11.A.10." (emphasis supplied). Yet

we've seen that the Project's conditioned to allow both commercial and passenger loading in the public right of way.

And on page 36: "Off-street parking facilities and loading areas. The development will provide a total of 175 parking spaces within three subterranean levels, accessed by an automated parking system and operated by a valet. A 600 square-foot loading area is provided onsite, along Broadway. The onsite loading space satisfies the requirements of LAMC Section 12.21-C.6. However, **the proposed on-street loading area displaces parking for public access, public recreation and public institutions; hence, the project is conditioned to prohibit the use of the public right-of-way for loading purposes.**" (emphasis supplied.)

Given the reasons cited, this presumably means both passenger and commercial loading are on site only.

However, the off-street commercial loading area is insufficient for both size and quantity of delivery vehicles. While the ZA's recommendation cites the loading area's compliance with code, the circumstance here is unusual and creates dangers for schoolchildren, because trucks using this loading area will have to back across a sidewalk that is the schoolchildren's major route to Westminster Elementary School. For anything larger than a small bobtail, when the lift gate is extended for loading, the truck will extend across the sidewalk and into the curb cut.

The proposed curb cut is too narrow for two trucks to occupy the loading area without jumping the curb. For any longer trucks, like the small tractor trailer rigs that supply small stores and restaurants throughout the city, they would block the sidewalk entirely. Their most likely option, whether or not it complies with the project's conditions, is to park in the middle lane of Abbot Kinney Blvd., as they do now up and down that street.





Service vehicles park in the middle of Abbott Kinney Boulevard limiting visibility.



Photo by Margaret Molloy

But in this location, that creates a large blind spot for children crossing Abbot Kinney Blvd. to the school and for drivers on Abbot Kinney who won't see those children until the last second.

Children cross Abbott Kinney Boulevard at Broadway heading home from Westminster Elementary School.



Photo by Margaret Molloy

Service vehicles park in the middle of Abbott Kinney Boulevard limiting visibility.



Photo by Margaret Molloy

Deliveries from the commercial loading area on Broadway are impractical for the market on Westminster. This will be worse if the dedication on Electric is reduced as approved by the ZA, as pedestrians will have to share the space with deliveries on dollies traversing the full block on Electric, or the delivery traffic will traverse the block on Abbot Kinney. (It is unlikely to be routed through the hotel.) The more likely possibility is that deliveries to the market will be off-loaded in the center lane of Abbot Kinney Blvd., especially as beer trucks are usually if not always tractor trailers.

Given the limited facilities and hours for loading, how can scheduling deliveries for hotel, hotel restaurant, independent restaurant, independent market/liquor store, and spa all be coordinated to comply with conditions and not interfere with each other? Even if they do their best to comply, they have limited control of vendors' routes and schedules. The City's record of enforcement, be it of code or conditions, has been abysmal along Abbot Kinney. Relying on an involved set of conditions seems like an invitation to honor them in the breach.

All of this was addressed in public comments submitted by Venice Supports the Specific Plan in its letter of Feb. 25, 2019, titled: Re: Comments of Venice Supports the Specific Plan to Draft EIR for the Venice Place Project Case No. Env-2016-4321-EIR ("the Project"), as follows:

The operation of the loading zone on Broadway as contemplated creates hazardous conditions for pedestrians and drivers trying to navigate their way around trash and delivery trucks. It is unclear whether the loading zone that is contemplated will actually remove all trucks from the flow of traffic. Given the Project's close proximity to Westminster Elementary and the number of school children who use the road where the loading zone is contemplated, this hazard is particularly substantial.

The applicant has argued that loading and delivery will only take place during certain specified hours when children will not normally be going to and from school, but these stipulations are unworkable. The idea that the frequency of deliveries will be significantly reduced by consolidation presumes that the hotel and other business located within the Project site, such as the spa, restaurants, etc. will:

- be willing to coordinate amongst themselves their vendor sources and schedules;
- have the ability to dictate such a schedule to their vendors, despite whatever effects this would have on their delivery routes and their other customers; and
- succeed in reducing the frequency of deliveries by a magnitude from what they currently handle at this location by using a parking lot that will no longer exist, and all this despite a greatly intensified use.

Moreover, this mitigation proposal presumes City agencies have the resources to babysit dozens of vendors who will be serving the hotel complex on a constant basis. Currently, lack of enforcement is a big problem as trucks routinely double- park on Broadway and in the middle of Abbot Kinney Blvd. If the proponent's plans are adopted, the main difference will be these practices will expand right to a school crossing and make it blind.

The ZA's response is to add more unenforceable parking and loading conditions, while failing to address the basic problems that they're intended to mitigate.

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### **Project Permit Compliance Review**

In order to grant a Project Permit Compliance under Section 11.5.7.C., the decision maker must find that the project substantially complies with the applicable regulations, findings, standards and provisions found in the Venice Coastal Zone Specific Plan (VSP); and that 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.

In addition, Section 8. of the VSP requires that additional findings must be made, including that the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood; and that the Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program, and that the Project is consistent with the special requirements in California Government Code Section 65590, the Mello Act. The requirements in VSP Sections 9. General Land Use and Development Regulations, 10. Land Use and Development Regulations for Subareas, 11. Commercial and Industrial Design Standards, and 13. Parking must also be met.

More significantly, for all of the reasons discussed in previous sections of this letter (CU, CDP and Parking), the Project is not compatible with the scale and character of the existing surrounding neighborhood and thus it is clear that the project is materially detrimental to adjoining lots and the immediate neighborhood; the project does not comply with the certified LUP portion of the LCP for development standards and policies I.E.1., I.E.2., I.E.3., I.B.6, I.B.7., and Policy Group II. Shoreline Access, as explained in detail in the CDP section of this letter; and the project is not consistent with the

Mello Act, as explained in the Mello Act section of this letter. Further, the project does not comply with the VSP development standards and parking requirements, as also previously fully discussed in this letter.

For all of these reasons, the ZA erred in granting a Project Permit Compliance Review.

Also, it should also be noted that the dimensions of the Project indicated on page 37 of the Determination do not agree with the dimensions indicated in the Determination on page 2, including the restaurant's square footage, the service floor area of the restaurant, the ground floor retail space, the service floor area of the market and the office use. This is an error and this discrepancy needs to be corrected and the Appellants given another opportunity to review the Project's conformance with the applicable regulations.

### **Mello Act Compliance Review**

In 1982, a statewide bill called the Mello Act was passed. Its purpose is to preserve housing in the coastal zone, especially housing for low- and moderate-income residents. In this time of a severe affordable housing shortage and the resulting Gentrification in Venice it is critical that the Mello Act be carefully followed.

There are three basic aspects of projects that trigger the Mello Act and the City's Interim Administrative Procedures for Complying with the Mello Act (IAP): 1) the demolition of units in a residential structure that were occupied by persons with low or moderate income or that were affordable under certain standards; 2) the conversion or demolition of a residential structure for purposes of a non-residential use; and 3) construction of new housing.

In Findings No. 18 and 19, the ZA has abused his discretion and erred in finding that the applicant: 1) is not required to replace any affordable units, 2) is allowed to demolish three residential structures for purposes of a non-residential use, and (3) is exempt from the inclusionary requirements for providing affordable housing in new housing developments. The Mello Act Compliance Review and the Los Angeles Housing and Community Investment Department (HCIDLA) Mello Act Determination are in error and the Mello Act and IAP are being violated, as follows:

1. The HCIDLA Mello Act Determination of affordable units is not based on the last residential use.

The Mello Act provides generally that the conversion or demolition of residential structures with existing residential dwelling units occupied by persons and families of low or moderate income shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. In enforcing this provision of the Mello Act, HCIDLA is required to make a determination of whether any persons or families of low or moderate income have been displaced.

The ZA errs and abuses his discretion by relying on a Los Angeles Housing Department (predecessor to HCIDLA) (LAHD) Mello Act Determination of affordable units dated July 6, 2010 that found that the property had been operated as a day care center since 2004 and that there were currently no units being used for residential purposes, determining that no replacement affordable units existed at 1047-1051 Abbot Kinney Blvd.

However, the July 6, 2010 LAHD letter is not valid as the department checked for affordable units during the period after the buildings had been converted to the non-permitted day care center commercial use. Of course, no replacement affordable units could be found as there were no residents after the illegal conversion to commercial use. Given that the residential units were converted illegally, the statute must be tolled and HCIDLA must go back to the period before the illegal conversion to the day care center commercial use in 2004 in order to determine whether replacement affordable units existed in these three rent-stabilized structures; and then a new Mello Act Determination letter re. affordable replacement units must be issued.

In Finding No. 18, the ZA acknowledges that the Project includes the demolition of three single-family residential structures. The ZA also acknowledges that the existing non-residential use of these three structures is unpermitted as the legal use is for residential dwelling units. However, LAHD's conclusion in its July 6, 2010 Mello Act Determination letter that the project is exempt from the requirement to provide affordable replacement units cannot be based on an illegal use. The July 6, 2010 LAHD Mello Act Determination letter on which the ZA relies in making this finding is invalid because it bases the exemption on facts related to the unpermitted use on the property since 2004.

In order for the Mello Act Compliance Review to be effective, HCIDLA must issue a corrected HCIDLA Mello Act Determination of affordable units based on the income of or rents paid by the last known residential occupants for the three structures (relying on a tolling of the time due to the unauthorized use in the interim). If due to the passage of time those tenants cannot be found, the new HCIDLA Mello Act Determination of affordable units must presume the existence of affordable units, as based on the facts laid out in the July 6, 2010 letter the units were without a doubt affordable because they were very small studios and they were/are covered by the City's Rent Stabilization Ordinance (RSO).

2. Conversion or demolition of the three residential structures for purposes of a non-coastal dependent, non-residential hotel use shall not be authorized.

The applicant proposes to demolish three existing residential structures for purposes of a non-residential use, thereby triggering the Mello Act. Also, the lot on which these three residential structures sit is being converted to a commercial use.

The ZA erred and abused his discretion by approving the project as the Mello Act states that the conversion or demolition of any residential structure (this is not the same as maintaining a residential unit or use) for purposes of a non-residential use which is not "coastal dependent"....shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location.

The proposed mixed-use hotel development is a non-residential/commercial use. The coastal regulations for Mixed-Use Developments in the certified Land Use Plan are in the Commercial Development and Land Use section, with very specific Commercial Development Standards. Mixed-use developments are not an allowed use in a residential zone even though residential units are incorporated into the development. Whereas a conversion of a 100% residential use to a mixed-use or hotel use changes the nature and character of the use to commercial, which can only be located in a commercial zone, a conversion of a 100% commercial use to a mixed use remains a commercial use, even though it includes residential units. Mixed use means that two different

elements or types of uses are being combined, and the resulting hybrid (definition: a thing made by combining two different elements; *of mixed character*; composed of mixed parts), a combined commercial and residential use, can only be a commercial use.

The proposed Project is for the construction of a commercial project, in which four residential units are included. These residential units would not be constructed separately, as a separate use from the hotel and the other commercial uses. The four new residential units would be part of the overall commercial complex, would no longer be stand-alone residential structures/uses and would not maintain their identity. Also, in this case the four new dwelling units would not even qualify as a residential use for purposes of determining that the proposed project is a “mixed-use” project (for purposes of compliance with certified LUP Section I. B. 7.), as their use for residential purposes cannot be enforced. Throughout the project’s application it is stated that these apartment units are “available for long-term use.” They are incorporated into the overall hotel development and there is nothing to prevent them from being used as hotel rooms. Condition 6a does not protect from the units being used for short term stays as it is not feasible to enforce such a condition. Thus, the four dwelling units cannot be considered residential units but rather are non-residential, commercial hotel rooms, and demolition of the residential structures for the purpose of non-residential, commercial uses such as hotel rooms is prohibited.

Demolishing residential structures in the Venice Coastal Zone for purposes of a commercial mixed-use hotel project, even if the same number of units is included in the project, would cause a material adverse cumulative impact to housing in the Coastal Zone, especially housing for low- and moderate-income residents. When a residential unit is made a part of a hotel structure, its character changes from residential to commercial. Also, it is virtually impossible to enforce the residential use once the units are incorporated into an overall hotel project such as this. Experience has shown that what is supposed to be a residential unit/use blends into the overall commercial operation and is often used for storage or offices or other retail uses, which are more lucrative.

In this case, there is no reason why the residential use would not be feasible nor has the City or applicant claimed that the residential use is not feasible. The question then becomes is the new use coastal dependent, which is a use that is dependent on the sea to be able to function. There is no evidence that the commercial use contemplated by the Project is coastal dependent. Therefore, the three residential structures cannot be demolished for the purpose of the proposed non-residential mixed-use hotel project and they must be returned to their legal use as residential units, protected under the RSO.

### 3. Inclusionary affordable housing units have not been required.

Finding No. 19 relates to the Mello Act and the IAP requirements that new housing developments constructed within the Coastal Zone include, where feasible, housing units for persons and families of low or moderate income. Under the Mello Act, if it is feasible to provide inclusionary housing for any project including any housing, the developer must do so. The IAP specifies that “it is generally feasible” for new housing developments consisting of ten or more residential units to provide affordable units, and it has become the practice in the Los Angeles Coastal Zone that it is generally infeasible for new housing developments consisting of fewer than ten residential units to provide affordable units. While infeasibility may be true when developments are on a limited number of lots and the entire project is a residential structure, this presumption is not valid for a commercial mixed-use hotel project covering 70,000+ square feet over nine lots.

While only four units are considered dwelling units, there is no basis for the assumption that might apply to other typical residential developments of less than 10 units that it is infeasible for these dwelling units to be affordable units. To not require inclusionary affordable units in this time of a housing crisis, especially housing for low- and moderate-income residents, is unacceptable and a violation of the Mello Act in that it assumes without any evidence that it is infeasible for the applicant to provide inclusionary affordable units.

Lastly, the City's current draft Mello Ordinance states: "A change of use or Conversion of a Residential Unit or use to an Apartment Hotel will constitute a conversion to a non-residential use," indicating that the City believes that the Apartment Hotel use proposed for the Project would not be allowed as it is a non-residential use. The Mello Act does not allow demolition of the three structures for purposes of a non-residential use, whether Hotel or Apartment Hotel.

The project does not meet the requirements of the Mello Act and the IAP, the demolition of the residential structures is not allowed, and thus the ZA erred and abused his discretion in making Findings No. 18 and 19 in the affirmative.

**END NEW**

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### **Waiver of Street Dedications and Improvements**

There is no substantial evidence in the record that support a Finding to allow reductions in the street dedications for Electric Ave and Westminster Ave. In fact, the evidence makes it clear that no dedications should be waive, as explained below.

With respect to the waiver of 2 ½ feet of the Electric dedication, as the Finding states, Electric Ave is a designated Local Street, which is required to have a 60-foot right-of- way and a 36-foot wide roadway. However, it has a current right-of-way width of 40 feet and roadway width of 22.5 feet. This is materially less than what is required (33% and 38% respectively). Even though Electric Ave currently has two lanes and cars parking on both sides, in the face of the significant amount that the right-of-way and roadway are under the requirement, it is irresponsible to simply conclude that the current roadway width is safe or adequate and that no additional dedication is necessary to widen the roadway. One only has to go to the site to see that the lanes are already too narrow for the level of current use.

Electric is a notoriously narrow street and it is also a very busy street because it runs parallel to Abbot Kinney, which has traffic jams every day, often even in non-peak hours. People, including officers of the undersigned appellant Citizens Preserving Venice, frequently stop to let oncoming cars ease by due to the narrow width of the lanes when there is parking on both sides. See photos attached. This is evidence that Electric Ave is currently unsafe and should be widened as much as possible via the full street dedication.

In addition, with the hotel's parking court on Electric Ave, it is likely that a queue will form during busy times for entering the parking court. That will block one lane during those times, which will cause a safety issue as people who are not waiting for parking will naturally try to pass the cars blocking the roadway. The added traffic from the proposed development will also necessitate safer passage with the full dedications provided.

It is a good idea to build a 5-foot-wide sidewalk along Electric, but as much as possible of the remaining dedication must be put towards widening the street. That additional dedication is sorely needed to provide for safer passage along Electric, especially given the added traffic and probable periodic queueing that will result in entering the hotel's parking court.

It is also not adequate to leave only 2 feet of the sidewalk for the street trees promised. Reduced width means smaller trees and less shade, which also means reduced mitigation of the urban "heat island" effect, which global and local warming require us to prioritize.

Trees should play similar roles on Broadway, Westminster and Abbot Kinney. They also make a more attractive and comfortable streetscape for pedestrian activity, which should be the lifeblood of this Project and of the Abbot Kinney district in general.

It is erroneous of the ZA to say that "the reduced street dedications would maintain the roadway widths and existing parking while enhancing the pedestrian realm, increasing and promoting safe pedestrian access to and from the project site." It is the dedication that allows for the sidewalk and enhanced pedestrian access, not the reduced street dedication.

Thus, the only reasonable conclusion is that the entire dedication of 7.5 feet must be taken on Electric Ave.

With respect to the waiver of 3 feet of the Westminster dedication, as the Finding states, Westminster is a designated Local Street, which is required to have a 60-foot right-of-way and a 36-foot roadway. However, it has a current right-of-way width of 50 feet and a roadway width of 28 feet. This is materially less than what is required (17% and 22%, respectively). The additional three feet is needed in order to provide for a safer street and the additional traffic generated by the project.

With both the 5-foot dedication and the three-foot dedication, the width of the Westminster sidewalk stays the same, at 12 feet. Thus, it is an error for the ZA to say that the reduced street dedication on Westminster enhances the pedestrian realm or increases and promotes safe pedestrian access to and from the project site. Two other properties on this block of Abbot Kinney, around which the subject property forms a sort of horseshoe, have both had 15 ft. dedications. These dedications have been acted on and the land transferred. They are at 1039 Abbot Kinney and 1041 Abbot Kinney. Is there currently a dedication along the rest of this Abbot Kinney block? The existing buildings wouldn't be expected to give up land, but over half the block on the Westminster end is being built from the ground up, and presumably those six lots must have dedications. However, we're unable to find any discussion in the ZA's reports of waivers for them. So, we are left with two questions: are there dedications on these six lots, and how is their situation different from the two lots that have already deeded their dedications to the City?

All that the waivers enhance is the size of the project site for purposes of additional bulk, which is not even considered by the ZA.

Finally, we agree with the ZA's statement that the required dedications and improvements are necessary to meet the City's mobility needs for the next 20 years, but the only logical conclusion from this statement is that there must be no waiver of the dedications.



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**NEW****Complete Streets**

The City's attitude toward anticipating future traffic demands may have changed. It may no longer prioritize maintenance of traffic flow, even though this project will greatly increase the traffic burden on all four streets bounding the project site.

However, the City is coming to terms with the importance of enhancing the pedestrian realm, as expressed in Mobility Plan 2035, an Element of the General Plan, by creating "Complete Streets" to improve the quality of public space for all.

**"Complete streets"** take into account the many community needs that streets fulfill. Streets do not just move people from one location to another. They provide a space for people to recreate, exercise, conduct business, engage in community activities, interact with their neighbors, and beautify their surroundings. Complete streets offer safety, comfort, and convenience for all users regardless of age, ability or means of transportation. They also lead to other public benefits, including improved transportation, a cleaner environment, and healthier neighborhoods.

*- Los Angeles City Council Motion,  
January 28, 2014*

Mobility Plan 2035, page 14

In order to implement Mobility Plan 2035, City Planners must apply its principles to today's projects. The dedications stipulated by the Bureau of Engineering provide the means to do so here. These dedications belong to the City. They should be seen as opportunities to improve the public realm, rather than simply as minimal obligations to accommodate traffic.

Electric Ave. is the border between the historically Black Oakwood neighborhood and the Abbot Kinney Commercial District. This project faces the Oakwood neighborhood with a block-long thirty-foot wall. None of the project amenities is oriented toward the neighborhood. They are all oriented away from it.

Only the parking service entrance faces Oakwood.

The least the City can do in terms of environmental justice is exercise its discretion to retain the full dedications as stipulated by the Bureau of Engineering, on Electric, Westminster and Broadway, and use them to implement the following Mobility 2035, Key Policy Initiatives:

- Embed equity and environmental justice into the transportation policy framework, project implementation, and action programs
- Expand the role of the street as a public place
- Increase the role of “green street” solutions to treat and infiltrate stormwater

Maintaining the full dedications of 7.5 feet along Electric and 5 feet along Broadway and Westminster would make space to:

- plant sizable trees for shade, beauty, and to counter heat island effects.
- allow activity on the sidewalks commensurate with the size and vitality of the project.

It would also show at least minimal respect for the historically Black neighborhood that the project borders and impacts.

**END NEW**

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Thus, the ZA erred abused his discretion in Finding that the waivers should be approved.

### **CEQA Compliance - Historic Resources**

The block of the Project, along Abbot Kinney, is recognized as historically significant in the LUP adopted by the Los Angeles City Council. (See Policy 1.F.1. of the LUP.) This designation is relevant and important for three distinct reasons. First, Section 17.31 of the Venice Community Plan, which is a part of the General Plan, states that policy and decision makers are directed to consult with the LUP regarding the specified historical coastal historical resources identified in the LUP and to base their decision on the policies it contains. Policy 1.F.1. of the LUP directs that the historical and cultural resources that are identified should be protected and restored where appropriate, in accordance with historical preservation guidelines. Policy 1.F.2 gives some guidelines, including:

- a. Renovating building facades to reflect their historic character as closely as possible, and discouraging alterations to create an appearance inconsistent with the actual character of the buildings.
- b. Protecting rather than demolishing historic or culturally significant properties by finding compatible uses which may be housed in them that require a minimum alteration to the historical character of the structure and its environment.
- c. Rehabilitation shall not destroy the distinguishing feature or character of the property and its environment and removal or alteration of historical architectural features shall be minimized.

- d. The existing character of building/house spaces and setbacks shall be maintained.
- e. The existing height, bulk and massing which serves as an important characteristic of the resource shall be retained.

In the 1000 block of Abbot Kinney Blvd., where the Project faces Abbot Kinney Blvd., there are six buildings dating from the 1900's, the historical period of the founding of Venice, as we know it today. The applicant proposes to retain two of those character defining buildings, but even then, the historical integrity of these two buildings will be compromised by the looming second story of the hotel on top of them.

The ZA responds by pointing to two of these buildings only stating that they have been changed by new construction but are being retained and therefore there is no substantial adverse change to the degree that they would no longer be eligible for listing under national, state or local landmark programs.

This analysis ignores Guidelines Section 15064.5, the term "historical resource" includes not only resources that are listed in, or determined to be eligible for listing, in the California Register of Historical Resources, but also includes properties officially designated or "recognized as historically significant by local government pursuant to a local ordinance or resolution." (Section 5020.1(k) of the California Public Resources Code.) As the LUP lists this block of Abbot Kinney as a historical resource and the LUP has been approved by the City Council and "adopted by means of a plan amendment to the Venice Community Plan," ergo this block of Abbot Kinney qualifies as a historical resource under the definition of CEQA Guidelines Section 15064.5 and Section 5020.1(k) of the California Public Resources Code. See Relationship to Other City Plans and Procedures, LUP, page I-8.

Accordingly, the City must determine whether the proposed hotel compromises the historical integrity of the character-defining features of the remaining buildings and the street that forms this historical resource, as required under the Venice Community Plan and LAMC.

Second, the California Coastal Act requires the local agency, in this case the Planning Department, to issue coastal development permits only if the local government finds the proposed development is in conformity with the LUP. (Section 30600.5 of the Coastal Act.) The LUP requirements and guidelines for development affecting historical resources are specified above. They have been ignored by the applicant and must be considered by the Planning Department in approving a Coastal Development Permit in connection with the Project. Here, the Project does not conform with the LUP, and the ZA has erred in his determination.

While the ZA ignored the arguments supporting treatment for many of the buildings comprising the Project and the Abbot Kinney Blvd. storefronts, he did determine that three of the buildings at the Project site were historical resources. They are 1047, 1047A and 1047 B S. Abbot Kinney Boulevard. But the ZA's Determination permits these structures to be demolished, stating that "Specific, economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

For the reasons stated, we argue that this Finding is deficient in that it does not contain a real discussion of feasible mitigation measures that will reduce the adverse environmental impacts on the properties they

July 6, 2020

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have found are historical resources. An analysis of alternatives to a proposed project is a critical component of an EIR. An alternative that included rehabilitation of structures should have been analyzed in more detail. The DEIR merely stated that the alternative of saving the three bungalow structures recognized as historic resources might not be “economically viable due to the reduced amount of square footage and the configuration of the internal spaces.” This does not constitute analysis as required by CEQA but is simply a dismissal based on speculation with no supporting evidence.

# **Exhibit 2**

March 26, 2020

Client-Matter: 64761-031

## VIA E-MAIL AND HAND DELIVERY

West Los Angeles Area Planning Commission  
200 North Spring Street, Room 272  
Los Angeles, 90012

**Re:** Appeal of Case No. ZA 2012-33540-(CUB)(CU)(CDP)(SPR)(SPP)(MEL)(WDI)  
(the "Project Approvals")  
Final EIR, July 3, 2019 (Venice Place Project EIR) (the "Final EIR")  
1011 Electric Avenue & 1021-1051 S. Abbot Kinney Boulevard (the "Property")

Dear President Newhouse and Commissioners of the West Los Angeles Area Planning Commission:

This firm represents 1041 Abbot Kinney, LLC and Abbot Kinney Investment Property, LLC (collectively, "AK Investment"), the owners of the properties at 1041 and 1043 Abbot Kinney Boulevard (the "AK Investment Property") immediately adjacent to the Property. This letter is submitted in support of our client's appeal of the Zoning Administrator's approval of the Project Approvals dated March 12, 2020 (the "ZA Determination," attached as Exhibit A), each of which was made in error and each of which constitutes an abuse of discretion. This letter further contains our client's objections to the Zoning Administrator's certification of the Final EIR, which lacks meaningful analysis, relies upon erroneous assumptions and facts, and generally fails to comply with the mandates of the California Environmental Quality Act ("CEQA").

The AK Properties are substantially surrounded by the proposed Project and, as such, our client has a unique perspective on the Project's significant negative impacts, specifically in terms of parking and noise, none of which has been adequately studied or mitigated by the ZA Determination or the Final EIR. AK Investment is hardly alone in objecting to the Project. Our client's concerns about the potentially dramatic negative impact of the Project on the surrounding community and the many ways in which the Project Approvals and Final EIR are legally deficient are echoed by hundreds of comments submitted by members of the community throughout the entitlement and environmental review process. The ZA Determination notes that 250 of the 300 comment letters received on the original version of the Project were submitted in

opposition.<sup>1</sup> The ZA Determination further notes that the Project was the subject of a petition to “Stop the Venice Place Hotel” that received approximately 750 signatures.<sup>2</sup>

As explained further in our detailed comments below, the Project fails to provide required parking, contains significant and misleading ambiguities regarding land uses, fails to provide legally required on-site inclusionary housing units in compliance with the Mello Act, and will result in unacceptable noise impacts on the surrounding neighborhood, including many residences. Further, the Final EIR contains significant legal deficiencies and fails to properly analyze or mitigate many of the Project’s potentially significant environmental impacts.

The flaws in the Final EIR are related to the flaws in the Project Approvals. Because the Final EIR failed to adequately study the Project’s environmental impacts, the findings made by the Zoning Administrator with respect to each of the Project Approvals were made without sufficient information. In addition to the other issues identified below, the failure of the Zoning Administrator to evaluate complete information about the Project’s impacts when making those findings constitutes an independent basis for each of the Project Approvals to be overturned as an abuse of discretion.

We urge you to review the issues raised below and (1) find that each of the Project Approvals was made in error and in abuse of the Zoning Administrator’s discretion, and (2) request the necessary corrections to the Final EIR before re-circulating it for public review.

## **I. THE PROJECT AND THE AK PROPERTIES.**

As noted above, the Project proposes to develop the entire block around the AK Properties. The ZA Determination’s Project Conditions and the Final EIR, however, give only cursory treatment to potential impacts on the AK Properties, and in some cases none whatsoever. This failure is significant, particularly because 1043 Abbot Kinney is a sensitive use and was required to be treated as such in the Final EIR’s analyses (noise and air quality, among others). The failure of the Final EIR to adequately study impacts on the AK Properties means that the ZA Determination was made without reference to those impacts, which are therefore almost entirely unmitigated under the ZA Determination. This is a fatal flaw of both the Final EIR and the Project Approvals.

The Project would be constructed within 10 feet of the AK Properties and would operate *immediately adjacent* to the AK Properties (i.e., at the property line), including siting impactful uses such as outdoor event/assembly spaces, restaurant and bar patios, and car drop-off/pick-up areas *immediately adjacent* to the AK Properties. The Project proposes an outdoor bar and patio

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<sup>1</sup> ZA Determination, p. 18

<sup>2</sup> *Id.*

opposition.<sup>1</sup> The ZA Determination further notes that the Project was the subject of a petition to “Stop the Venice Place Hotel” that received approximately 750 signatures.<sup>2</sup>

As explained further in our detailed comments below, the Project fails to provide required parking, contains significant and misleading ambiguities regarding land uses, fails to provide legally required on-site inclusionary housing units in compliance with the Mello Act, and will result in unacceptable noise impacts on the surrounding neighborhood, including many residences. Further, the Final EIR contains significant legal deficiencies and fails to properly analyze or mitigate many of the Project’s potentially significant environmental impacts.

The flaws in the Final EIR are related to the flaws in the Project Approvals. Because the Final EIR failed to adequately study the Project’s environmental impacts, the findings made by the Zoning Administrator with respect to each of the Project Approvals were made without sufficient information. In addition to the other issues identified below, the failure of the Zoning Administrator to evaluate complete information about the Project’s impacts when making those findings constitutes an independent basis for each of the Project Approvals to be overturned as an abuse of discretion.

We urge you to review the issues raised below and (1) find that each of the Project Approvals was made in error and in abuse of the Zoning Administrator’s discretion, and (2) request the necessary corrections to the Final EIR before re-circulating it for public review.

## **I. THE PROJECT AND THE AK PROPERTIES.**

As noted above, the Project proposes to develop the entire block around the AK Properties. The ZA Determination’s Project Conditions and the Final EIR, however, give only cursory treatment to potential impacts on the AK Properties, and in some cases none whatsoever. This failure is significant, particularly because 1043 Abbot Kinney is a sensitive use and was required to be treated as such in the Final EIR’s analyses (noise and air quality, among others). The failure of the Final EIR to adequately study impacts on the AK Properties means that the ZA Determination was made without reference to those impacts, which are therefore almost entirely unmitigated under the ZA Determination. This is a fatal flaw of both the Final EIR and the Project Approvals.

The Project would be constructed within 10 feet of the AK Properties and would operate *immediately adjacent* to the AK Properties (i.e., at the property line), including siting impactful uses such as outdoor event/assembly spaces, restaurant and bar patios, and car drop-off/pick-up areas *immediately adjacent* to the AK Properties. The Project proposes an outdoor bar and patio

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<sup>1</sup> ZA Determination, p. 18

<sup>2</sup> *Id.*



immediately adjacent to 1041 Abbot Kinney, a swimming pool and pool deck which will accommodate as many as 70 people, and two rooftop decks accommodating as many as 195 people, all of which will be just feet from potential residential uses at 1043 Abbot Kinney. This does not even account for the parking and traffic issues created by introducing a 78-room hotel, restaurants, and event spaces that could accommodate over 450 people into one of the most densely populated and heavily trafficked areas of Venice. For a project of this size and scale, it is even more important for the Final EIR to fully and thoroughly evaluate potential environmental impacts and to properly mitigate those impacts.

## **II. THE PROJECT FAILS TO COMPLY WITH THE CITY'S MUNICIPAL CODE AND THE VENICE COASTAL ZONE SPECIFIC PLAN AND WILL ADVERSELY AFFECT NEIGHBORING PROPERTIES AND THE SURROUNDING NEIGHBORHOOD.**

### ***A. The Project Must be Redesigned to Provide Access to 1043 Abbot Kinney from Electric Avenue.***

The proposed Project would be built on the site of an existing parking lot that illegally blocks access to 1043 Abbott Kinney. Without providing access to 1043 Abbott Kinney, the Project cannot be approved in its current form. Indeed, the Los Angeles Department of Building and Safety ("LADBS") has stated that "[i]f the existing parking lot behind [1043 Abbott Kinney] does not have a building permit or Certificate of Occupancy, then the current case for the proposed hotel along the Electric Ave should not be approved unless the owner gives access easement on his/her property to the 3-car garage on 1043 Abbot Kinney Blvd."

By way of background, 1043 Abbot Kinney is improved with a structure along the northern boundary of the property that was used as a garage with four parking spaces (the "Garage") until the mid-1980s, when the construction of a parking lot on the property (the "Parking Lot") to the north blocked access to those parking spaces. The Garage was not originally constructed with access from Abbot Kinney Boulevard, only Electric Avenue, so the construction of the Parking Lot completely eliminated access to those spaces, rendering them unusable. We have confirmed with LADBS that the Parking Lot has no Certificate of Occupancy, which was required at the time of its construction, and the Parking Lot has therefore been in continuous violation of the Municipal Code since its construction. LAMC Section 12.26.E.2 requires a Certificate of Occupancy for any "use of vacant land," which includes a parking lot.<sup>3</sup> Further, according to LADBS Information Bulletin No. P-BC 2017-109, a "use of land" has required a Certificate of Occupancy since 1943, many decades before the construction of the Parking Lot.

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<sup>3</sup> Zoning Code Manual and Commentary, Fourth Edition, p. 278

If the Project is constructed according to the ZA Determination, this ongoing violation of the Municipal Code will persist, and will in fact be made permanent and irreversible once structures are erected on the Parking Lot. This is unacceptable to our client and LADBS staff has already confirmed in writing that the Project should not be approved without provision of an access easement across the Project Site providing access to the Garage from Electric Avenue. Therefore, in order to comply with the Municipal Code, the Project must be redesigned to provide such access.

***B. The Project's Minimum Required Parking Does not Comply with the Los Angeles Municipal Code and the Venice Coastal Zone Specific Plan, and Will Exacerbate the Existing Significant Parking Issues in the Area.***

As the AK Properties are located directly adjacent to the proposed Project, AK Investments knows first-hand about the severe parking shortage that is experienced by the surrounding community. Despite the complete inadequacy of neighborhood parking, the Project proposes to provide only 175 parking spaces on-site, far less than what are required by the Municipal Code and the Venice Coastal Zone Specific Plan. The Project's size, lack of adequate parking, and reliance on unrealistic assumptions about an untested automated parking system will push an already untenable parking situation on Abbot Kinney over the brink.

***i. The Project's Parking Requirement Does Not Comply with the Los Angeles Municipal Code and the Venice Coastal Zone Specific Plan.***

The City has chosen to completely ignore its Code in calculating the Project's parking requirement and as a result the Project does not comply with the LAMC's parking requirements and undercounts required parking – especially given the large number of special events that may occur at the property in various assembly spaces.

First, the ZA Determination assumes that the new restaurant square footage is a “hotel restaurant” and parks it at a lower ratio (1/100 square feet as opposed to 1/50 square feet). The 1/100 rate appears to be based on the Venice Coastal Zone Specific Plan (“VCZSP”), which states that hotels require parking for, among other things, “each 100 square feet of floor area used for consumption of food or beverages....”<sup>4</sup> That provision cannot be read so broadly to apply to a restaurant, which is attached to a hotel but oriented primarily to food and beverage service for non-hotel guests, and certainly not to a restaurant that fronts on Abbot Kinney and will function independently of the hotel (serving non-hotel guests). Given the number of hotel rooms and the very large number of nearby restaurants, including some of the most popular restaurants in the city, there is every reason to believe that at any given time the new restaurant will be serving *only* non-hotel guests. Labeling a restaurant as a “hotel restaurant” does not

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<sup>4</sup> VCZSP at p. 25.

entitle it to a lesser parking requirement. Absent conditions that will restrict the new restaurant space to hotel guests, the VCZSP's 1/50 parking rate for a "Restaurant" use is clearly applicable, and the provided parking is therefore legally insufficient.

Similarly, the project's parking requirements do not appear to account for the fact that food and beverage service can occur in multiple areas beyond just the restaurant. The courtyard, the pool and pool deck area, and other assembly spaces can also be used by patrons consuming food and drinks. Under the plain language of the VCZSP, these areas must be counted for purposes of parking, especially because they are not limited to use by hotel guests.<sup>5</sup>

For example, the ZA Determination's required Hotel Parking only accounts for the requirements based on the number of rooms being provided.<sup>6</sup> However, the Specific Plan requires one space for each 100 square feet of floor area used for public recreation and one space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in "meeting rooms or other places of assembly."<sup>7</sup> The ZA Determination does not require *any* parking spaces to account for the Project's places of assembly, including the internal courtyard, the two rooftop decks, and other areas where people are likely to gather.

The ZA Determination also incorrectly states that the VCZSP requires only 13 Beach Impact Parking spaces. The ZA Determination's parking requirements for Beach Impact Parking spaces are based upon 8,065 square feet of new ground floor commercial.<sup>8</sup> Yet the ZA Determination (nor the Final EIR) does not explain where that square footage estimate is drawn from. The hotel use itself must be assumed to be a "commercial" use, rather than a residential use, and any Ground Floor square footage dedicated to the hotel use must be incorporated into the square footage used to determine the required parking spaces to comply with the VCZSP Beach Impact Parking requirements.<sup>9</sup> The proposed first floor area, excluding office space,

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<sup>5</sup> VCZSP also mandates that hotels provide one space "for each five fixed seats *and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.*" (VCZSP at p. 25 (emphasis added).) As the DEIR acknowledges, the hotel has multiple gathering places (e.g., courtyard area capable of accommodating 200 people plus non-amplified music; swimming pool/pool deck capable of accommodating 70 people, and not exclusive to hotel guests; and (3) rooftop gardens/decks that could accommodate 195 people, and would include BBQs and other gathering spaces). All of these spaces could host events. Therefore, they are "places of assembly" and parking must be provided.

<sup>6</sup> DEIR at Table 2-3.

<sup>7</sup> Venice Coastal Zone Specific Plan at 25.

<sup>8</sup> ZA Determination, pp. 4-5, *See also* DEIR at Table 2-3.

<sup>9</sup> A position to the contrary (that the hotel is residential) would be inconsistent with the Project's provision of residential dwelling units independent of the hotel to achieve the higher mixed-use floor area ratio.

would be 21,547 square feet.<sup>10</sup> This would require provision of 33 parking spaces, when the ZA Determination requires only 13 spaces.

*ii. The Project's Use of an Off-site Secondary Valet Area to Ensure the Provision of Code-Required Parking Requires a Covenant or Condition Ensuring that the Secondary Valet Area will Remain Available to the Project or, Alternatively, a Variance.*

The Project's parking operations appear to rely on the use of off-site parking at a "Secondary Valet Area" located at the Westminster Avenue Elementary School," that is "currently leased by the property owner."<sup>11</sup> While the Secondary Valet Area presumably will not be used for the provision of code-required parking spaces, it does appear to be necessary in order for the code-required spaces on the Project Site to be accessible at all times. The Final EIR's TRANS-PDF-6 "Valet Operations," requires that staff be present at the Main Valet Area "*at all times...to divert vehicles as needed* to the Secondary Valet Area[]." (emphasis added) TRANS-PDF-6 is an acknowledgment that the diversion of vehicles to the Secondary Valet Area may be needed at all times. Therefore, the Secondary Valet Area is necessary in order for the Project to comply with its parking requirements and the various project conditions and mitigation measures related to parking and traffic. But neither the ZA Determination nor the Final EIR provide any explanation of what will occur if the lease is terminated, nor any conditions of approval designed to ensure that it will remain available for the entire life of the Project. Absent such a condition, there is no indication of how the Project will accommodate parking demands, and provide continuous access to its on-site code-required parking, if it can no longer utilize the Secondary Valet Area at Westminster Avenue Elementary School.

When off-site parking is provided to satisfy a code requirement, the Municipal Code requires recordation of a covenant ensuring that the off-site spaces will be available "so long as the building or use they are intended to serve is maintained."<sup>12</sup> Here, because the Secondary Valet Area is required for the continual access of the Project's code-required parking, this requirement should apply. Absent compliance with this provision, a variance is necessary.

**B. The Project will Result in Significant Noise Impacts to Neighboring Properties and Residences.**

Both 1041 and 1043 Abbot Kinney contain uses that will be significantly impacted by noise emanating from the Project. 1041 Abbot Kinney is designed for use as a creative space, and is dependent on a relatively quiet environment, as individuals endeavor to complete creative

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<sup>10</sup> Draft EIR ("DEIR") at Appendix B, Sheet 1010.

<sup>11</sup> DEIR at 4.K-46.

<sup>12</sup> LAMC Section 12.26 E.5

projects or consult as to potential artistic or business goals. Even if 1041 Abbot Kinney is ultimately utilized as office space, the ability of a business to operate out of the property depends on a quiet environment in which business can be conducted. 1043 Abbot Kinney, on the other hand, not only has retail uses but *residential* uses, the function and enjoyment of which will be thwarted by the extreme noise generated by the Project. ***Even worse, the Project's EIR did not identify this use as a sensitive receptor.***

The Project effectively surrounds 1041 and 1043 Abbot Kinney with new noise sources. Yet somehow, inexplicably, ***twelve of the thirteen noise mitigation measures in the Final EIR are limited to construction mitigation.*** Among the issues the mitigation measures do not address are the following:

- The Project seeks entitlements to serve alcohol in basically every outdoor space. This will inevitably increase the noise impacts on the surrounding sensitive receptors.
- The proposed outdoor bar/patio area is located ***immediately adjacent*** to 1041 Abbot Kinney, and no limit on noise or hours of operation is imposed.
- The proposed motor court will create significant traffic noise, in addition to noise created by the opening and shutting of car doors, honking, and conversation, all of which will occur immediately adjacent to 1041 and 1043 Abbot Kinney. All of these impacts are likely to be greater during peak hours, when there are likely to be substantially more vehicles, and when the Project's proposed Secondary Valet Area is the only contingency plan in place.
- The swimming pool and pool deck are located immediately adjacent to 1041 Abbot Kinney, and aim to accommodate up to 70 people and to operate between the hours of 9:00 a.m. and 1:00 a.m. Thursday to Saturday, and 9:00 a.m. and 12:00 a.m. Sunday to Wednesday. The proposed Project would include live entertainment "during non-school hours," but this limitation is not included as a condition or mitigation measure.
- The rooftop garden and deck can accommodate 100 people and is within roughly 50 feet of 1041 Abbot Kinney. An additional northeast rooftop deck can accommodate an additional 95 people, and is located ***immediately adjacent to the residential use at 1043 Abbot Kinney.*** There are no conditions imposed with respect to when events can take place on these roof decks, and the Final EIR provides no reason to assume that crowd-generating activities would occur for any limited period, or only during evening hours. Additionally, there is no condition imposed against utilizing these rooftop decks as an event space, which

would create additional and unanalyzed noise impacts during any hours an event is being held on the rooftop.

- The central courtyard can accommodate up to 200 people and will utilize non-amplified music, with operating hours between 7:00 a.m. and 1:00 a.m.<sup>13</sup> The only project design feature proposed to mitigate this noise is the courtyard's placement in the center of the newly constructed Project.<sup>14</sup> There are no estimates as to the noise reduction that can realistically be anticipated based on this, and no analysis of the likely noise created by events or routine occupation and use of the courtyard space.
- Though the Final EIR is silent as to the cumulative effect of the event spaces, the event spaces alone could accommodate more than 450 people, with no clear mitigation for cumulative noise impacts.

Each of these impacts must be thoroughly evaluated and, if necessary, mitigated. Failure to do so will result in significant noise impacts to the AK Properties and other surrounding properties.

### C. The Project Fails to Condition or Otherwise Limit Special Events.

The Project Approvals fail to account for likely future events. The Final EIR acknowledges that a number of hotel areas may be used to accommodate substantial numbers of people and live music, and also states that the hotel could accommodate various events that could occur, at the *very minimum*, “for a *few hours* in the evening and weekend afternoons.”<sup>15</sup> Despite this, there is no limit on the number of events (either hours limits or total number of events) or the number of people that may attend events. There is also no condition stating that only hotel guests can use the event/assembly spaces, particularly the pool and pool deck area.<sup>16</sup> Hypothetically, just from event/assembly spaces, the hotel could accommodate 450+ people *in addition* to guests, restaurant patrons and other assumed users. The likelihood that wedding receptions or corporate events (or similar events) with substantial numbers of people (200 or

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<sup>13</sup> *Id.* at 4.H-16, PDF-NOI-3.

<sup>14</sup> *Id.* at 4.H-21.

<sup>15</sup> DEIR at 4.H-22-23.

<sup>16</sup> This is relevant because, in Los Angeles, public (non-guest) use of hotel pool decks is increasingly popular. If non-guests can access the pool area, trips associated with those patrons must be accounted for in the EIR. See <https://www.lamag.com/culturefiles/five-gorgeous-pools-where-you-dont-have-to-be-a-member-to-crash/> and <https://www.eventbrite.com/rally/los-angeles/la-daycations-how-to-get-to-a-hotel-pool-without-a-hotel-room/>.

more) will occur demands that trips associated with such uses be analyzed and appropriately conditioned.

**D. The ZA Determination Erroneously Applies the Small New Housing Development Categorical Exemption to the Project, Which Must Comply with Mello Act Requirements and Provide Inclusionary Residential Units.**

The Project fails to comply with the Mello Act because it provides no inclusionary residential units, further contributing to the already severe shortage of affordable housing in the State's Coastal Zone. The Zoning Administrator erroneously approved the Mello Act Compliance Review for the Project on the basis that the Project was "categorically exempt from the Inclusionary Residential Unit requirement" as a Small New Housing Development. The Project is not a Small New Housing Development and is not therefore eligible for the exemption, and must provide Inclusionary Residential Units in compliance with the Mello Act and the City of Los Angeles Mello Act Interim Administrative Procedures (the "Mello Procedures"). Section 2.4.2 of the Mello Procedures provides the following, in relevant part:

"Based on the Coastal Commission Guidelines, [the Los Angeles City Council] has found that it is generally infeasible for small New Housing Developments (developments which consist of nine or fewer Residential Units) to provide Inclusionary Residential Units. Such New Housing Development are Categorical Exempt from further Mello Act compliance review."

The ZA Determination, Finding 19, finds that the Project, as a "proposed development of four new Residential Units" is "categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments. It is notable that Section 2.4.2 above does not define Small New Housing Developments as projects which "include" nine or fewer Residential Units. Instead, it defines Small New Housing Developments as those which "consist" of nine or fewer Residential Units. But the Project does not "consist" of "four new Residential Units"; instead, it "consists" of a variety of uses, including a hotel, offices, etc.

The use of the word "consist" in Section 2.4.2 clearly indicates that Small New Housing Developments are only those projects which are entirely residential projects of nine units or less. The policy rationale for this definition is clear: it is economically infeasible for such small housing projects to include inclusionary units, because the remaining number of market-rate units is not enough to offset the "cost" of the provision of the inclusionary units. But this rationale does not apply to the Project, which is largely composed of a luxury hotel, high-end restaurant spaces, and market rate office space.

Based upon both the text of the Mello Procedures and the policy rationale behind them, the Project is not a Small New Housing Development and is therefore ineligible for the Small

New Housing Development categorical exemption. The Zoning Administrator erred and abused its discretion by approving the Project's Mello Act Compliance Determination without requiring the provision of inclusionary units.

## **II. THE FINAL EIR FAILS TO COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### **A. The Final EIR Fails to Adequately Analyze the Project's Traffic Impacts.**

The Final EIR and associated Traffic Impact Study ("TIS") devote over 350 pages to discussion of potential traffic and transportation impacts resulting from implementation of the Project. However, despite the length of this analysis, there are significant and fundamental flaws in the analysis and conclusions that must be corrected to ensure that both the general public and decisionmakers are adequately informed.

#### *i. The Final EIR's Traffic Counts Are Stale and Underestimate Traffic.*

The Final EIR and associated TIS take extreme liberties with the traffic analysis. First, although the DEIR was released publicly in early 2019, the traffic counts used to represent "existing conditions" were taken in 2016, more than two years before the DEIR's release. The use of 2016 counts as representative existing conditions understates area traffic and potential impacts of the Project.<sup>17</sup>

CEQA generally provides that the baseline (existing conditions) should be those conditions existing at the time of the NOP. However, courts also recognize agencies "not only can, but should make appropriate adjustments, including to the baseline, as the environmental review process unfolds."<sup>18</sup> CEQA is concerned with informational disclosures and an EIR must include sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the project.<sup>19</sup> Without traffic counts that

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<sup>17</sup> It is also out of step with the City of Los Angeles Transportation Impact Study Guidelines, which provide that a Traffic Impact Study "should not use any traffic counts that are more than two years old." Available at <https://ladot.lacity.org/sites/g/files/wph266/f/COLA-TISGuidelines-010517.pdf>, p. 15. It is also somewhat astounding that the Final EIR predicts an increase from LOS C and B (AM and PM peak hours, respectively) for the Venice Boulevard & Abbot Kinney Boulevard intersection under existing (2017) conditions to LOS F (for both AM and PM peak hours) under future conditions. It is a particularly shocking conclusion given there is *only a three year difference* (2017 to 2020) between existing and future conditions. DEIR at 4.K-37 – 40. The Pacific Avenue & Brooks Avenue intersection similarly degrades from LOS C to LOS E and F *in only three years*. This level of degradation suggests that existing conditions are not accurately represented.

<sup>18</sup> *Citizens for East Shore Parks v. California State Lands Com.* (2012) 202 Cal.App.4th 549, 563.

<sup>19</sup> *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390.



accurately represent existing traffic, the Final EIR fails to provide the public with adequate information to allow them to meaningfully consider the impacts of the proposed Project.

The traffic counts here cannot possibly represent the traffic in the area at present, much less do they properly account for the potential traffic impacts of the Project. To begin with, the calculations were taken on one single day, providing no information or analysis as to how traffic patterns might vary across several days or across different weeks or months throughout the year. The counts were taken in November 2016. It is well-settled that Venice and Abbot Kinney are significant tourist attractions, and that summer traffic in the area is significantly greater than winter traffic.<sup>20</sup> The counts, therefore, underrepresent traffic. There are also no weekend counts, which hides the fact that the Abbot Kinney area is a weekend destination. In effect, by conducting the traffic counts on a Tuesday, the Final EIR and TIS evaluated traffic patterns on perhaps the *least* relevant day of the week for the proposed Project.<sup>21</sup>

***ii. The Final EIR Materially Underestimates Traffic Generation and Lacks Substantial Evidence to Support its Trip Generation Assumptions.***

The Final EIR and TIS materially underrepresent anticipated trip generation by utilizing various methods selected to benefit the Project, taking completely unsupported trip reductions, and willfully ignoring Project components that will generate significant trips.

First, the TIS utilizes two different methods for calculating trip generation, without providing any context or explanation as to why the methods were utilized. One possible explanation is that the TIS cherry-picked the methodologies that were most advantageous to the Project. The Final EIR uses the Institution of Transportation Engineers (“ITE”) methodology to calculate AM peak hour trip generation, but uses trip rates from the City of Los Angeles Coastal Transportation Corridor Specific Plan to calculate PM peak hour trip generation.<sup>22</sup> The different sources and calculation methods to analyze trip generations is never clarified within the Final EIR or TIS.

The Final EIR openly makes unwarranted, unsupported adjustments to the trip generation estimates for the Project, including as follows:

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<sup>20</sup> See <https://www.theatlantic.com/business/archive/2017/07/venice-beach-neighborhood-wealthy/534399/> (noting that summer traffic is “exacerbated” by heavy beach traffic).

<sup>21</sup> For all of the foregoing (and following) reasons, the Final EIR’s street segment impact analysis must be revisited and revised to appropriately reflect existing conditions and the Project’s true impacts.

<sup>22</sup> DEIR at 4.K-14; TIS at 17.

- The trip generation analysis assumes, for instance, that a *proposed* Transportation Demand Measure plan will result in a decrease of 15% hotel-related trips. There is no evidence whatsoever supporting the contention that the proposed TDM measures will result in a 15% decrease in trips, especially given that the TIS notes that the “project owner *plans* on including TDM elements” but fails to specify specific measures.<sup>23</sup> Thus, the project owner “plans” to implement a TDM program, but is under no such obligation, and the exact measures of the TDM program, which must be sufficient to achieve the assumed 15% reduction are not specified. Project Design Feature TRANS-2 does not remedy the Final EIR’s inadequacy – it does not demand specific measures, nor does it include a requirement that measures be implemented to achieve a 15% trip reduction, or a monitoring method to ensure continued compliance. This is likely true because there are simply no TDM measures that could be implemented that would reduce trips by 15%. The requirement for City Planning and LADOT approval does nothing absent a specific performance standard and compliance mechanism. To illustrate the point further, the Final EIR notes that the owner will implement TDM elements including vehicle trip reduction incentives and services.<sup>24</sup> The Final EIR, of course, does not elaborate on what those services might include nor explain the Project proponent’s reasoning behind the level of reduction this will realistically achieve. The Final EIR also indicates the owner will provide “on-site education about alternative transportation modes,” with no further detail as to what that education will entail or how effective it might be at reducing trip generation. This is especially confusing given that any on-site education to hotel guests will occur after arrival, when guests have likely already arranged transportation for their visit, including rental cars that in all likelihood will already have created traffic impacts and that are likely to be used throughout a guest’s stay. The TDM plan must be mandatory, and it is unclear how a 15% reduction can reasonably be assumed if the exact measures are not identified. CEQA does not permit deferral of identification of such measures, yet the TDM program, as proposed, is entirely illusory. Also, an EIR cannot incorporate proposed mitigation measures into its project description and then conclude that any potential impacts from the project will be less than significant.<sup>25</sup>
- The TIS appears to take liberties with the use of the ITE Manual to reduce trips associated with the Project:
  - The TIS assumes the hotel component would generate an average of 8.17 weekday trips per room (ITE Code 310). That 8.17 trips per room does not

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<sup>23</sup> DEIR at 4.K-14.

<sup>24</sup> *Id.*

<sup>25</sup> *Trisha Lee Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656-660.

appear be based on the ITE Manual. The ITE Manual provides, for instance, that the average weekday trip rate of a hotel per room is 8.36 trips. However, that number would appear to underrepresent potential traffic because it assumes that not all rooms will be occupied. The ITE Manual identifies a substantially larger rate (12.23 trips) for *occupied rooms*. Given the anticipated demand for hotel rooms in Venice, especially during the summer, the Final EIR's use of an ITE rate that assumes some portion of rooms will be unoccupied is misleading. Applying the 12.23 trips per room rate, the hotel would generate 954 trips, not 637 trips. It is of paramount importance that anticipated trips are appropriately calculated and represented because it impacts not only project parking, but also the surrounding neighborhood (if there is inadequate parking, people will drive around and look for parking).

- The TIS assumes that the restaurants will be “high quality” restaurants for purposes of trip generation. However, high quality restaurants are those with a typical stay duration of a least one hour. They also do not serve breakfast, and some do not serve lunch. The Final EIR does not affirmatively state that any restaurants will not serve lunch and, in fact, the Project's plans suggest otherwise. A use called the “AK Marketplace” is identified on the plans, and given the hotel use incorporated into the Project, it is likely that at least one of the restaurant spaces will include breakfast service. Thus, it appears that the “quality restaurant” rate is not appropriate, and actually understates trips. The High-Turnover (Sit-Down) Restaurant rate is more appropriate. If applied, that rate would generate approximately 427 trips, as opposed to the 343 assumed by the TIS.
- The TIS assumes a total trip reduction (through pass-bys and internal capture credits) of nearly 24%. Each of the individual uses proposed by the Project, including the retail, hotel, restaurant, and office uses, all take various trip credits to reduce overall trips (from 1,236 trips to 939 trips). This reduction is significant, and must be justified. For instance, it is unclear how office uses, which directly create trips from people coming to work, are amenable to a nearby 54% assumed internal trip capture credit. The TIS certainly does not explain why such a large reduction is justified. It states, with respect to the internal trip capture reduction: “An internal trip capture reduction was applied to the *proposed retail use*. Internal trip capture is based on the premise that some of the hotel employees and guests on the site, as well as adjacent commercial parcels would use the retail, thereby reducing some of the trips that the proposed project would otherwise generate.”<sup>26</sup> Thus, the TIA states

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<sup>26</sup> TIS at p. 15 (emphasis added).

that an internal trip capture reduction was applied *only for proposed retail uses*, as assumed to be used by hotel patrons. Table 4 – Project Trip Generation clearly takes internal trip capture credits for all uses, not just retail uses. The Final EIR is internally inconsistent and misleads the public. Also, the rationale for a trip reduction for retail uses, even if justified, does not apply to proposed office uses, and the TIS makes no attempt at justification.<sup>27</sup>

- The TIS takes credit for a reduction of 116 trips through elimination of the existing day care use. This reduction is excessive and not supported by evidence. First, the ITE Code used by the TIS (565) actually has an average weekday trip rate of 47.62 trips per 1,000 square feet. The TIS assumes the day care generates 74.06 trips per 1,000 square feet. It is unclear from where the TIS's 74.06 trip number comes. The ITE Manual (10th Edition) provides a much lower trip generation number (47.62 trips per 1,000 square feet). Thus, by overestimating the number of trips resulting from the day care center, the TIS takes excessive credit for reducing existing trips. Using the ITE's actual trip generation number, the day care could reasonably be assumed to generate 72.3 trips, not the 116 assumed by the TIS.<sup>28</sup> This increases the Project's overall trip counts.
- For existing use trips, the Final EIR appears to do everything it can to maximize existing trips while not applying the same rationale to future trips. For instance, the Final EIR does not assume any internal capture credits for existing office or restaurant uses although the existing uses are likely complementary, with office users patronizing restaurants. The Final EIR cannot take such liberties that underrepresent traffic.

Critically, as discussed in connection with the Project Approvals, the Final EIR completely fails to analyze special events. Its failure to account for possible events is a significant omission. Even assuming a small event (less than half of total capacity – 200 people), such an event would *significantly increase the number of vehicle trips* to the Project. The Final EIR simply ignores these trips. As noted in the Final EIR, events are not speculative, but are contemplated at the hotel's assembly spaces. The EIR must analyze trips associated with events

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<sup>27</sup> The TIS likewise does not explain why a trip capture reduction of nearly 14% is appropriate for restaurant uses given that the restaurant uses are considered separate from the hotel. It also appears that the hotel somehow takes an internal trip capture credit. It is unclear how the hotel would result in any trip captures given, as the TI notes, a trip capture credit is based upon hotel patrons using retail uses. It appears that the TIS is double counting.

<sup>28</sup> It should be noted that the existing day care serves an average of 30 children per day. If each student represents one trip, and accounting for a reasonable number of employees (6-8), the day care would generate somewhere around 50 trips, max, per day. Given this, the TIS's assumed 116 trips per day is extremely excessive.

(which will occur within a small window and will occur simultaneously with all other Project trips [hotel guests, restaurant use, etc.]).

The Final EIR is also inconsistent with respect to its measurement of peak trips. For example, DEIR Table 4.K-4 provides for a total of 80 PM Peak Hour trips, yet the noise analysis estimates only 54 PM Peak Hour trips.<sup>29</sup> This inconsistency must be reconciled.

The Project also proposes to utilize valet services for many of the cars expected at the Project. Due to the proposed volume of traffic, the Final EIR proposes a Main Valet Area and a Secondary Valet Area. The Secondary Valet Area is proposed along Abbot Kinney during peak evening hours (proposed to operate between 5:00 p.m. and 12:00 a.m.). This will require a loading zone that will eliminate on-street parking, increasing both parking and traffic impacts. The valet area also extends nearly to the boundary of 1041 Abbot Kinney, yet the Final EIR imposes no measures to ensure that queuing vehicles waiting to utilize the Secondary Valet Area will not impact existing properties.

The Final EIR also provides that “staff will be present at the inbound driveway to the Main Valet Area at all times, to divert vehicles as needed to the Secondary Valet Area,” which will only be staffed after 5:00 p.m. each day.<sup>30</sup> Yet the DEIR does not account for the fact that diversion of any vehicle from the main valet to the secondary valet is essentially creating at least double trips at relevant intersections (e.g., Abbot Kinney and Westminster) – and possibly more than double trips, due to the need to then park those cars off-site once they have been diverted to the secondary valet. This impact must be analyzed.

The Final EIR also does not analyze the possibility that the Secondary Valet Area may be needed prior to 5:00 p.m. on any given day, particularly during busy holiday weekends for the hotel or during any events where guests may arrive prior to 5:00 p.m. The DEIR does not analyze these potential trips, nor does it propose any measures to mitigate the additional trips that may be caused by operating two valet areas in different locations, one of which is not always operational.

The Final EIR’s lack of substantial evidence explaining its trip generation and trip reduction assumptions, inconsistent measurement peak hour trips, its liberties with the ITE trip

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<sup>29</sup> DEIR at 4.H-23.

<sup>30</sup> *Id.* at 4.K-32, TRANS-PDF-6. If events are occurring, it is likely that the Secondary Valet Area will be needed to accommodate vehicles.

rates, and insufficient analysis of traffic impacts caused by the proposed valet areas are each individually violations of CEQA.<sup>31</sup>

## **B. The Final EIR's Parking Analysis is Insufficient.**

The Final EIR does not adequately evaluate impacts that will result from the Project's inadequate parking supply and automated parking system. The Final EIR asserts that parking "is no longer a CEQA issue" and indicates that "secondary issues related to loss of parking due to the Project are discussed for informational purposes."<sup>32</sup> This is inappropriate. The potential "secondary issues" created by parking are direct, physical environmental impacts (including air quality and traffic impacts) that will result from people being redirected to other parking areas and/or people unwilling to wait for valet service due to future inadequacies. These secondary impacts must be analyzed in the Final EIR. Eliminating the discussion of potential secondary impacts associated with parking deficiencies from the Final EIR results in an environmental document that fails to fully analyze the Project's environmental impacts. The Project's parking deficiency must be analyzed to ensure that both the general public and decisionmakers are adequately informed as to the Project's potential impacts.

### *i. The Parking Analysis Does Not Adequately Evaluate Compliance with the Los Angeles Municipal Code and the Venice Coastal Zone Specific Plan.*

As noted above, the Project does not comply with the LAMC's parking requirements, undercounts required parking, and fails to provide the number of Beach Impact Parking spaces required by the VCZSP. The Final EIR's failure to evaluate these significant code compliance issues is a significant flaw that deprives the public of the opportunity to meaningfully evaluate the Project's parking impacts. The Final EIR must be revised to fully evaluate the Project's compliance with all applicable parking regulations, and recirculated.

### *ii. The Parking Analysis Erroneously Claims It Will Not Contribute to Cumulative Parking Demands.*

The Final EIR asserts "the parking demand associated with the Project would not contribute to the cumulative demand for parking in the vicinity of the Project Site as a result of development of the Project and related projects because all Project parking can be accommodated on the Project Site."<sup>33</sup> This is categorically untrue. As discussed above, the fact

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<sup>31</sup> See *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal. App. 4<sup>th</sup> 1252, 1259 (substantial evidence must support an agency's conclusions).

<sup>32</sup> DEIR at 4.K-13, Footnote 11; see also DEIR at 4.K-30, Footnote 12.

<sup>33</sup> *Id.* at 4.K-54 – 4.K-55.

that the Project's parking operations rely on the Secondary Valet Area shows that all Project parking *cannot* be accommodated onsite.

However, this is not the only way in which the proposed Project will contribute to cumulative parking demands. The Final EIR provides that the maximum queue assumed to be manageable for operations at the Main Valet Area is six vehicles.<sup>34</sup> Vehicles that cannot be accommodated within that queue would purportedly be directed to the Secondary Valet Area.<sup>35</sup> Yet the Final EIR concedes that “[a]t times during the evening, queues at the Main Valet Area may lengthen due to loading/passenger delays or parking system issues,” which may require vehicles to be redirected to the Secondary Valet Area.<sup>36</sup> However, the Secondary Valet Area will only be available between 5:00 p.m. and 12:00 a.m., and the Final EIR provides no alternatives for any vehicle overflow outside of those hours.<sup>37</sup> Given the significant deficiencies in the automated parking system, the Secondary Valet Area will require use more often than just after 5:00 p.m.

Also, the Final EIR fails to account for the possibility that there will be parking overflow on weekdays, especially when events are occurring. The TIS explains that there is an off-site parking lot that is capable of accommodating 80 cars. The use of this lot is secured by a lease, which is not sufficient to ensure the long-term availability of the parking spaces. Moreover, the TIS states that the off-site lot is used “during the weekends” after 6:00 p.m.<sup>38</sup> Presumably, this limitation of use – weekends after 6:00 p.m. – is reflected in the terms of the lease.<sup>39</sup> As discussed above, there will undoubtedly be times where the on-site parking and primary valet will not be capable of handling parking demand generated by the Project (particularly, when events are occurring during the week). Where will cars be parked in such circumstances? What happens as more cars are redirected to the Secondary Valet Area and cars queue beyond the assumed maximum queuing?

The Final EIR does not provide any measures to separate the proposed queueing area from 1041 Abbot Kinney, besides potential striping to delineate the queueing area from the other property. The potential for overflow into 1041 Abbot Kinney's driveway is high, and there is no guarantee that striping will be adhered to, either by valets on-site or by guests queueing for the Secondary Valet Area. The Secondary Valet Area also proposes queueing along Abbot Kinney

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<sup>34</sup> *Id.* at 4.K-46.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 4.K-47.

<sup>38</sup> TIS at p. 51.

<sup>39</sup> The terms of the lease must be disclosed to ensure adequate parking is secured to handle true parking demand.

during peak hours, when there will be a high volume of traffic. This creates a loading zone on the already busy Abbot Kinney which will eliminate on-street parking. This reduction in available parking is not accounted for in the Final EIR's analysis of parking and traffic impacts.

Additionally, there are inconsistencies within the Final EIR with respect to queuing in the Secondary Valet area. Final EIR Section 4.K and the Traffic Study both refer to sufficient queuing for eight vehicles along Abbot Kinney Blvd.<sup>40</sup> Yet the site plan in Appendix G-1 of the Traffic Study only shows room for six vehicles along Abbot Kinney, and the LADOT Queue Analysis Worksheet in Appendix G-2 also indicates the queuing calculation for the Secondary Valet Area only allows for queuing of six vehicles.<sup>41</sup> These inconsistencies must be resolved. In any event, any queuing occurring on Abbot Kinney will have both traffic and parking implications that must be fully evaluated.

***iii. The Final EIR Does Not Properly Evaluate Potential Impacts of the Automated Parking System.***

The Final EIR estimates that the Project's Automated Parking System can service eighty vehicles per hour, "[b]ased on the manufacturer's calculations..."<sup>42</sup> First, this calculation effectively assumes the system will be able to service one car every 45 seconds, which is not supported by any evidence or the speed with which existing systems operate.<sup>43</sup> Second, the EIR's bald, unsupported statement that the 45 second service time is based upon the manufacturer's calculations does not satisfy CEQA's evidentiary requirements.<sup>44</sup> The fact that there is overwhelming evidence that such systems operate significantly slower and less efficiently than the hotel's lift system demands further analysis and disclosure in the Final EIR.

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<sup>40</sup> *Id.*; see also TIS at 42.

<sup>41</sup> TIS at 244-247.

<sup>42</sup> DEIR at 4.K-47.

<sup>43</sup> For example, AutoParkIt estimates a retrieval timeline of 40-180 seconds (see <https://www.dasherlawless.com/automation/faq/>), and designed the automated parking structure at Helms Bakery, which estimated 90-120 seconds for vehicle retrieval from its 247-space structure; CityLify has an estimated retrieval time of 130 seconds (see <https://cityliftparking.com/solutions/aisle>, "Plan Sheet 1013 – Subgrade Plan"); Utronics, whose City of West Hollywood Parking Structure project video shows a car loading in about 90 seconds (see <https://www.youtube.com/watch?v=H6BQuggpWWg>); AutpPark Parking Solutions indicates that while retrieval time depends on the design, the "basic design is based on max 3 minutes retrieval time for a car to entry gate (average 90 sec)." (see <http://www.autopark-parking.com/en/product-and-solution/faq-s>).

<sup>44</sup> *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 900 (mere uncorroborated opinion does not constitute substantial evidence).



Third, the Final EIR's own calculations as to service times and the lift system's adequacy is inaccurate and misleading. It explains that, based upon the manufacturers specifications of 45 seconds per vehicle, the lifts would be capable of handling peak hour trips with a vehicle queue of no more than three vehicles. The analysis is based upon fundamental errors:

- 45 seconds per car is not a reasonable assumption, as discussed above. The 45 seconds per car estimate is on the extreme low end of estimates from leading automated parking manufacturers. In fact, the average retrieval time from those leading automated parking system manufacturers is 104 seconds per car (based on the times outlined in Footnote 41). If this average proves accurate, the Project's Automated Parking System will more likely be capable of servicing 35 cars an hour, *less than half of the Final EIR's estimate*. This will increase queuing significantly and require greater diversion to the Secondary Valet Area, vastly increasing traffic, noise and air emissions at certain intersections and on Abbot Kinney. These impacts must be analyzed.
- There is no discussion of out-bound trips, which will divert lifts from servicing in-bound trips and will impact lift service time. The TIS notes that the PM peak hour will generate 80 trips (43 in-bound and 37 out-bound), not just the 44 in-bound trips assumed for the lift analysis.<sup>45</sup> Thus, the automated parking system must be capable of servicing 80 vehicles per hour to avoid substantial queuing and diversion of trips.
- There is no accounting for events, which will increase vehicles substantially beyond the assumed peak hours.

Additionally, the site plan in Appendix G-1 provides that the Main Valet Area can store six vehicles at a time as they are processed into the parking system.<sup>46</sup> The Final EIR asserts that the proposed rate of service of the Automated Parking System will result in only three vehicles queuing at the Main Valet Area at any given time.<sup>47</sup> However, the Final EIR admits "[p]otential short-term overflows of inbound vehicles were considered in this analysis, using an assumption of 50 percent of the total peak-hour inbound vehicles or a value of 22."<sup>48</sup> The Final EIR proposes to resolve this issue by utilizing two or three valet employees to service the overflow vehicles. This creates at least two issues, neither of which is evaluated within the Final EIR.

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<sup>45</sup> TIS at p. 17.

<sup>46</sup> TIS at 245.

<sup>47</sup> DEIR at 4.K-47.

<sup>48</sup> *Id.*

First, the assumed overflow depends upon the accuracy of the Final EIR's Automated Parking System service estimations, which may be flawed. If in fact the system can only service 35 cars an hour, rather than the proposed 80 cars an hour, the short-term overflow is all but certain to exceed 22 cars an hour during peak hours. This will inevitably create further back ups and delays, with unforeseen and unanalyzed traffic and parking impacts as the result.

Second, the Final EIR's overflow assumptions rely on the drive time from the Main Valet Area to the Secondary Valet Area being only one minute, and the walk time from the Secondary Valet Area back to the Main Valet Area being only two minutes. Based on these assumptions, the Final EIR estimates that each valet employee will be able to park 20 vehicles an hour. These estimates are incredibly optimistic, to say the least. This assumes that the valets will be able to navigate the narrow Electric Avenue, including any outstanding queue which may make it impossible to take the easier route to the Secondary Valet Area, and either make a left-hand turn at Broadway and then a left-hand turn with no red light onto the busy Abbot Kinney or make a right-hand turn at Westminster and then wait at the red light to make a right-hand turn onto Abbot Kinney. This estimate also does not account for the possibility of six to eight vehicles queuing at the Secondary Valet Area at any given time after having been redirected from the Main Valet Area. If such a queue were to form, it would take *well in excess* of the proposed one minute drive time to park a vehicle. Even if it only took an extra minute to park the vehicle, and the walking estimate were accurate, this would mean each valet could park only 15 vehicles an hour, rather than the proposed 20. This would reduce the proposed service rate of 40 vehicles per hour at the Secondary Valet Area to only 30 vehicles per hour.

The only proposed Project Design Feature to alleviate these impacts is the existence of the Secondary Valet Area, which again is only proposed to operate between 5:00 p.m. and 12:00 a.m. This is, quite simply, insufficient to alleviate the parking impacts the Project will impose on the surrounding neighborhood. As discussed above, the Secondary Valet Area is secured only by lease, and there is no existing or proposed covenant to ensure the Secondary Valet Area remains available to alleviate parking impacts long term. Additionally, the Final EIR does not propose to limit events at the Project to the hours during which the Secondary Valet Area will be operational, nor does the Final EIR provide any analysis of the parking and traffic impacts of any events held when the Secondary Valet Area will not be operational. The impacts of any short-term overflow outside of those hours is unaddressed in the present Final EIR, which must be revised to account for possible impacts outside of those hours, and to properly assess the likely operational capabilities of both the Automated Parking System and the valets on-site.

***iv. The Parking Impacts Are Significant and Require Additional Mitigation.***

The Final EIR asserts that “[i]n accordance with SB 743 and pursuant to PRC Section 21099, parking impacts for the Project, and for other related projects that qualify as infill projects

in transit priority areas, would not be considered significant.”<sup>49</sup> However, the Public Resources Code provides only that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.”<sup>50</sup> This Project does not qualify for the claimed exemption, because it does not qualify as a residential, mixed-use residential, or employment center project.<sup>51</sup> The inclusion of four apartment units, consisting in total of roughly 3% of the Project’s square footage, does not by itself convert the Project from a commercial use to a mixed-use residential project. Additionally, even if Section 21099 were to apply here, it does not eliminate the need for the project to analyze “secondary parking impacts caused by ensuing traffic congestion” including “air quality, noise, safety, or any other impact associated with transportation.”<sup>52</sup> The Final EIR does not adequately analyze the significant parking impacts imposed by the Project, and does not sufficiently analyze the secondary parking impacts the Project will undoubtedly create.

### **C. The Final EIR’s Noise Analysis Does not Comply with CEQA.**

The Project’s noise impact analysis contained in the Final EIR relies on incorrect and unsupported assumptions, applies inappropriate thresholds, and omits significant information necessary for informed decision-making. These errors must be remedied and the analysis revised to ensure compliance with CEQA.

#### ***i. The Noise Analysis Relies on Outdated Traffic Calculations.***

As discussed above, the Traffic Study includes stale and outdated traffic counts that severely discount the traffic levels existing in the vicinity of the Project. Because the Final EIR’s analysis of off-site traffic noise depends upon these counts, the noise analysis likewise significantly underestimates existing off-site traffic noise.<sup>53</sup> The EIR process is intended to

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<sup>49</sup> *Id.* at 4.K-55.

<sup>50</sup> Public Resources Code § 21099(d)(1).

<sup>51</sup> While Public Resources Code § 21099 does not provide a definition of “mixed-use residential” project, Section 21159.25 provides that a “residential or mixed-use housing project” means “a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the development designed for residential use.” This reading is further supported by Section 21159.28(d), which provides “a residential or mixed-use residential project is a project where at least 75 percent of the total building square footage of the project consists of residential use or a project that is a transit priority project as defined in Section 21155.”

<sup>52</sup> *Covina Residents for Responsible Dev. v. City of Covina*, (2018) 21 Cal. App. 5th 712, 728.

<sup>53</sup> DEIR at 4.H-13 (“Operational noise levels were calculated based on traffic volumes in the traffic study...”).

protect not only the environment, but also the ability of the public to engage in informed self-government.<sup>54</sup> However, without an appropriate analysis of the existing noise around the Project Site, both of these purposes are thwarted.<sup>55</sup>

**ii. *The Final EIR Fails to Identify Important Sensitive Receptors and Analyze Impacts to Those Receptors.***

The Final EIR does not identify 1043 Abbot Kinney, which maintains a Certificate of Occupancy as a live/work space that can be utilized for residential purposes, as a sensitive receptor.<sup>56</sup> The Final EIR's characterization of 1043 Abbot Kinney as non-sensitive, and thus its failure to conclude that noise impacts to the property are significant, appears based on the Project proponent's misunderstanding of the use designations for that property. The LA CEQA Thresholds Guide states that "[r]esidences, schools, hospitals, guest lodging, libraries, and some passive recreation areas would each be considered noise-and vibration-sensitive and may warrant unique measures for protection from intruding noise."<sup>57</sup> The Final EIR recognizes that 500 feet is the appropriate screening distance for assessing construction-related noise, yet inexplicably excludes 1043 Abbot Kinney, mere feet away from the Project, as a sensitive use. Instead, it incorrectly identifies 1041 and 1043 Abbot Kinney as office space.<sup>58</sup>

A sensitive receptor may include any area, use, or building where human activity may be adversely affected when noise levels exceed applicable thresholds. Without a doubt, both 1041 and 1043 Abbot Kinney contain uses that will be significantly impacted by noise emanating from the Project. 1041 Abbot Kinney is designed for use as a creative space, and is dependent on a relatively quiet environment, as individuals endeavor to complete creative projects or consult as to potential artistic or business goals. Even if 1041 Abbot Kinney is ultimately utilized as office space, the ability of a business to operate out of the property depends on a quiet environment in which business can be conducted. 1043 Abbot Kinney, on the other hand, includes residential uses, the function and enjoyment of which will be thwarted by the extreme noise generated by the Project. By assessing these uses as simply "office space," the Final EIR failed to recognize these as potential sensitive receptors that could be negatively impacted by the Project.

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<sup>54</sup> See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 390.

<sup>55</sup> See *Citizens for East Shore Parks, supra*, 202 Cal.App.4th at 563 (noting that administrative agencies should adjust baselines as the environmental process unfolds to ensure informed decision-making).

<sup>56</sup> DEIR at 4.H-10.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.* at 4.H-28.

An EIR must analyze and disclose the direct and reasonably foreseeable indirect impacts of a project.<sup>59</sup> Here, the Final EIR attempts to rely on a generalized identification of those uses that are considered sensitive to foreclose the possibility of additional sensitive receptors. This is inappropriate, especially when the other area receptors are of the nature that significant construction and operational noise would negatively impact their usage.<sup>60</sup> The Final EIR's failure to identify these impacts as significant violates CEQA.

***iii. Construction Noise Is Quantified Incorrectly and Underestimated.***

The Final EIR admits that “the worst-case analysis below does not account for the 10 dBA ground-level source to ground-level receptor reduction. The 5-dBA significance threshold would be exceeded at multiple sensitive receptors during construction activities.”<sup>61</sup> This “worst-case” analysis does not analyze construction noise or vibration impacts at 1041 or 1043 Abbot Kinney. This grossly underestimates the actual construction noise and vibration impacts created by the Project.

Moreover, the present uses at 1041 and 1043 Abbot Kinney are excluded from the Final EIR's analysis of existing noise levels for the Project site.<sup>62</sup> This inevitably affects the ultimate construction noise analysis, as the methodology for evaluating construction noise depended on collection of ambient noise measurements in the vicinity of the Project Site, and the exclusion of the closest properties to the Project inevitably skews those results.<sup>63</sup> The Final EIR also utilizes the Federal Transit Administration's Transit Noise and Vibration Impact Assessment from May 2006 and the U.S. Environmental Protection Agency's “Noise from Construction Equipment and Operations, Building and Home Appliances” assessment from 1971 in order to evaluate noise and vibration impacts. This results in numbers that are inconsistent with those provided by the Federal Highway Administration Roadway Construction Noise Model User's Guide, and the more recently updated Federal Highway Administration's Noise Measurement Handbook.<sup>64</sup> The construction noise numbers asserted in the Final EIR must be thoroughly examined to ensure

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<sup>59</sup> *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4<sup>th</sup> 1173, 1182.

<sup>60</sup> *Berkeley Keep Jets Over the Bay Com.*, *supra*, 91 Cal.App.4<sup>th</sup> at 1382.

<sup>61</sup> DEIR at 4.H-26.

<sup>62</sup> *Id.* at Table 4.H-6.

<sup>63</sup> *Id.* at 4.H-13.

<sup>64</sup> Updated June 1, 2018, available at <https://www.fhwa.dot.gov/environment/noise/measurement/handbook.cfm#toc492990727>.

they accurately reflect the most recent estimates as to noise generated by construction and revised as necessary. Any failure to do so constitutes a violation of CEQA.

***iv. The Noise Attenuation Assumed Is Unsupported.***

The Final EIR generally asserts that “[n]oise levels generated by a stationary noise source, or ‘point source,’ will decrease by approximately 6 dBA over hard surfaces (e.g., pavement) and 7.5 dBA over soft surfaces (e.g., grass) for each doubling of the distance.”<sup>65</sup> The Final EIR fails to provide any factual evidence or support for this assumption.<sup>66</sup> Moreover, in making this assertion without factual support, the Final EIR wholly ignores the physical characteristics of the Project Site and surrounding area, which are both characterized by hardscape (over which noise attenuates slower). The Final EIR does not support its analysis of noise attenuation, and does not provide a site-specific analysis of the likely attenuation levels at the Project site.

***v. The Final EIR Fails to Properly Evaluate Operational Noise Impacts.***

When analyzing operational noise, the Final EIR assesses (1) vehicle noise, (2) parking noise, (3) valet noise, (4) truck unloading noise, (4) mechanical equipment noise, (5) pool deck noise, (6) rooftop garden noise, and (5) courtyard activity.<sup>67</sup> However, only the noise levels for off-site sources are actually quantified and compared to existing ambient levels.<sup>68</sup> This analysis is inappropriate as it omits important information necessary for the public and decisionmakers to fully understand the significant noise impacts.<sup>69</sup>

Where an agency fails to include information mandated by CEQA, the agency fails to proceed in a manner required by law.<sup>70</sup> Here, the Final EIR fails in two important ways. First, the Final EIR fails to quantify operational noise emanating from different sources. For example,

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<sup>65</sup> DEIR at 4.H-8.

<sup>66</sup> Public Resources Code § 21080(e)(1) (substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts).

<sup>67</sup> DEIR at 4.H-19; *see also* DEIR at 4.H-21 – 4.H-22.

<sup>68</sup> *Id.* at Table 4.H-11.

<sup>69</sup> CEQA Guidelines § 15151 (CEQA requires that environmental documents “be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences”).

<sup>70</sup> *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 20 Cal.4<sup>th</sup> 412, 435.

the Final EIR indicates that “the pool deck would also include live entertainment, but only during non-school hours.”<sup>71</sup> However, the Final EIR does not estimate the noise level of live entertainment on the pool deck, and this temporal limitation is not included as a condition, project design feature, or mitigation measure. Thus, it is an unenforceable assumption upon which the analysis is based. This is inappropriate. Second, the Final EIR fails to quantify the totality of operational impacts by combining the various sources of operational noise. Certainly, each of the discussed operational noise sources do not operate independently, but rather are multiple sources that will intermingle to create operational noise. The tactics and methodology employed by the Final EIR erroneously discount these impacts.

Further, the Final EIR does not identify a post-mitigation noise level by clarifying what noise reductions would result. For example, the Final EIR proposes to mitigate noise from the roof deck by positioning non-amplified music and live entertainment on the south side of the decks, “as far as possible from residences on Electric Avenue.”<sup>72</sup> Leaving aside that this once again does not account for residential uses at 1043 Abbot Kinney, and that this mitigation measure in fact proposes to place music and live entertainment *closer to the residential uses at that property*, the Final EIR is unclear as to what reduction, if any, would result from this mitigation measure.

The Final EIR also did not take noise measurements from similar establishments to establish a baseline level of noise the Project may generate once fully operational. This renders the Final EIR’s analysis of operational noise impacts under-informed and highly speculative.

#### **D. The Final EIR’s GHG Analysis Does Not Comply with CEQA.**

The Project’s Greenhouse Gas (“GHG”) analysis relies on the California Air Resources Control Board’s (“CARB”) Climate Change Scoping Plan (“Scoping Plan”) and the Southern California Association of Governments (“SCAG”) Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”), neither of which are applicable to a project-specific analysis. Additionally, proposed Project Design Features rely on LEED certification, which is not sufficient to ensure GHG reductions. These errors must be remedied and the analysis revised to ensure compliance with CEQA.

##### ***i. The Final EIR Determines Significance Based on a Statewide Scoping Plan and Regional Transportation Plan, Neither of Which Can Be Applied to a Project-Specific Analysis.***

The Final EIR determines significance based on compliance with (1) the CARB Scoping Plan, and (2) SCAG’s RTP/SCS. To begin with, the CARB Scoping Plan is more than ten years

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<sup>71</sup> DEIR at 4.H-22.

<sup>72</sup> *Id.* at 4.H-25, NOI-MM-12.

old, and the DEIR makes no effort to update the Scoping Plan's recommendations to present conditions. Beyond that, the Scoping Plan is a statewide plan, which analyzes specific measures to be implemented at the state-level. It is not applicable to a project-specific analysis.

CEQA requires a determination of significance to be based on substantial evidence in light of all information before the agency.<sup>73</sup> As with other environmental impacts, the focus must be on what constitutes a significant impact on climate change that may be caused by the project's physical changes.<sup>74</sup> With respect to GHG impacts, "[t]he question therefore becomes whether the project's incremental addition of greenhouse gases is 'cumulatively considerable' in light of the global problem, and thus significant."<sup>75</sup> An analysis of GHG impacts is required to keep pace with scientific knowledge and regulatory schemes.<sup>76</sup> Because the issue of climate change must be discussed in a cumulative context, an important consideration in selecting and developing significance thresholds is identifying the level at which a project's *individual emissions* would be cumulatively considerable. While it is not inappropriate to reference statewide or regional plans, "[a] significance analysis based on compliance with such statewide regulations ... only goes to impacts within the area governed by the regulations."<sup>77</sup>

Here, the Final EIR does not take that necessary additional step to analyze the project-specific GHG impacts. Instead, the DEIR concludes that "compliance with a GHG emissions reduction plan results in a less than significant impact."<sup>78</sup> This is not accurate. The Final EIR's GHG emissions reduction plan must be developed with reference to project-specific GHG impacts. Reference only to the Scoping Plan and the RTP/SCS does not alone satisfy this requirement.

**ii. *The Final EIR Incorrectly Relies on LEED Certification to Ensure GHG Reductions.***

The Final EIR provides that "the design of the new buildings shall incorporate features to be capable of achieving at least a Silver certification under the U.S. Green Building Council's

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<sup>73</sup> CEQA Guidelines § 15151 (providing a lead agency's evaluation of a project's environmental impacts "need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonable feasible").

<sup>74</sup> Pub. Resources Code § 21002; *see also* CEQA Guidelines §15064(d); *Protect the Historic Amador Waterways v. Amador Water Agency* (2003) 116 Cal.App.4<sup>th</sup> 1099, 1106-07.

<sup>75</sup> *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5<sup>th</sup> 497, 512.

<sup>76</sup> *Id.* at 519.

<sup>77</sup> *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4<sup>th</sup> 204, 229.

<sup>78</sup> DEIR at 4.E-28.



Leadership in Energy and Environmental Design (LEED®) or equivalent.”<sup>79</sup> This is illusory to the extent it assumes some reduction in GHGs, because LEED does not demand energy efficiency measures and does not ensure greater energy efficiency than the California Building Code. The Final EIR is unclear as to what reduction, if any, is assumed as a result of GHG-PDF-2. However, if a reduction is assumed, GHG-PDF-2 is not sufficient to guarantee a reduction. At minimum, GHG-PDF-2 must mandate LEED measures, or other environmental measures, sufficient to ensure any claimed reduction. LEED is concerned with sustainability rather than focusing solely on energy efficiency. Additionally, it is unclear in the Final EIR whether any reduction credit from GHG-PDF-2 may be double-counting beyond California Building Code claimed reductions. The Final EIR’s GHG analysis contains significant deficiencies and must be substantially revised to fully analyze the project-specific GHG impacts and the likely effect of any condition, project design feature, or mitigation measure designed to reduce those impacts.

### III. CONCLUSION.

The proposed Project would create a massive new complex with hotel, restaurant, event space, commercial, and residential uses all incorporated into the already bustling Abbot Kinney area. The Project would draw large numbers of tourists to an area that is already independently a tourist attraction, in addition to creating a large number of additional local trips as a result of its commercial, restaurant, and event spaces. If developed, the proposed Project would reshape not just its immediate surroundings, but Abbot Kinney generally, resulting in significant parking, traffic, and noise impacts on neighboring properties and residents. For the reasons stated above, the Project Approvals were each made in error and each constitute an abuse of discretion. And in the face of potentially massive short and long term environmental impacts, the Final EIR falls far short of analyzing and mitigating those impacts to the level required by CEQA.

The Final EIR has significant deficiencies in its impacts analyses, and bases some of its impact conclusions on unsupported assumptions and unsubstantiated claims about impact reductions. It fails to properly analyze the Project’s trip generation estimates and fails to substantiate its claimed trip reductions. The Final EIR attempts to avoid analyzing parking impacts entirely, and completely fails to account for the secondary impacts the parking issues the Project will create may have on the surrounding community. The noise analysis ignores nearby sensitive receptors and fails to account for the cumulative impacts of the Project’s numerous outdoor event spaces. And the Final EIR does not accurately account for its GHG impacts, relying on statewide and regional plans rather than analyzing the project-specific impacts, and assuming LEED certification will be sufficient to reduce GHG impacts without accounting for how those reductions will actually occur.

The Final EIR fails to accomplish its purposes under CEQA, both because its analyses and conclusions are not based on substantial evidence, and because it does not provide sufficient

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<sup>79</sup> *Id.* at 4.E-24, GHG-PDF-2.

detail to allow those who did not participate in its preparation to understand and to meaningfully consider the issues raised by the proposed Project. CEQA requires that the Final EIR must be substantially revised and recirculated.

Thank you for your consideration. Should you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Carl Lisberger

Carl Lisberger  
Manatt, Phelps & Phillips, LLP

ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A

Exhibit C.6: Mitigation Monitoring Program

# IV. Mitigation Monitoring Program

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## 1. Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

## 2. Organization

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- Enforcement Agency: the agency with the power to enforce the PDF or MM.
- Monitoring Agency: the agency to which reports involving feasibility, compliance, implementation, and development are made.
- Monitoring Phase: the phase of the Project during which the PDF or MM shall be monitored.
- Monitoring Frequency : the frequency at which the PDF or MM shall be monitored.
- Action Indicating Compliance: the action by which the Enforcement or Monitoring Agency indicates that compliance with the identified PDF or required MM has been implemented.

### **3. Administrative Procedures and Enforcement**

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

### **4. Program Modification**

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the

PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

## 5. Mitigation Monitoring Program

### a) Aesthetics

#### (1) Project Design Features

**AES-PDF-1** The Project Applicant shall ensure through appropriate posting and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways and that such temporary barriers and walkways are free of trash, graffiti, peeling postings, and are of uniform paint color or graphic treatment throughout the construction period.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Filed inspection during construction

**Action Indicating Compliance:** Field inspection sign-off

#### (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

### b) Air Quality

#### (1) Project Design Features

**Air-PDF-1** The construction contractor will coordinate with the administrator of the Westminster Elementary School to minimize student and staff exposure to air pollution during construction. The School will be provided with the name and phone number of one member of the construction team to act as the liaison. Control measures that may be enacted at the request of the School administrator to minimize pollutant exposure include but are not limited to:

- Watering beyond the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust).

- Reduced earthwork activity during high wind conditions in the direction of Westminster Elementary School, which the SCAQMD defines as 25 miles per hour gusts.
- Maintaining construction equipment in accordance with manufacturer specifications. The contractor will keep documentation on-site demonstrating compliance.
- Turning off construction truck and vehicle engines when idling will exceed five minutes.

**Enforcement Agency:** South Coast Air Quality Management District

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Field inspection during construction

**Action Indicating Compliance:** Field inspection sign-off

## (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

## c) Cultural Resources

### (1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

### (2) Mitigation Measures

#### **CUL-MM-1 1. Recordation**

Prior to the issuance of a demolition permit, a Historic American Building Survey (HABS) Level II report documenting the architectural and historical significance of 1047, 1047A, and 1047B S. Abbot Kinney Boulevard shall be prepared. One original copy of the report shall be assembled and distributed to the Southern California Information Center at California State University Fullerton, the Los Angeles Conservancy, the Los Angeles Central Library, and the City of Los Angeles Office of Historic Resources. Before submitting any documents, each repository must be contacted to ensure that they are willing and able to accept the items. The report shall be created by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for

history or architectural history with demonstrated experience in creating HABS Level II documentation. The report shall include:

- a. A written report according to the HABS narrative format, which includes historical and descriptive information, index to photographs, and photo key plan.
- b. Duplicates of historic photographs, if available.
- c. Duplicates of original drawings, if available.
- d. Large format (4" x 5" or larger) black and white photographs based on HABS guidelines. The photographs shall be keyed to a site plan to show the location of each photograph taken. Views shall include the setting of the district and exterior views of at least half of the contributing buildings.

**Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to issuance of demolition permit

**Action Indicating Compliance:** Submittal of compliance documentation

## **CUL-MM-2 2. Salvage and Reuse**

The Project Applicant shall create a salvage and reuse plan identifying elements and materials that can be saved prior to the issuance of a demolition permit. The plan shall be prepared by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history or historic architecture with demonstrated experience in developing salvage and reuse plans. The plan shall be submitted to the City of Los Angeles Office of Historic Resources. Elements and materials that may be salvageable include: decorative elements, framing members, light fixtures, plumbing fixtures, and flooring materials such as tiles and hardwood. The salvageable items shall be removed in the gentlest, least destructive manner possible. The plan shall identify an indoor, weather-controlled space where items can be stored. The Applicant shall identify individuals, organizations, or businesses interested in receiving salvageable items in consultation with the City of Los Angeles Office of Historic Resources.

**Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources



**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to issuance of demolition permit

**Action Indicating Compliance:** Submittal of compliance documentation

**CUL-MM-3 3. Relocation**

Prior to obtaining a final certificate of occupancy, the Project Applicant shall make 1047, 1047A, and 1047B S. Abbot Kinney Boulevard available to third parties for relocation and/or salvage at no cost for the structures (the third party shall be responsible for costs associated with the relocation and/or salvage activities). No earlier than 90 days before the commencement of construction of the Project, the Project Applicant shall publicize the availability of these structures for relocation and/or salvage by publishing a notice in a newspaper of general circulation and by directly informing potentially interested parties. Any relocation and/or salvage activities undertaken by third parties shall be fully completed prior to the commencement of Project construction.

**Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Submittal of compliance documentation

**d) Geology and Soils**

(1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

**e) Greenhouse Gas Emissions**

(1) Project Design Features

**GHG-PDF-1** The project shall include at least twenty (20) percent of the total code required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply

equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20 percent EV Ready, five (5) percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20 or 5 percent results in a fractional space, round up to the next whole number. A label stating “EVCAPABLE” shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

**GHG-PDF-2** The design of the new buildings shall incorporate features to be capable of achieving at least a Silver certification under the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED®) or equivalent. Such LEED features shall include energy-efficient buildings, a pedestrian and bicycle-friendly site design, and water conservation measures, among others.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

## (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

## f) Hazard and Hazardous Materials

**(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

**(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

**g) Land Use Planning****(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

**(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

**h) Noise****(1) Project Design Features**

**PDF-NOI-1** Outdoor amplified sounds systems shall be designed as to not exceed a maximum noise level of 64 dBA Leq. A noise consultant shall provide written documentation that the design of the system complies with these maximum noise levels.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; Pre-operation

**Monitoring Frequency:** Once at plan check; Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit, issuance of certificate of occupancy

**PDF NOI-2** Non-squeal paving finishes (i.e. paving finishes that are not smooth, often referred to as “broom finishes”) shall be used within the Project’s valet parking area.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**PDF-NOI-3** The central courtyard area would accommodate up to 200 individuals and permit non-amplified music. The courtyard operating hours will be from 7:00 a.m. to 1:00 a.m.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Submittal of compliance documentation

## (2) Mitigation Measures

**NOI-MM-1** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-2** Project construction shall not include the use of driven (impact) pile systems.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-3** Grading and construction contractors shall use rubber-tired equipment rather than metal-tracked equipment.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-4** When possible, the construction contractor shall use on-site electrical or solar sources to power equipment rather than diesel generators. Solar generator and electric generator equipment shall be located as far away from sensitive uses as possible.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-5** Noise and vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators) shall be conducted as far away as possible from the nearest sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses. The construction contractor shall locate construction staging areas away from noise-sensitive uses.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-6** Barriers, such as, but not limited to, plywood structures or flexible sound control curtains extending eight feet in height shall be erected around the project site to minimize the amount of noise during construction on the nearby noise-sensitive uses located offsite. These barriers shall be capable of reducing noise levels by at least 10 dBA.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-7** Flexible sound control curtains shall be placed around jackhammers, drilling apparatuses, and drill rigs used within the project site to the extent feasible. These sound curtains shall be capable of reducing noise levels by at least 10 dBA.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-8** A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-9** Haul routes shall be located on major arterial roads within nonresidential areas. If not feasible, haul routes shall be reviewed and approved by Los Angeles Department of Transportation before the haul route can be located on arterial roads in residential areas.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once at plan check; Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit

**NOI-MM-10** Construction supervisors shall be informed of project-specific noise requirements, noise issues for sensitive land uses adjacent to the construction site, and/or equipment operations to ensure compliance with the required regulations, best practices, and other restrictions placed on the Project to conform with the required mitigation measures.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-11** Prior to initiating construction activity, the construction contractor shall coordinate with the site administrator for the Westminster Avenue Elementary School to discuss construction activities that generate high noise levels. The School shall be provided with the name and phone number of one member of the construction team to act as the liaison. Coordination between the site administrator and the construction contractor shall continue on an as-needed basis throughout the construction phase of the project to mitigate potential disruption of classroom activities. Should the administrator indicate that the school is being impacted by noise issues during construction, the contractor shall implement additional control measures that may include but are not limited to:

- Ceasing disruptive construction activities during noise-sensitive school activities (e.g., state testing and graduation ceremonies).
- Improving noise barriers with additional acoustical materials or other methods, as reasonable and practical.
- Temporarily shifting the disruptive activity to an area of the project site that would not result in disruption until the termination of the special event.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-12** Non-amplified music and live entertainment on roof decks shall be positioned on the south side of the decks. The location shall be as far as possible from residences on Electric Avenue.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-13** Prior to commencement of construction activity, a qualified structural engineer shall survey the existing foundation and other structural aspects of adjacent commercial buildings located on the same block as the Project. The qualified structural engineer shall hold a valid license to practice structural engineering in the State of California. The qualified structural engineer shall submit a pre-construction survey letter establishing baseline conditions. These baseline conditions shall be forwarded to the lead agency and to the mitigation monitor prior to issuance of any foundation only or building permit for the Project. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-on letter describing damage, if any, to adjacent buildings. The letter shall include recommendations for any repair, as may be necessary. Repairs shall be undertaken prior to issuance of any temporary or permanent certificate of occupancy for the new building.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

## **i) Population and Housing**

### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.



## (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

### j) Public Services

#### (1) Project Design Features

**POL-PDF-1** Prior to the issuance of a grading permit and prior to the issuance of a certificate of occupancy, the Project Applicant or its successor will submit a diagram of the Project Site to the LAPD Pacific Division Commanding Officer that includes access routes and any additional information that might facilitate police response.

**Enforcement Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy

**Action Indicating Compliance:** Submittal of compliance documentation and subsequent issuance of Certificate of Occupancy

#### (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

### k) Transportation

#### (1) Project Design Features

##### **TRANS-PDF-1 Construction Management Plan**

Prior to the start of construction, the Project Applicant will prepare a Construction Management Plan (CMP) and submit it to LADOT for review and approval. The CMP shall include a Worksite Traffic Control Plan to facilitate vehicle and pedestrian movement, and minimize potential conflicts between construction activities, vehicle traffic, bicyclists and pedestrians. The CMP and Worksite Traffic Control Plan will include, but not be limited to the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Control truck and vehicle access to the Project Site with flagmen;

- Prepare a haul truck route program that specifies the construction truck routes to and from the Project Site;
- Schedule construction activities to reduce the effect on traffic flow on arterial streets;
- Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.
- Schedule construction-related deliveries other than concrete and earthwork-related deliveries, to reduce travel during peak travel periods.
- No bus stops would be relocated and no bus lines would be rerouted due to Project construction.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

## **TRANS-PDF-2      Transportation Demand Management (TDM) Program**

The Project Applicant shall submit to DOT a Transportation Demand Management (TDM) Plan designed to reduce the total net project trips during the peak commute periods. The “peak trip goal” shall be 80 (driveway) P.M. peak hour trips generated by the project as shown in Table 4 provided in Attachment “A” of Appendix K-2 of the Draft EIR. The TDM Plan will include strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. As appropriate, these measures would be designed to provide incentives for use of transit and rideshare, to reduce the number of vehicle trips, and facilitate LADOT’s First and Last Mile Program. A full detailed description of the TDM Program shall be prepared by a licensed Traffic Engineer and submitted to DOT for review and approval, prior to the issuance of any certificate of occupancy. The TDM Program shall include, but shall not be limited to, the following:

- Implementation of an interactive, digital Transit Information Display;
- Implementing flexible/alternative work schedules and telecommuting programs;
- Implement enhanced pedestrian connections (e.g. improve sidewalks, widen crosswalks adjacent to the project, and pedestrian level lighting, etc.);
- Design the project to ensure a bicycle, pedestrian and transit friendly environment;
- Providing bicycle amenities such as bicycle racks and lockers for employees;
- Participation in the Metro Business Transit Access Pass (B-TAP) Program;
- Providing bicycles for patrons and employees to use;

- Provide parking as an option only (i.e. unbundle the parking);
- Coupled with the unbundled parking, provide on-site car share amenities;
- Provide rideshare program and support for project employees and tenants

The project shall also provide a mitigation monitoring system to confirm that the project is achieving the trip reduction target as needed.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

### **TRANS-PDF-3      Loading Zone Operational Hours**

The Project loading zone will only be operated Monday through Friday, 7:00 AM to 6:00 PM; Saturday, 10:00 AM to 4:00 PM; except as follows: There shall be no deliveries 45 minutes prior to Westminster Elementary School commencement time and 15 minutes after school commencement time. No deliveries will be permitted until one hour after the end of Westminster Elementary School's school day. No deliveries on Sunday will require the use of the loading zone.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

### **TRANS-PDF-4      On-street Loading Zone**

The Project includes the installation of a loading zone on Broadway, adjacent to the Project Site. The installation of on-street loading zone shall require the review and approval by LADOT's Western District Office. Since the Project is located within the California's Coastal Zone, an establishment of on-street loading zone would also require the approval by the California Coastal Commission.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-5      Circulation and Access**

Install signage to prohibit U-turn movements westbound on Abbot Kinney Boulevard at Broadway.

Install curb extensions or bulbouts at the street corners along Abbot Kinney Boulevard, immediately to the east and west of Broadway. The curb extensions would reduce the pedestrian crossing distance on Abbot Kinney Boulevard, as well as provide narrower travel lanes to potentially reduce speeds along this roadway.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-6      Valet Operations**

Staff will be present at the inbound driveway to the Main Valet Area at all times, to divert vehicles as needed to the Secondary Valet Area at the south side of the site. The Secondary Valet Area will be staff at 5 PM everyday. Staff at both locations will be able to communicate instantaneously via wireless communication, to enable quick rerouting of inbound vehicles.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Operation

**Monitoring Frequency:** Once during field inspection

**Action Indicating Compliance:** Field inspection sign-off

**TRANS-PDF-7 Construction Activity Near Westminster Elementary School**

- The Project Applicant will maintain ongoing contact with the Westminster Elementary School administration. The school's administrative offices will be notified prior to the start of the Project's construction activities. The Project Applicant will obtain walk and bus routes to the schools from either the school's administration or from the Los Angeles Unified School District's Transportation Branch (213) 580-2950 and if necessary, install temporary barriers and signage to ensure access to the school's walk and bus routes are maintained.
- The Project Applicant will install appropriate traffic signs (e.g., "sidewalk closed") around the site to ensure pedestrian and vehicle safety.
- The Project Applicant will maintain safe and convenient pedestrian routes to Westminster Elementary School. Crossing guards and/or flag men will be provided at the Project Applicant's expense as needed to ensure safe passage.
- Barriers and/or fencing will be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.
- The Project Applicant will provide security patrols to minimize trespassing, vandalism, and short-cut attractions.
- When Westminster Elementary School is in session there will be no staging or parking of construction vehicles, including vehicles to transport workers, on the south side of Abbot Kinney Boulevard, between Broadway and Westminster Avenue.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

**TRANS-PDF-8 Schools affected by Haul Route**

- The Los Angeles Department of Building and Safety (LADBS) will assign specific haul route hours of operation based upon Westminster Avenue Elementary School hours of operation.

- Haul route scheduling will be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks will not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-9      Automated Parking**

The three lifts in the Main Valet Area will have a total minimum service rate of 80 vehicles per hour (combined input and output) (approximately 27 per hour per lift).

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Operation

**Monitoring Frequency:** Once during field inspection

**Action Indicating Compliance:** Field inspection sign-off

#### **(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

### **I) Tribal Cultural Resources**

#### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

#### **(2) Mitigation Measures**

**TRIBAL-MM-1** Prior to commencing any ground disturbance activities including excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting,

stripping topsoil or a similar activity at the project site, the Applicant, or its successor, shall retain and pay for archeological monitors, determined by the City's Office of Historic Resources to be qualified to identify subsurface tribal cultural resources. The archeological monitors shall observe all ground disturbance activities on the project site beneath the disturbed alluvial soils/fill at all times the ground disturbance activities beneath the disturbed alluvial soils/fill are taking place. If ground disturbance activities beneath the disturbed alluvial soils/fill are simultaneously occurring at multiple locations on the project site, an archeological monitor shall be assigned to each location where the ground disturbance activities are occurring.

Prior to the commencement of any ground disturbance activities at the project site, the Applicant, or its successor, shall notify any California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities, beneath the disturbed alluvial soils/fill, are about to commence and invite the tribes to observe the ground disturbance activities, beneath the disturbed alluvial soils/fill, if the tribes wish to monitor.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities, beneath the disturbed alluvial soils/fill, and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
2. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.

4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.

5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.

6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.

7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.

8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

9. Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and shall comply with the City's AB 52 Confidentiality Protocols.

**Enforcement Agency:** City of Los Angeles Department of City Planning



**Monitoring Agency:** City of Los Angeles Department of City Planning

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to construction

**Action Indicating Compliance:** Submittal of compliance documentation prepared by certified archaeologist

## **m) Utilities and Service Systems**

### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

### **(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

## **n) Energy Conservation**

### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

### **(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A

## Exhibit D: Correspondence

Included in Appeal Report dated July 15, 2020

(Exhibit D, PDF page 454):

<https://planning.lacity.org/odocument/b660a0e8-5cbe-4d60-afc2-3ec8a6e11e1b/ZA-2012-3354.pdf>

Supplemental Documents WLA APC, July 15, 2020:

<https://planning.lacity.org/dcpapi/meetings/document/addtldoc/58827>

Comments submitted to Council File 20-1024:

[https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.vie\\_wrecord&cfnumber=20-1024](https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.vie_wrecord&cfnumber=20-1024)

Additional correspondence received, not submitted previously to the Appeal Report dated July 15, 2020 or Council File 20-1024.

- Deidre Samuels, dated October 12, 2020
  - Letters previously submitted to the WLA APC and Council File are available in the links above.
- Elisa Paster, dated October 12, 2020



Juliet Oh <juliet.oh@lacity.org>

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**ZA-2012-3354-CUB-CU-CDP-MEL-WDI-SPP-SPR-1A ENV-2016-4321-EIR**

1 message

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**Deidre Samuels** <dsamuels58@gmail.com>  
To: juliet.oh@lacity.org, apcwestla@lacity.org  
Cc: preservingvenice@gmail.com

Mon, Oct 12, 2020 at 8:44 AM

Dear Commissioners and Ms Oh,

One of the talking points the developer has used to promote the approval of the Venice Place Project is that it has wide support among community members over an 8 year period. I am attaching a file of emails going back to 2013 through the present from Venice community members who do not approve of this project. I am also attaching copies of 3 petitions and a petition from Change.org with signatures of people who oppose the project.

I don't expect that you will have the time to read all of the attachments but I do hope that you will understand the gravity of your decision on the lives of the 40,000 residents of Venice. Unlike the supporters of the Project, those opposed live in the Venice community or send their children to Westminster Elementary and their lives will be negatively impacted by this enormous development. In summary the attachments include:

Supporting Letters File on Google Drive:  
1151 opposition letters  
655 petition signatures - 2016, 2019 and 2020

Separate PDF File  
1072 petition signatures - 2016 Change.org

Please include this email and the attachments in the document file for the West L.A APC Planning Commission Meeting on October 21, 2020.

Regards,

Deidre Samuels  
309 Broadway #15  
Venice

 [Supporting Letters 1151.zip](#)

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 [1072 STOPHOTEL-signatures-10.23.16.pdf](#)  
224K

STOP THE VENICE PLACE HOTEL 10-23-16.  
[www.change.org/p/mike-bonin-stop-the-venice-place-hotel](http://www.change.org/p/mike-bonin-stop-the-venice-place-hotel)

Name	City	State	Postal Code	Country	Signed On	
<b>Benefit Network</b>	Venice	California		United States	2016-09-06	1
<b>Rick Garvey</b>	Venice	California	90291	United States	2016-09-06	2
<b>Elaine Spierer</b>	Venice	California	90291	United States	2016-09-06	3
<b>Monica Williams</b>	Marina del Rey	California	90292	United States	2016-09-06	4
<b>amanda smith</b>	venice	California	90291	United States	2016-09-06	5
<b>Nikki Hariton</b>	Venice	California	90291	United States	2016-09-06	6
<b>Barry Norwood</b>	Venice	California	90291	United States	2016-09-06	7
<b>Mike Chamness</b>	Venice	California	90291	United States	2016-09-06	8
<b>Vicki Landers</b>	Venice	California	90291	United States	2016-09-06	9
<b>Bradford Eckhart</b>	Venice	California	90291	United States	2016-09-06	10
<b>Judy Branfman</b>	Venice	California	90291	United States	2016-09-06	11
<b>Ravi S</b>	Los Angeles	California	90095	United States	2016-09-06	12
<b>Andrew Whitelaw</b>	Venice	California	90291	United States	2016-09-06	13
<b>Toni Delia</b>	Westchester	California	90045	United States	2016-09-06	14
<b>sybil robeson</b>	leamington spa		cv339gd	United Kingdom	2016-09-06	15
<b>Janie Romer</b>	London		SW1W 9JT	United Kingdom	2016-09-06	16
<b>Pegarty Long</b>	Venice	California	90291	United States	2016-09-06	17
<b>Megan McNichol</b>	Venice	California	90291	United States	2016-09-06	18
<b>kitty McClure</b>	Sistersville	West Virginia	26175	United States	2016-09-06	19
<b>Eric Reed</b>	venice	California	90291	United States	2016-09-06	20
<b>Dulce Garcia</b>	Venice	California	90291	United States	2016-09-06	21
<b>Elizabeth Black</b>	benice	California	90291	United States	2016-09-06	22
<b>Teresa Whipple</b>	Venice	California	90291	United States	2016-09-06	23
<b>Michael Reese</b>	Venice	California	90291	United States	2016-09-06	24
<b>Karen Grossman</b>	Venice	California	90291	United States	2016-09-06	25
<b>Juliette Carrillo</b>	Venice	California	90291	United States	2016-09-06	26
<b>sheri magid</b>	venice	California	90291	United States	2016-09-06	27
<b>Carol Gronner</b>	Venice	California	90291	United States	2016-09-06	28
<b>natanel edelson</b>	venice	California	90291	United States	2016-09-06	29
<b>Todd Darling</b>	Los Angeles	California	90291	United States	2016-09-06	30
<b>Katharine Schwer</b>	Venice	California	90291	United States	2016-09-06	31
<b>Bruce Allan Lemon, Jr</b>	Los Angeles	California	90059	United States	2016-09-06	32
<b>Margaret Molloy</b>	Los Angeles	California	90066	United States	2016-09-06	33

<b>jayne pitchford</b>	santa monica	California	9	United States	2016-09-06	34
<b>Robert McKeon</b>	Venice	California	90291	United States	2016-09-06	35
<b>Vlad Popescu</b>	Playa del Rey	California	90293	United States	2016-09-06	36
<b>David Ewing</b>	Venice	California	90291	United States	2016-09-06	37
<b>Meredith Michl</b>	Venice	California	90291	United States	2016-09-06	38
<b>katerina tana</b>	Venice	California	90291	United States	2016-09-07	39
<b>Robin Rudisill</b>	Venice	California	90291	United States	2016-09-07	40
<b>Kelly Adams</b>	Marina del Rey	California	90292	United States	2016-09-07	41
<b>Kamille Rudisill</b>	Venice	California	90291	United States	2016-09-07	42
<b>Dawn Trook</b>	Merced	California	95340	United States	2016-09-07	43
<b>maricela hernandez</b>	Venice	California	90291	United States	2016-09-07	44
<b>Michael McGee</b>	Los Angeles	California	90294	United States	2016-09-07	45
<b>Michaelangelo DeSerio</b>	Venice	California	90291	United States	2016-09-07	46
<b>Jennifer Halasi</b>	Marina del Rey	California	90292	United States	2016-09-07	47
<b>tyrus wilson</b>	venice	California	90291	United States	2016-09-07	48
<b>Kate Minelian</b>	LA	California	90066	United States	2016-09-07	49
<b>Tibby Rothman</b>	Venice	California	Venice CA 90291	United States	2016-09-07	50
<b>Alberto Bevacqua</b>	Venice	California	90291	United States	2016-09-07	51
<b>Jeanette Koustenis</b>	Venice	California	90291	United States	2016-09-07	52
<b>Crystal de Saint-Aignan</b>	Venice	California	90291	United States	2016-09-07	53
<b>Jed Pauker</b>	venice	California	90291	United States	2016-09-07	54
<b>Joann Massillo</b>	Venice	California	90291-3671	United States	2016-09-07	55
<b>Shepard Stern</b>	Venice	California	90291	United States	2016-09-07	56
<b>mick mccarthy</b>	venice	California	90291	United States	2016-09-07	57
<b>Miguel Bravo</b>	Venice	California	90291	United States	2016-09-07	58
<b>Carmen Navarro</b>	Venice	California	90291	United States	2016-09-07	59
<b>Stayce Cavanaugh</b>	Venice	California	90291	United States	2016-09-07	60
<b>Lucas King</b>	Venice	California	90291	United States	2016-09-07	61
<b>Bernadette Morales</b>	Inglewood	California	90301	United States	2016-09-07	62
<b>shoshana maler</b>	Venice	California	90291	United States	2016-09-07	63
<b>JOANN JAIMES</b>	LOS ANGELES	California	90045	United States	2016-09-07	64
<b>Jacky Lavin</b>	Venice	California	90291	United States	2016-09-07	65
<b>Annie Sperling</b>	Los Angeles	California	90026	United States	2016-09-07	66
<b>Malcolm James</b>	Playa del Rey	California	90293	United States	2016-09-07	67
<b>Cody Safron</b>	Los Angeles	California	90066	United States	2016-09-07	68
<b>Julie Torres</b>	Hawthorne	California	90250	United States	2016-09-07	69
<b>Christopher Berger</b>	Venice	California	90291	United States	2016-09-07	70
<b>Jennifer Kolansky</b>	Los Angeles	California	90294	United States	2016-09-07	71

<b>Linda Tadic</b>	Venice	California	90291	United States	2016-09-07	72
<b>Bridget Stanton</b>	El Segundo	California	90245	United States	2016-09-07	73
<b>BARBARA MORONCINI</b>	LOS ANGELES	California	90027	United States	2016-09-07	74
<b>Chris Overholser</b>	Venice	California	90291	United States	2016-09-07	75
<b>Samantha Levy</b>	Venice	California	90291	United States	2016-09-07	76
<b>Rebecca Bravo</b>	Inglewood	California	90302	United States	2016-09-07	77
<b>Judy Leonard</b>	Marina del Rey	California	90292	United States	2016-09-07	78
<b>Chris Reese</b>	venice	California	90291	United States	2016-09-07	79
<b>Xochitl Hernandez</b>	Los Angeles	California	90066	United States	2016-09-07	80
<b>greta cobar</b>	venice	California	90291	United States	2016-09-07	81
<b>Howard Giller</b>	Santa Monica	California	90404	United States	2016-09-07	82
<b>Jon gomez</b>	Venice	California	90291	United States	2016-09-07	83
<b>Ailina Pena</b>	Venice	California	90291	United States	2016-09-07	84
<b>Stefanie Zo</b>	Venice	California	90291	United States	2016-09-07	85
<b>Joan Gallagher</b>	Santa Monica	California	90405	United States	2016-09-07	86
<b>Tara Trudeau</b>	Westchester	California	90045	United States	2016-09-07	87
<b>Bryan Shere</b>	Los Angeles	California	90066	United States	2016-09-07	88
<b>Lisa Clifton</b>	Los Angeles	California	90291	United States	2016-09-07	89
<b>annie sabroux</b>	venice	California	90291	United States	2016-09-07	90
<b>Bunny Lua</b>	Venice	California	ca 90291	United States	2016-09-07	91
<b>Susan Kaufman</b>	Los Angeles	California	90066	United States	2016-09-07	92
<b>jataun valentine</b>	venice	California	90291	United States	2016-09-07	93
<b>David Busch</b>	Venice	California	90291	United States	2016-09-07	94
<b>Jim Smith</b>	Los Angeles	California	90294	United States	2016-09-07	95
<b>Rima Yazbeck</b>	West Toluca Lake	California	91602	United States	2016-09-07	96
<b>Lothar Schmitz</b>	Venice	California	90291	United States	2016-09-07	97
<b>Sandra Garcia</b>	Venice	California	90291	United States	2016-09-07	98
<b>Jack Neff</b>	Los Angeles	California	90049	United States	2016-09-07	99
<b>Gabriel Ruspini</b>	Los Angeles	California	90294	United States	2016-09-07	100
<b>Cletus Kuhn</b>	Los Angeles	California	90064	United States	2016-09-07	101
<b>Lisa Marguerite Mora</b>	Los Angeles	California	90066	United States	2016-09-07	102
<b>Vincent DeSimone</b>	los Angeles	California	90045	United States	2016-09-07	103
<b>Lydia Ponce</b>	Venice	California	90291	United States	2016-09-07	104
<b>Vanessa Martinez</b>	Venice	California	90291	United States	2016-09-07	105
<b>Russ Cletta</b>	Venice	California	90291	United States	2016-09-07	106
<b>Wade Mayhue</b>	Marina del Rey	California	90292	United States	2016-09-07	107
<b>Pamela Bower</b>	Venice	California	90291	United States	2016-09-07	108
<b>Jo Brown</b>	Venice	California	90291	United States	2016-09-07	109

<b>Mindy Taylor-Ross</b>	Venice	California	90291	United States	2016-09-07	110
<b>Beth Greenwald</b>	Venice	California	90291	United States	2016-09-07	111
<b>Pamela Chang</b>	Los Angeles	California	90025	United States	2016-09-07	112
<b>L Lubchansky</b>	Los Angeles	California	90294	United States	2016-09-07	113
<b>Monica Fitzgerald</b>	Venice	California	90291	United States	2016-09-07	114
<b>Noel Gould</b>	San Pedro	California	90731	United States	2016-09-07	115
<b>Leslie Bosch</b>	Los angeles	California	90064	United States	2016-09-07	116
<b>Phong Vu</b>	Venice	California	90291	United States	2016-09-07	117
<b>Sydney Jones</b>	Venice	California	90291	United States	2016-09-07	118
<b>Lisa Clayton</b>	Los Angeles	California	90066	United States	2016-09-07	119
<b>Scott Clark</b>	Los Angeles	California	90066	United States	2016-09-07	120
<b>Dawn Hollier</b>	Venice	California	90291	United States	2016-09-07	121
<b>paula stein</b>	Santa Monica	California	90402	United States	2016-09-07	122
<b>Lauren Fisher</b>	Marina del Rey	California	90292	United States	2016-09-07	123
<b>Jennifer Fraser</b>	Culver City	California	90230	United States	2016-09-07	124
<b>Travis Kulp</b>	Venice	California	90291	United States	2016-09-07	125
<b>Hugo Arenas</b>	Venice	California	90291	United States	2016-09-07	126
<b>Vincent Ronquillo</b>	Venice	California	90291	United States	2016-09-07	127
<b>Douglas Eisenstark</b>	Venice	California	90291	United States	2016-09-07	128
<b>G Morris</b>	Venice	California	90291	United States	2016-09-07	129
<b>Shelley Vezer</b>	Moffat Beach		4551	Australia	2016-09-07	130
<b>Lynn Brickman</b>	White Lake char	Michigan	48386	United States	2016-09-07	131
<b>KATHLEEN Olivera</b>	Palmdale	California	93552	United States	2016-09-07	132
<b>Mjchael Lindley</b>	Venice	California	90291	United States	2016-09-07	133
<b>Donna Malamud</b>	Venice	California	90291	United States	2016-09-07	134
<b>Roger Memos</b>	Los Angeles	California	90066	United States	2016-09-07	135
<b>Holly Mosher</b>	Los Angeles	California	90291	United States	2016-09-07	136
<b>Christen V</b>	Venice	California	90291	United States	2016-09-07	137
<b>Pam Hall</b>	L.A.	California	90019	United States	2016-09-07	138
<b>ANTONIEY MACKENZIE</b>	Venice	California	90291	United States	2016-09-07	139
<b>Linda Di Carlo</b>	San Diego	California	92104	United States	2016-09-07	140
<b>Kristen Messina</b>	Venice	California	90291	United States	2016-09-07	141
<b>Luz Acevedo</b>	Victorville	California	92394	United States	2016-09-07	142
<b>Hubert Hodgin</b>	Venice	California	90291	United States	2016-09-07	143
<b>kisma westerberg</b>	los angeles	California	90045	United States	2016-09-07	144
<b>kathleen connors</b>	Pelham	New York	10803	United States	2016-09-07	145
<b>Cindy Kolodziejski</b>	Venice	California	90291	United States	2016-09-07	146
<b>Russell Anderson</b>	Venice	California	90291	United States	2016-09-07	147

<b>Carolina Padilla</b>	Santa Monica	California	90403	United States	2016-09-07	148
<b>Clea Markman</b>	Los Angeles	California	90045	United States	2016-09-07	149
<b>Sailene Ossman</b>	Venice	California	90291	United States	2016-09-07	150
<b>Michael E. Dunn</b>	Los Angeles	California	90045	United States	2016-09-07	151
<b>Michelle Cullen</b>	Venice	California	90291	United States	2016-09-07	152
<b>Pat Dickinson</b>	Northridge	California	91326-2533	United States	2016-09-07	153
<b>Johnny Foam</b>	Los Angeles	California	90041	United States	2016-09-07	154
<b>charla howard</b>	Long Beach	California	90804	United States	2016-09-07	155
<b>Carollee Howes</b>	Venice	California	90291	United States	2016-09-07	156
<b>Jennifer Wolf</b>	Los Angeles	California	90291	United States	2016-09-07	157
<b>yen king</b>	venice	California	90291	United States	2016-09-07	158
<b>Denise Domergue</b>	Venice	California	90291	United States	2016-09-07	159
<b>Mirvana Babic</b>	Santa Monica	California	90403	United States	2016-09-07	160
<b>Bell Robin</b>	Los Angeles	California	90045	United States	2016-09-07	161
<b>Eve montana</b>	Venice	California	90291	United States	2016-09-07	162
<b>Brad Aarons</b>	Venice	California	90291	United States	2016-09-07	163
<b>Miguel Murphy</b>	Tempe	Arizona	85281	United States	2016-09-07	164
<b>Kelly Graham</b>	Venice	California	90291	United States	2016-09-07	165
<b>CelKa Lyon</b>	Portland	Oregon	97202	United States	2016-09-07	166
<b>Leah Ferrarini</b>	Los Angeles	California	90291	United States	2016-09-07	167
<b>Erin Sullivan</b>	Venice	California	90291	United States	2016-09-07	168
<b>monica palma</b>	inglewood	California	90301	United States	2016-09-07	169
<b>Alexandra Berman</b>	Santa Monica	California	90405	United States	2016-09-07	170
<b>Celine Drean</b>	Los Angeles	California	90045	United States	2016-09-07	171
<b>Mitchel Balmayne</b>	Los Angeles	California	90034	United States	2016-09-07	172
<b>Steve Bevilacqua</b>	Venice	California	90291	United States	2016-09-07	173
<b>Celia Chavez</b>	Los Angeles	California	90034	United States	2016-09-07	174
<b>Dave Williams</b>	Venice	California	90291	United States	2016-09-07	175
<b>Andrea Kikot</b>	Venice	California	90291	United States	2016-09-07	176
<b>Andy Corren</b>	Los Angeles	California	90019	United States	2016-09-07	177
<b>Anastasia Beverhouzen</b>	Las Vegas	Nevada	89108	United States	2016-09-07	178
<b>William Beinbrink</b>	Los Angeles	California	90291	United States	2016-09-07	179
<b>Noemi Bruschi</b>	Venice	California	90291	United States	2016-09-07	180
<b>max ancar</b>	Venice	California	90291	United States	2016-09-07	181
<b>JILL RUDISON</b>	VENICE	California	90291	United States	2016-09-07	182
<b>Ren Navez</b>	Los Angeles	California	90066	United States	2016-09-07	183
<b>Deborah Thompson</b>	Venice	California	90291	United States	2016-09-07	184
<b>Jez Colin</b>	Venice	California	90291	United States	2016-09-07	185



<b>Cameron Hughes</b>	Manhattan Beac	California	90266	United States	2016-09-07	186
<b>Rob Wakefield</b>	Venice	California	90291	United States	2016-09-07	187
<b>SEPIDEH KASHANIAN</b>	Venice	California	90281	United States	2016-09-07	188
<b>Kelly Nash</b>	Venice	California	90291	United States	2016-09-07	189
<b>Mark Lipman</b>	Los Angeles	California	90066	United States	2016-09-07	190
<b>Maureen Valles</b>	Carlsbad	California	92009	United States	2016-09-07	191
<b>Boris Damast</b>	Venice	California	90291	United States	2016-09-07	192
<b>Angie Bray</b>	Venice	California	90291	United States	2016-09-07	193
<b>Conlan Danieu</b>	Venice	California	90291	United States	2016-09-07	194
<b>John Reynolds</b>	Los Angeles	California	90034	United States	2016-09-07	195
<b>jessica entner</b>	Los Angeles	California	90094	United States	2016-09-07	196
<b>laura okeefe</b>	Los Angeles	California	90046	United States	2016-09-07	197
<b>Deidre Samuels</b>	Venice	California	90291	United States	2016-09-07	198
<b>Lisa Mallory</b>	Venice	California	90291	United States	2016-09-07	199
<b>Danielle Golfieri</b>	Los Angeles	California	90029	United States	2016-09-07	200
<b>Ron Patterson</b>	Long Beach	California	90814	United States	2016-09-07	201
<b>Steph Middler</b>	Los Angeles	California	90066	United States	2016-09-07	202
<b>Alaina Zanotti</b>	Venice	California	90291	United States	2016-09-07	203
<b>Lori Lorenzo</b>	Venice	California	90291	United States	2016-09-07	204
<b>Kim Cassulo</b>	Santa Monica	California	90405	United States	2016-09-07	205
<b>Jonathan Nowak</b>	Venice	California	90291	United States	2016-09-07	206
<b>Melanie Willett</b>	Oakland	California	94602	United States	2016-09-07	207
<b>Lealani Ranch</b>	Venice	California	90291	United States	2016-09-07	208
<b>Gail Gordon</b>	Venice	California	90291	United States	2016-09-07	209
<b>Ariella Berbrier</b>	Venice	California	90291	United States	2016-09-07	210
<b>pat pacino</b>	Carteret	New Jersey	7008	United States	2016-09-07	211
<b>sarah epstein</b>	venice	California	90292	United States	2016-09-07	212
<b>LaRue Anderson</b>	Venice	California	90291	United States	2016-09-07	213
<b>sandra de fontanes</b>	venice	California	90291	United States	2016-09-07	214
<b>christy priske</b>	Venice	California	90291	United States	2016-09-07	215
<b>Troy Marinucci</b>	Venice	California	90291	United States	2016-09-07	216
<b>Rachel Young</b>	Portland	Oregon	97214	United States	2016-09-07	217
<b>kaycee smith</b>	Venice	California	90291	United States	2016-09-07	218
<b>Brant Carnwath</b>	Marina del Rey	California	90292	United States	2016-09-07	219
<b>Patrick Wilkins</b>	Venice	California	90291	United States	2016-09-07	220
<b>Justine Kleeman</b>	Venice	California	90291	United States	2016-09-07	221
<b>Matt Ellis</b>	Los Angeles	California	90066	United States	2016-09-07	222
<b>amy doering</b>	venice	California	ca	United States	2016-09-07	223

<b>Denise Irwin</b>	Los Angeles	California	90066	United States	2016-09-07	224
<b>yvette marquez</b>	Manhattan Beach	California	90267	United States	2016-09-07	225
<b>Marilyn Cadenbach</b>	Venice	California	90291	United States	2016-09-07	226
<b>shireene zahedi</b>	Venice	California	90291-3373	United States	2016-09-07	227
<b>Rochelle Ponsky</b>	Marina del Rey	California	90292	United States	2016-09-07	228
<b>Michelle Swiecichowski</b>	Los Angeles	California	90045	United States	2016-09-07	229
<b>Roberta Dillon</b>	Los Angeles	California	90272	United States	2016-09-07	230
<b>Davette Romero</b>	Venice	California	90291	United States	2016-09-07	231
<b>Drew Raley</b>	Venice	California	90291	United States	2016-09-07	232
<b>Amine Ramer</b>	Venice	California	90291	United States	2016-09-07	233
<b>Sarah Finucane</b>	Venice	California	90291	United States	2016-09-07	234
<b>Rina Carmona</b>	Marina del Rey	California	90292	United States	2016-09-07	235
<b>Andrea Vestrand</b>	Hermosa Beach	California	90254	United States	2016-09-07	236
<b>Patique Parham</b>	Bellevue	Nebraska	68005	United States	2016-09-07	237
<b>Rashad Tullis</b>	Des Moines	Iowa	50312	United States	2016-09-07	238
<b>Bonnie Miller</b>	Santa Monica	California	90405	United States	2016-09-07	239
<b>Michael Ozier</b>	Venice	California	90291	United States	2016-09-07	240
<b>Birgitte Hellsten</b>	Venice	California	90291	United States	2016-09-07	241
<b>Meredith Melnick</b>	Venice	California	90291-3416	United States	2016-09-07	242
<b>robert betz</b>	Santa Monica	California	90405	United States	2016-09-07	243
<b>Kim Michalowski</b>	Venice	California	90291	United States	2016-09-07	244
<b>Elisa Valencia</b>	Venice	California	90291	United States	2016-09-07	245
<b>Paul Chesne</b>	Venice	California	90291	United States	2016-09-07	246
<b>Hilary Craven</b>	Venice	California	90291	United States	2016-09-07	247
<b>Jennifer Walker</b>	Las Vegas	Nevada	89103	United States	2016-09-07	248
<b>Brian Richwien</b>	Manhattan Beach	California	90266	United States	2016-09-07	249
<b>Jason wright</b>	Los Angeles	California	90066	United States	2016-09-07	250
<b>Jonathan Roskos</b>	Los Angeles	California	90066	United States	2016-09-07	251
<b>Michael Riley</b>	Blodgett	Oregon	97326	United States	2016-09-07	252
<b>James Knowlton</b>	Marina del Rey	California	90292	United States	2016-09-07	253
<b>stephanie juhos</b>	Santa Monica	California	90405	United States	2016-09-07	254
<b>Michelle Martini</b>	Venice	California	90291	United States	2016-09-07	255
<b>michelle bellin</b>	mammoth lakes	California	93546	United States	2016-09-07	256
<b>Thibault Debaveye</b>	Marina del Rey	California	90292	United States	2016-09-07	257
<b>rick jarjoura</b>	Venice	California	90291	United States	2016-09-07	258
<b>Zoe Garaway</b>	Los Angeles	California	90066	United States	2016-09-07	259
<b>Erik Barnes</b>	Venice	California	90291	United States	2016-09-07	260
<b>Claire Keane</b>	Venice	California	90291	United States	2016-09-07	261

<b>Hayley Marcus</b>	pasadena	California	91107	United States	2016-09-07	262
<b>kelly bandura</b>	Los Angeles	California	90066	United States	2016-09-07	263
<b>Pontus Willfors</b>	Venice	California	90291	United States	2016-09-07	264
<b>Natasha Thomas</b>	Venice	California	90291	United States	2016-09-07	265
<b>Mike Soens</b>	Venice	California	90291	United States	2016-09-07	266
<b>Tom Froehlich</b>	Venice	California	90291	United States	2016-09-07	267
<b>Louise Goffin</b>	Encino	California	91436	United States	2016-09-07	268
<b>Melinda Czibula</b>	Venice	California	90291	United States	2016-09-07	269
<b>Rachel Linda Plasencia</b>	Venice	California	90291	United States	2016-09-07	270
<b>john okulick</b>	Venice	California	90291	United States	2016-09-07	271
<b>lisa coggan</b>	Los Angeles	California	90066	United States	2016-09-07	272
<b>Ema Solarova</b>	Los Angeles	California	90066	United States	2016-09-07	273
<b>Jordan GERTNER</b>	Marina del rey	California	90282	United States	2016-09-07	274
<b>Megyn Harris</b>	Marina del Rey	California	90292	United States	2016-09-07	275
<b>Gigi Grant</b>	Venice	California	90291	United States	2016-09-07	276
<b>Ann In Hollywood</b>	Hollywood	California	90068	United States	2016-09-07	277
<b>sharon Vagley</b>	Venice	California	90291	United States	2016-09-07	278
<b>Ivan Wicksteed</b>	Venice	California	90291	United States	2016-09-07	279
<b>Sara Sakuma</b>	Venice	California	90291	United States	2016-09-07	280
<b>Sandra Conditto</b>	Venice	California	90291	United States	2016-09-07	281
<b>Tomiko Yamato</b>	Venice	California	90291	United States	2016-09-07	282
<b>L Hartge</b>	Santa Monica	California	90405	United States	2016-09-07	283
<b>Adam Vagley</b>	Venice	California	90291	United States	2016-09-07	284
<b>cliff schumacher</b>	Venice	California	90291	United States	2016-09-07	285
<b>Josephine Cazares</b>	Venice	California	90291	United States	2016-09-07	286
<b>Gretchen Patch</b>	Venice	California	90291	United States	2016-09-07	287
<b>Channer Miller</b>	Los Angeles	California	90049	United States	2016-09-07	288
<b>Kent Bell</b>	Los Angeles	California	90294	United States	2016-09-07	289
<b>Justin Johnson</b>	Los Angeles	California	90068	United States	2016-09-07	290
<b>Jessica Kase</b>	Venice	California	90291	United States	2016-09-07	291
<b>Ann Parker</b>	Los Angeles	California	90066	United States	2016-09-07	292
<b>Michael Davis</b>	Venice	California	90291	United States	2016-09-07	293
<b>Deb Magidson</b>	Los Angeles	California	90066	United States	2016-09-07	294
<b>Elizabeth PAIGE Smith</b>	Venice	California	90291	United States	2016-09-07	295
<b>carrie kangro</b>	venice	California	90291	United States	2016-09-07	296
<b>Pamela Koslow</b>	Marina del Rey	California	90292	United States	2016-09-07	297
<b>Brian Hunt</b>	Venice	California	90291	United States	2016-09-07	298
<b>Ron Geren</b>	Venice	California	90291	United States	2016-09-07	299

<b>Tom Freund</b>	Venice	California	90291	United States	2016-09-07	300
<b>Linda Clark</b>	Torrance	California	90502	United States	2016-09-07	301
<b>Rebecca Novick</b>	Berkeley	California	94703	United States	2016-09-07	302
<b>Shannon Moss</b>	Venice	California	90291	United States	2016-09-07	303
<b>Del Hunter-White</b>	Venice	California	90291	United States	2016-09-07	304
<b>kevin hahn</b>	Los Angeles	California	90066	United States	2016-09-07	305
<b>Karl Hellzen</b>	Venice	California	90291	United States	2016-09-07	306
<b>Katherine Kaufman</b>	Los Angeles	California	90038	United States	2016-09-07	307
<b>Gabe Copeland</b>	Topanga	California	90290	United States	2016-09-07	308
<b>Serena Rasmussen</b>	New York	New York	10280	United States	2016-09-07	309
<b>Nicola Gilbert</b>	Venice	California	90291	United States	2016-09-07	310
<b>Terri Craft</b>	Venice	California	90291	United States	2016-09-07	311
<b>Tina Ladd</b>	Los Angeles	California	90049	United States	2016-09-07	312
<b>Dan Levy</b>	Venice	California	90291	United States	2016-09-07	313
<b>Pat Branch</b>	Marina del Rey	California	90292	United States	2016-09-08	314
<b>Will Shivers</b>	Venice	California	90291	United States	2016-09-08	315
<b>bridget blitsch</b>	Topanga	California	90290	United States	2016-09-08	316
<b>Veronica De Gregorio</b>	Santa Monica	California	90405	United States	2016-09-08	317
<b>Elizabeth Davis</b>	Beverly Hills	California	90211	United States	2016-09-08	318
<b>Nori Takei</b>	Venice	California	90294	United States	2016-09-08	319
<b>yana yatsuk</b>	Venice	California	90291	United States	2016-09-08	320
<b>Teri Humphrys</b>	West Hartford	Connecticut	6107	United States	2016-09-08	321
<b>Nancy Amodeo</b>	Los Angeles	California	90045	United States	2016-09-08	322
<b>Sharon Weber</b>	Culver City	California	90230	United States	2016-09-08	323
<b>David Glean</b>	Venice	California	90291	United States	2016-09-08	324
<b>Michael Heldman</b>	Venice	California	90291	United States	2016-09-08	325
<b>Tanya Folsom</b>	Venice	California	90291	United States	2016-09-08	326
<b>Raul Roggero</b>	Malibu	California	90265	United States	2016-09-08	327
<b>Stacy Wong</b>	Germantown	Maryland	20874	United States	2016-09-08	328
<b>Brandie Dean</b>	Rialto	California	92377	United States	2016-09-08	329
<b>Kaytlin Hall</b>	Los Angeles	California	90066	United States	2016-09-08	330
<b>Ryann Hall</b>	Los Angeles	California	90066	United States	2016-09-08	331
<b>Jessica Braam</b>	Venice	California	90291	United States	2016-09-08	332
<b>heather kremer</b>	venice	California	90291	United States	2016-09-08	333
<b>Dominic Cerniglio</b>	Venice	California	90291	United States	2016-09-08	334
<b>Barbara Barshop</b>	Bell Gardens	California	90201	United States	2016-09-08	335
<b>Brian Mathenge</b>	Aurora	Colorado	80015	United States	2016-09-08	336
<b>Shannon Herbert</b>	Los Angeles	California	90066	United States	2016-09-08	337

<b>Jennifer Lucas</b>	Grass Valley	California	95945	United States	2016-09-08	338
<b>Alfonso Mellior</b>	Los Angeles	California	90046	United States	2016-09-08	339
<b>Morgan Handel</b>	Venice	California	90291	United States	2016-09-08	340
<b>Dawn Fleischman</b>	Los Angeles	California	90291	United States	2016-09-08	341
<b>Lesley Worton</b>	Venice	California	90291	United States	2016-09-08	342
<b>Mary Tester</b>	Venice	California	90291	United States	2016-09-08	343
<b>Lola Belsito</b>	Venice	California	90291	United States	2016-09-08	344
<b>Rachel Robinson</b>	Venice	California	90291	United States	2016-09-08	345
<b>Gabriel Smith</b>	Venice	California	90291	United States	2016-09-08	346
<b>Lacy Register</b>	Los Angeles	California	90016	United States	2016-09-08	347
<b>Joy Decena</b>	San Diego	California	92128	United States	2016-09-08	348
<b>Kelly Cornell</b>	Canyon Country	California	91351	United States	2016-09-08	349
<b>jeanne coleman</b>	Kittanning	Pennsylvania	16201	United States	2016-09-08	350
<b>Elaine Brandt</b>	Venice	California	90291	United States	2016-09-08	351
<b>John Francis</b>	Venice	California	90291	United States	2016-09-08	352
<b>Idalia Munoz</b>	Venice	California	90291	United States	2016-09-08	353
<b>Megan Griffith</b>	Los Angeles	California	90043	United States	2016-09-08	354
<b>Raquel H. Plasencia</b>	Venice	California	90291	United States	2016-09-08	355
<b>Daryle Lee</b>	Venice	California	90291	United States	2016-09-08	356
<b>David Stoppel</b>	Los Angeles	California	90019	United States	2016-09-08	357
<b>Mary Jane Weil</b>	Venice	California	90291	United States	2016-09-08	358
<b>Rita Raskin</b>	Los Angeles	California	90066	United States	2016-09-08	359
<b>Alicia Arlow</b>	Venice	California	90291	United States	2016-09-08	360
<b>Ella Tabasky</b>	Venice	California	90291	United States	2016-09-08	361
<b>Marcos Garcia</b>	Los Angeles	California	90032-2851	United States	2016-09-08	362
<b>Karen Brodtkin</b>	Venice	California	90291	United States	2016-09-08	363
<b>J Evans</b>	Santa Monica	California	90405	United States	2016-09-08	364
<b>Hillary Bedell</b>	Venice	California	90291	United States	2016-09-08	365
<b>Linda Pollack</b>	Venice	California	90291	United States	2016-09-08	366
<b>Anya Sipivy</b>	Signal Hill	California	90755	United States	2016-09-08	367
<b>Jane Keller</b>	Venice	California	90291	United States	2016-09-08	368
<b>Tania Thiele</b>	Manhattan Beach	California	90266	United States	2016-09-08	369
<b>Karly Treacy</b>	Venice	California	90291	United States	2016-09-08	370
<b>Danielle Blanco</b>	Venice	California	90291	United States	2016-09-08	371
<b>Matthew King</b>	San Antonio	Texas	78201	United States	2016-09-08	372
<b>Heather Thomason</b>	Venice	California	90291	United States	2016-09-08	373
<b>Nikoletta Skarlatos</b>	Venice	California	90291	United States	2016-09-08	374
<b>Kindra Marra</b>	Santa Monica	California	90405	United States	2016-09-08	375

<b>Kailani Rodde</b>	Marina Del Rey	California	90292	United States	2016-09-08	376
<b>Kristine Pike</b>	Los Angeles	California	90066	United States	2016-09-08	377
<b>elizabeth shannon</b>	venice	California	90291	United States	2016-09-08	378
<b>Giorgia Russo</b>	Venice	California	90291	United States	2016-09-08	379
<b>Wesley Smart</b>	Bellflower	California	90706-3613	United States	2016-09-08	380
<b>nicole strober</b>	los angeles	California	90048	United States	2016-09-08	381
<b>Scott Henderson</b>	Los Angeles	California	90066	United States	2016-09-08	382
<b>Sandra Burnett</b>	Los Angeles	California	90066	United States	2016-09-08	383
<b>kelli napier</b>	Signal Hill	California	90755	United States	2016-09-08	384
<b>robin gurney</b>	Venice	California	90291	United States	2016-09-08	385
<b>Sally Nowak</b>	Venice	California	90291	United States	2016-09-08	386
<b>veronique vial</b>			90272	France	2016-09-08	387
<b>monica ganio</b>	Marina del Rey	California	90292	United States	2016-09-08	388
<b>Mike Arnone</b>	Venice	California	90291	United States	2016-09-08	389
<b>Caroline Vilain</b>	Washington	District of Col	20008	United States	2016-09-08	390
<b>Jennifer Harper</b>	Venice	California	90291	United States	2016-09-08	391
<b>Sophie Smits</b>	Venice	California	90291	United States	2016-09-08	392
<b>Naomi Marquardt</b>	Culver City	California	90232	United States	2016-09-08	393
<b>Sasha Gary</b>	Venice	California	90291	United States	2016-09-08	394
<b>Steve Goldman</b>	Los Angeles	California	90066	United States	2016-09-08	395
<b>Brandon Chavez</b>	Los Angeles	California	90066	United States	2016-09-08	396
<b>Barbara Granson</b>	Venice	California	90291	United States	2016-09-08	397
<b>Morgan Stewart</b>	Venice	California	90291	United States	2016-09-08	398
<b>Daniel Kacvinski</b>	Culver City	California	90232	United States	2016-09-08	399
<b>Beth MAYESH</b>	Venice	California	90291	United States	2016-09-08	400
<b>Cathy Giblin</b>	San Jose	California	95125	United States	2016-09-08	401
<b>Isamar Nungaray</b>	Los Angeles	California	90065	United States	2016-09-08	402
<b>April Szalas</b>	Los Angeles	California	90066	United States	2016-09-08	403
<b>Cheri Leslie</b>	Venice	California	90291	United States	2016-09-08	404
<b>Irina Alimanestianu</b>	Venice	California	90291	United States	2016-09-08	405
<b>Linda fenster</b>	Venice	California	90291	United States	2016-09-08	406
<b>David Wiley</b>	Venice	California	90291	United States	2016-09-08	407
<b>Julie Peppard</b>	Venice	California	90291	United States	2016-09-08	408
<b>Inge-Lise Balmayne</b>	Los Angeles	California	90034	United States	2016-09-08	409
<b>Janet Smith</b>	Venice	California	90291	United States	2016-09-08	410
<b>Gary Levinson</b>	Venice	California	90291	United States	2016-09-08	411
<b>Scott Bollin</b>	Arroyo Grande	California	93420	United States	2016-09-08	412
<b>jesse thayer</b>	Los Angeles	California	90019	United States	2016-09-08	413

<b>W Fairbanks</b>	Venice	California	90291	United States	2016-09-08	414
<b>Leslie Brevodoro</b>	Northridge	California	91325	United States	2016-09-08	415
<b>Lonnie Alcaraz</b>	Irvine	California	92617	United States	2016-09-08	416
<b>Diya Allison-Hettler</b>	Burbank	California	91504	United States	2016-09-08	417
<b>Barbara Lonsdale</b>	Venice	California	90291	United States	2016-09-08	418
<b>Genevieve Fenster</b>	Venice	California	90291	United States	2016-09-08	419
<b>Maria Naisbitt</b>	Santa Monica	California	90403	United States	2016-09-08	420
<b>Tess Clark</b>	Venice	California	90291	United States	2016-09-08	421
<b>mandy molloy</b>	los angeles	California	90401	United States	2016-09-08	422
<b>Troy Stock</b>	Tyler	Texas	75701	United States	2016-09-08	423
<b>Brian Finney</b>	Venice	California	90291	United States	2016-09-08	424
<b>Jessica Burkhart</b>	Oelwein	Iowa	50662	United States	2016-09-08	425
<b>Sondra McMurray</b>	Lancaster	California	93536	United States	2016-09-08	426
<b>Alison Niggeman</b>			90291	Italy	2016-09-08	427
<b>Jill Howe-Vercos</b>	Venice	California	90291-4835	United States	2016-09-08	428
<b>Jessica Bloomquist</b>	Venice	California	90291	United States	2016-09-08	429
<b>c I Cooper</b>	Athol	Idaho	83801	United States	2016-09-08	430
<b>anne laval</b>	venice		90291	United States Mir	2016-09-08	431
<b>Marie Roviello</b>	Santa Monica	California	90409	United States	2016-09-08	432
<b>John Campbell</b>	Venice	California	90291	United States	2016-09-08	433
<b>Brock Mayeux</b>	Venice	California	90291	United States	2016-09-08	434
<b>Anthea Brown</b>	venice	California	90291	United States	2016-09-08	435
<b>Thomas Stier</b>	Alford	Massachusetts	1266	United States	2016-09-08	436
<b>paula lumbard</b>	Venice	California	90291	United States	2016-09-08	437
<b>jody levinson</b>	Venice	California	90291	United States	2016-09-08	438
<b>Tasha Ames</b>	Venice	California	90291	United States	2016-09-08	439
<b>Kristen Beringhele</b>	Los Angeles	California	90066	United States	2016-09-08	440
<b>Sherri Rosen</b>	Marina del Rey	California	90292	United States	2016-09-08	441
<b>Janet Meyers</b>	Venice	California	90291	United States	2016-09-08	442
<b>Ariana James</b>	Venice	California	90291	United States	2016-09-08	443
<b>Casey Maddren</b>	Los Angeles	California	90068	United States	2016-09-08	444
<b>David De Anda</b>	Venice	California	90291	United States	2016-09-08	445
<b>Nancy Quezada</b>	Culver City	California	90230	United States	2016-09-08	446
<b>Janet Escalera</b>	Venice	California	90291	United States	2016-09-08	447
<b>Rosaura Mateos</b>	Los Angeles	California	90019	United States	2016-09-08	448
<b>Guicela Ruiz</b>	Los Angeles	California	90016	United States	2016-09-08	449
<b>Alex Hanson</b>	Venice	California	90291	United States	2016-09-08	450
<b>Mayte Crisanto</b>	Los Angeles	California	90007	United States	2016-09-08	451

<b>Allison Sowers</b>	Venice	California	90291	United States	2016-09-08	452
<b>Kimberly Fowler</b>	Marina del Rey	California	90292	United States	2016-09-08	453
<b>Raymond Raymond</b>	Venice	California	90291	United States	2016-09-08	454
<b>Eduardo Pablo</b>	Los Angeles	California	90019	United States	2016-09-08	455
<b>Jennifer Gordon</b>	Marina del Rey	California	90292	United States	2016-09-08	456
<b>Tiffany Tetrault</b>	Venice	California	90291	United States	2016-09-08	457
<b>Jennifer Leirado</b>	Culver City	California	90230	United States	2016-09-08	458
<b>Jessica Ambrose</b>	Los Angeles	California	90066	United States	2016-09-08	459
<b>Nika Solomon</b>	Venice	California	90291	United States	2016-09-08	460
<b>Christopher Nelson</b>	Venice	California	90291	United States	2016-09-08	461
<b>Courtney Harms</b>	Venice	California	90291	United States	2016-09-08	462
<b>Alison Steingold</b>	Culver City	California	90232	United States	2016-09-09	463
<b>Brandon Halverson</b>	Los Angeles	California	90066	United States	2016-09-09	464
<b>David Gale</b>	Venice	California	90291	United States	2016-09-09	465
<b>joel marksman</b>	Venice	California	90291	United States	2016-09-09	466
<b>Jenny Millan</b>	Los Angeles	California	90003	United States	2016-09-09	467
<b>Gabriel Lopez</b>	Los Angeles	California	90003	United States	2016-09-09	468
<b>Sylvia rath</b>	Venice	California	90291	United States	2016-09-09	469
<b>Beatrix Zilinskas</b>	Van Nuys	California	91406	United States	2016-09-09	470
<b>Elizabeth Spencer</b>	Venice	California	90291	United States	2016-09-09	471
<b>margaret comden</b>	Venice	California	90291	United States	2016-09-09	472
<b>Mario Provini</b>	Venice	California	90291	United States	2016-09-09	473
<b>Savannah Cravey</b>	Lake Forest	California	92630	United States	2016-09-09	474
<b>Lauren Matthews</b>	Venice	California	90291	United States	2016-09-09	475
<b>Jeremy Kramer</b>	Venice	California	90294	United States	2016-09-09	476
<b>Yana Dei</b>	Venice	California	90291	United States	2016-09-09	477
<b>Vincenzo Codispoti</b>	Los Angeles	California	90039	United States	2016-09-09	478
<b>Keith Deitz</b>	Venice	California	90291	United States	2016-09-09	479
<b>Christopher Rosen</b>	Venice	California	90291	United States	2016-09-09	480
<b>Michele Wetzel</b>	Aliso Viejo	California	92656	United States	2016-09-09	481
<b>Stan Brown</b>	Los Angeles	California	90016	United States	2016-09-09	482
<b>Amy Armstrong</b>	Venice	California	90291	United States	2016-09-09	483
<b>Andy Roberts</b>	Balaclava		London	United Kingdom	2016-09-09	484
<b>Michael McCoy</b>	Newport News	Virginia	26304	United States	2016-09-09	485
<b>lisa karahalios</b>	los angeles	California	91042	United States	2016-09-09	486
<b>Aline Allegra</b>	Venice	California	90291	United States	2016-09-09	487
<b>Michelle Koelzer</b>	Santa Monica	California	90405	United States	2016-09-09	488
<b>Yazmin Perez</b>	Venice	California	90291	United States	2016-09-09	489



<b>Veronica Cortez</b>	Memphis	Tennessee	38109	United States	2016-09-09	490
<b>Cheree Rogers</b>	Venice	California	90291	United States	2016-09-09	491
<b>Kellee McQuinn</b>	Venice	California	90291	United States	2016-09-09	492
<b>Mike Callaghan</b>	Venice	California	90291	United States	2016-09-09	493
<b>Liliana Rojas</b>	Los Angeles	California	90066	United States	2016-09-09	494
<b>Heather Gulick</b>	Playa del Rey	California	90293	United States	2016-09-09	495
<b>Sarah Hoffman</b>	Los Angeles	California	91316	United States	2016-09-09	496
<b>Lindsey Alvarez</b>	Los Angeles	California	90064	United States	2016-09-09	497
<b>James Mark Moore</b>	Marina del Rey	California	90292	United States	2016-09-09	498
<b>Valorie Ebeling</b>	Venice	California	90291	United States	2016-09-09	499
<b>erin olson</b>	Mankato	Minnesota	56001	United States	2016-09-09	500
<b>Greg Matthews</b>	Venice	California	90291	United States	2016-09-09	501
<b>DIANA GARCIA</b>	Venice	California	90291	United States	2016-09-09	502
<b>Erin Buckhantz</b>	Venice	California	90291	United States	2016-09-09	503
<b>Kelli Coats</b>	Marina del Rey	California	90292	United States	2016-09-09	504
<b>Cheri Head</b>	San Rafael	California	94903	United States	2016-09-09	505
<b>jessica navedo</b>	Venice	California	90291	United States	2016-09-09	506
<b>anne Stallone</b>	Venice	California	90291	United States	2016-09-09	507
<b>Robin Stewart</b>	San Diego	California	92103	United States	2016-09-09	508
<b>Alison Jenkins</b>	Venice	California	90291	United States	2016-09-09	509
<b>mimi webb miller</b>	terlingua	Texas	79852	United States	2016-09-09	510
<b>Ben Kopke</b>	Los Angeles	California	90016	United States	2016-09-09	511
<b>Jamila Glass</b>	Los Angeles	California	90029	United States	2016-09-09	512
<b>Randall Maxwell</b>	Los Angeles	California	90049	United States	2016-09-09	513
<b>Kathleen von Schlegell</b>	Los Angeles	California	90066	United States	2016-09-09	514
<b>Kim Keith</b>	Elk City	Oklahoma	73644	United States	2016-09-09	515
<b>Alyssa Brakey</b>	Venice	California	90291	United States	2016-09-09	516
<b>Megahn Perry</b>	Venice	California	90291-5265	United States	2016-09-10	517
<b>Sauter Fukui Theresa</b>	Tokyo		171-0031	Japan	2016-09-10	518
<b>shannon roback</b>	Los Angeles	California	90025	United States	2016-09-10	519
<b>Brian Earle</b>	Mankato	Minnesota	56001	United States	2016-09-10	520
<b>schley james</b>	Venice	California	90291	United States	2016-09-10	521
<b>sheeva lapeyre</b>	Venice	California	90291	United States	2016-09-10	522
<b>David Weavr</b>	Venice	California	90294	United States	2016-09-10	523
<b>Barry Gribbon</b>	Playa del Rey	California	90293	United States	2016-09-10	524
<b>Suzanna McGee</b>	Venice	California	90291	United States	2016-09-10	525
<b>Andrea Crannage</b>	Los Angeles	California	90066	United States	2016-09-10	526
<b>David Ralicke</b>	Los Angeles	California	900163436	United States	2016-09-10	527

<b>Jody Vanda</b>	Venice	California	90291	United States	2016-09-10	528
<b>carrie ansell</b>	Venice	California	90291	United States	2016-09-11	529
<b>Cindy Roth</b>	Venice	California	90291	United States	2016-09-11	530
<b>Mende Smith</b>	Los Angeles	California	90028	United States	2016-09-11	531
<b>Rex Butters</b>	San Marcos	California	92069	United States	2016-09-11	532
<b>Steve Plutte</b>	Venice	California	90291	United States	2016-09-12	533
<b>Elizabeth Joensen</b>	Santa Monica	California	90405	United States	2016-09-12	534
<b>Michael Soares</b>	Venice	California	90291	United States	2016-09-12	535
<b>Timothy Pape</b>	Venice	California	90291	United States	2016-09-12	536
<b>Jennifer Malone</b>	Playa Del Rey	California	90293	United States	2016-09-12	537
<b>Samantha Dickinson</b>	Los Angeles	California	94596	United States	2016-09-12	538
<b>Mairead Brumfitt</b>	Los Angeles	California	90066	United States	2016-09-12	539
<b>Tony Yollin</b>	Venice	California	90291	United States	2016-09-12	540
<b>PATRICK LANGDON</b>	Venice	California	90291	United States	2016-09-12	541
<b>Patricia LaVigne</b>	Venice	California	90291	United States	2016-09-12	542
<b>Irma Villalvazo</b>	Los Angeles	California	91601	United States	2016-09-12	543
<b>ingrid mueller</b>	Venice	California	90291	United States	2016-09-12	544
<b>Joe Luckay</b>	Encino	California	91436	United States	2016-09-13	545
<b>Lizett Cerritos</b>	Los Angeles	California	90016	United States	2016-09-13	546
<b>Lark Levine</b>	Malibu	California	90265	United States	2016-09-13	547
<b>michele delany</b>	venice	California	90291	United States	2016-09-13	548
<b>Michelle Fortune</b>	Ballwin	Missouri	63011	United States	2016-09-13	549
<b>Shawn Barry</b>	Santa Monica	California	90405	United States	2016-09-13	550
<b>Ashley Lewis</b>	Venice	California	90291	United States	2016-09-13	551
<b>Lisa Ingrassia</b>	Seattle	Washington	98102	United States	2016-09-13	552
<b>Amanda Seward</b>	Los Angeles	California	90066	United States	2016-09-13	553
<b>guy danella</b>	Marina del Rey	California	90292	United States	2016-09-13	554
<b>Thomas Washing</b>	Marina del Rey	California	90292	United States	2016-09-14	555
<b>Rochelle Malveaux</b>	Los Angeles	California	90019	United States	2016-09-14	556
<b>Mallory Norton</b>	Marina del Rey	California	90292	United States	2016-09-14	557
<b>Lori Tenan</b>	Playa del Rey	California	90293	United States	2016-09-14	558
<b>Eric Ahlberg</b>	Venice	California	90291	United States	2016-09-14	559
<b>Christina Malach</b>	Venice	California	90291	United States	2016-09-14	560
<b>Gonzalo Duran</b>	Venice	California	90291-3525	United States	2016-09-14	561
<b>Cheri Pann</b>	Venice	California	90291-3525	United States	2016-09-14	562
<b>Kathleen Whitney</b>	Venice	California	90291	United States	2016-09-14	563
<b>Jeffrey Gafner</b>	Venice	California	90291	United States	2016-09-14	564
<b>Amie Steir</b>	Venice	California	90291	United States	2016-09-14	565

<b>Lindsey Sugar</b>	Venice	California	90291	United States	2016-09-14	566
<b>Michele Bradley</b>	Venice	California	90291	United States	2016-09-14	567
<b>Sue Kaplan</b>	Venice	California	90291	United States	2016-09-14	568
<b>kevin hite</b>	Los Angeles	California	90066	United States	2016-09-14	569
<b>Elizabeth Reifsnnyder</b>	Venice	California	90291	United States	2016-09-14	570
<b>Marina Zenovich</b>	Venice	California	90291	United States	2016-09-14	571
<b>Gwenn Victor</b>	Venice	California	90291	United States	2016-09-14	572
<b>Paula Kaplan</b>	Venice	California	90291	United States	2016-09-14	573
<b>Emily Collins</b>	Venice	California	90291	United States	2016-09-14	574
<b>Marta Evry</b>	Venice	California	90291	United States	2016-09-14	575
<b>Megan Dodds</b>	Venice	California	90291	United States	2016-09-14	576
<b>Lila Javan</b>	Santa Monica	California	(0405	United States	2016-09-15	577
<b>Blue McRight</b>	Venice	California	90291	United States	2016-09-15	578
<b>Anna Musky-Goldwyn</b>	Los Angeles	California	90034	United States	2016-09-15	579
<b>Melissa Wolf</b>	Venice	California	90291	United States	2016-09-15	580
<b>Gary Richwald</b>	Venice	California	90291	United States	2016-09-15	581
<b>Barbara Olinger</b>	Venice	California	90291	United States	2016-09-15	582
<b>Helen Fallon</b>	Venice	California	90291	United States	2016-09-15	583
<b>Jayne Portnoy</b>	Venice	California	90291	United States	2016-09-15	584
<b>Ana Gegner</b>	Woodside	New York	11377	United States	2016-09-15	585
<b>Alison Laslett</b>	Los Angeles	California	90066	United States	2016-09-15	586
<b>Laura Calandra</b>	Venice	California	90291	United States	2016-09-15	587
<b>Maia JAVAN</b>	Venice	California	90291	United States	2016-09-15	588
<b>Tom OMara</b>	Venice	California	90291	United States	2016-09-15	589
<b>Kristen Vadas</b>	Marina del Rey	California	90292	United States	2016-09-15	590
<b>Diane Laurino</b>	Marina del Rey	California	90292	United States	2016-09-15	591
<b>Robina Mapstone</b>	Venice	California	90291	United States	2016-09-15	592
<b>Madline Mesmer</b>	Lake view terrac	California	91342	United States	2016-09-15	593
<b>David Phillips</b>	Berkeley	California	94702	United States	2016-09-15	594
<b>Mindy Taylor-Ross</b>	Venice	California	90291	United States	2016-09-15	595
<b>Robert Bass</b>	Venice	California	90291	United States	2016-09-15	596
<b>Trinidad Ruiz</b>	Santa Monica	California	90405	United States	2016-09-15	597
<b>Kevin Murphy</b>	Venice	California	90291	United States	2016-09-15	598
<b>Bill Megalos</b>	Venice	California	90291	United States	2016-09-15	599
<b>Marjorie Javan</b>	Marina del Rey	California	90292	United States	2016-09-15	600
<b>Nicole Vann</b>	Venice	California	90291	United States	2016-09-15	601
<b>Margaret Bright</b>	Venice	California	90291	United States	2016-09-15	602
<b>William Flicker</b>	Beverly Hills	California	90210	United States	2016-09-15	603

<b>Kristin Arndt</b>	Venice	California	90291	United States	2016-09-15	604
<b>Claudia Bright</b>	Greenfield Cente	New York	12833	United States	2016-09-15	605
<b>David Calandra</b>	Venice	California	90291	United States	2016-09-15	606
<b>jenny Hermiz</b>	Los Angeles	California	90016	United States	2016-09-15	607
<b>Naomi Glaubeman</b>	venice	California	90291	United States	2016-09-15	608
<b>Raucher Esther</b>	Venice	California	90291	United States	2016-09-15	609
<b>Jan Book-Meyers</b>	Marina del Rey	California	90292	United States	2016-09-15	610
<b>Michele Sutter</b>	Venice	California	90291	United States	2016-09-15	611
<b>Theo Lewitt</b>	Venice	California	90291	United States	2016-09-15	612
<b>Sharon Gelfand</b>	Marina del rey	California	90292	United States	2016-09-15	613
<b>Laura Silagi</b>	Venice	California	90291	United States	2016-09-15	614
<b>CAROL V. BECK</b>	VENICE	California	90291	United States	2016-09-15	615
<b>Charlene Talbot</b>	Los Angeles	California	90045	United States	2016-09-15	616
<b>Allia Alliata</b>	Venice	California	90291	United States	2016-09-15	617
<b>Melissa Johnson</b>	Venice	California	90291	United States	2016-09-15	618
<b>Carolina Stone</b>	Venice	California	90291	United States	2016-09-15	619
<b>simone wallace</b>	venice	California	90291	United States	2016-09-15	620
<b>amie yavor</b>	Manhattan Beac	California	90266	United States	2016-09-15	621
<b>Linda Schierman</b>	Spokane	Washington	99218	United States	2016-09-15	622
<b>Jon Dudkowski</b>	Los Angeles	California	90064	United States	2016-09-15	623
<b>Jeanne Fjelstad</b>	canoga park	California	91304	United States	2016-09-15	624
<b>Nancy Miller</b>	Minneapolis	Minnesota	55403	United States	2016-09-15	625
<b>Garrett Jones</b>	Venice	California	90291	United States	2016-09-15	626
<b>Kristen Ess Schurr</b>	Venice	California	90291	United States	2016-09-15	627
<b>Thea Golden</b>	Venice	California	90291	United States	2016-09-15	628
<b>Ivona Jezierska</b>	Venice	California	90291	United States	2016-09-16	629
<b>cathy crum</b>	agoura	California	91301	United States	2016-09-16	630
<b>Lisa Stephens</b>	Los Angeles	California	90034	United States	2016-09-16	631
<b>Kelly McDannold</b>	Los Angeles	California	90064	United States	2016-09-16	632
<b>Donna Vega</b>	Venice	California	90291	United States	2016-09-16	633
<b>Brooke Castin</b>	Los angeles	California	90064	United States	2016-09-16	634
<b>Reza MCB</b>	Pacific Palisades	California	90272	United States	2016-09-16	635
<b>Leo Ricagni</b>	Venice	California	90291	United States	2016-09-16	636
<b>RICHIARD SMITH</b>	FORT LAUDERD	Florida	33306	United States	2016-09-16	637
<b>kelly schoeffel</b>	venice	California	90291	United States	2016-09-16	638
<b>Louis Baskin</b>	Laguna Woods	California	92637	United States	2016-09-16	639
<b>Andrea sachtschale</b>	New York	New York	10011	United States	2016-09-16	640
<b>Krista Thompson</b>	Los Angeles	California	90066	United States	2016-09-16	641

<b>Victor Nguyen-Long</b>	Washington	District of Col	20001	United States	2016-09-16	642
<b>David Morrow</b>	Eugene	Oregon	97405	United States	2016-09-16	643
<b>Ruby Nichols</b>	Los Angeles	California	90043	United States	2016-09-16	644
<b>MARIA GALLERIU</b>	Venice	California	90291	United States	2016-09-16	645
<b>Julien Chaillou</b>	Venice	California	90291	United States	2016-09-16	646
<b>Marine Lafitte</b>	Venice	California	90291	United States	2016-09-16	647
<b>Jennifer Guerrero</b>	Austin	Texas	78757	United States	2016-09-16	648
<b>romain rabeau</b>	Los Angeles	California	90026	United States	2016-09-16	649
<b>Sara Stranovsky</b>	Venice	California	90291	United States	2016-09-16	650
<b>Courtney Jenkins</b>	Santa Monica	California	90404	United States	2016-09-16	651
<b>Tahapehi Vavine</b>	Los Angeles	California	90066	United States	2016-09-16	652
<b>Alex Schneider</b>	Portland	Oregon	97220	United States	2016-09-16	653
<b>Matt Jarvis</b>	Venice	California	90291-3802	United States	2016-09-16	654
<b>Elizabeth Bedford</b>	Santa Monica	California	90405	United States	2016-09-16	655
<b>Renée Daguise</b>	Biot		6410	France	2016-09-16	656
<b>Hannah Sturm</b>	Santa Monica	California	90405	United States	2016-09-16	657
<b>Natalie Flemming</b>	Santa Monica	California	90405	United States	2016-09-16	658
<b>Matt Murphy</b>	Venice	California	90921	United States	2016-09-16	659
<b>Mike Marshall</b>	Venice	California	90291	United States	2016-09-16	660
<b>SV Kamath</b>	Culver City	California	90232	United States	2016-09-16	661
<b>mandana towhid</b>	Duarte	California	91010	United States	2016-09-16	662
<b>Thomas McCaffrey</b>	Los Angeles	California	91403	United States	2016-09-16	663
<b>Andrew Grangaard</b>	Marina del Rey	California	90292	United States	2016-09-16	664
<b>Alexis Trevino</b>	Marina del Rey	California	90292	United States	2016-09-16	665
<b>Geoff Sherr</b>	Los Angeles	California	90066	United States	2016-09-16	666
<b>Lydia Pelosi</b>	Los Angeles	California	90066	United States	2016-09-16	667
<b>Cynthia Mora</b>	Norwalk	California	90650	United States	2016-09-16	668
<b>Amelie Naegelen</b>	Los Angeles	California	90034	United States	2016-09-16	669
<b>Erika Noorda</b>	Pacifica	California	94044	United States	2016-09-16	670
<b>Roger White</b>	Venice	California	90291	United States	2016-09-16	671
<b>Natasha Jakubowski</b>	New York	New York	10012	United States	2016-09-17	672
<b>Steven Tralongo</b>	Venice	California	90291	United States	2016-09-17	673
<b>Sedef Onar</b>	Los Angeles	California	90066	United States	2016-09-17	674
<b>michele johnson</b>	palmdale	California	93551	United States	2016-09-17	675
<b>Marissa Charles</b>	Santa Monica	California	90405	United States	2016-09-17	676
<b>Julia Blackburn</b>	Portland	Oregon	97227	United States	2016-09-17	677
<b>Delphine Sourian</b>	Venice	California	90291	United States	2016-09-17	678
<b>anneliese rapp</b>	Venice	California	90291	United States	2016-09-17	679

<b>Serena Reid</b>	LOS ANGELES	California	90046	United States	2016-09-17	680
<b>Karla Klarin</b>	Santa Monica	California	90405	United States	2016-09-17	681
<b>Ran Rhino</b>	Venice	California	90291	United States	2016-09-18	682
<b>Kate Hironaka</b>	Venice	California	90291	United States	2016-09-18	683
<b>Deborah Botkin</b>	Venice	California	90291	United States	2016-09-18	684
<b>Andrew Ault</b>	New Canaan	Connecticut	6840	United States	2016-09-18	685
<b>Theo Soares</b>	Playa del Rey	California	90293	United States	2016-09-18	686
<b>Jessica Dalrymple</b>	Venice	California	90291	United States	2016-09-18	687
<b>Benjamin Einziger</b>	Marina del Rey	California	90292	United States	2016-09-18	688
<b>Elizabeth Schatz</b>	Vancouver		V6R2L1	Canada	2016-09-18	689
<b>Evangeline Lane</b>	Venice	California	90291	United States	2016-09-19	690
<b>Evan Carter</b>	Venice	California	90291	United States	2016-09-19	691
<b>caroline cameron</b>	Venice	California	90291	United States	2016-09-19	692
<b>Deborah Krall</b>	Venice	California	90291	United States	2016-09-20	693
<b>liam ahern</b>	Venice	California	90291	United States	2016-09-20	694
<b>Cheryl Gramza-Johnson</b>	Los Angeles	California	90066	United States	2016-09-20	695
<b>Pamela Bennett</b>	Marina del Rey	California	90292	United States	2016-09-20	696
<b>Cheryl Mollicone</b>	Marina del Rey	California	90292	United States	2016-09-20	697
<b>kristina mueller</b>	Venice	California	90291	United States	2016-09-20	698
<b>Diana Kamibayashi</b>	Venice	California	90291	United States	2016-09-20	699
<b>Laurie Hironaka</b>	Moraga	California	94556	United States	2016-09-20	700
<b>Rakel Smith</b>	Venice	California	90291	United States	2016-09-20	701
<b>Jonathan Brennan</b>	Culver City	California	90232	United States	2016-09-20	702
<b>Thomas Buffet</b>	Los Angeles	California	90013	United States	2016-09-20	703
<b>Marilyn Blacker</b>	Marina del Rey	California	90292	United States	2016-09-20	704
<b>Justin Wright</b>	Los Angeles	California	90035	United States	2016-09-20	705
<b>Andy Williams</b>	Venice	California	90291	United States	2016-09-20	706
<b>Peter Hironaka</b>	Venice	California	90291	United States	2016-09-20	707
<b>Poppy Thorpe</b>	Santa Monica	California	90405	United States	2016-09-20	708
<b>Chance Foreman</b>	Venice	California	90291	United States	2016-09-20	709
<b>Barbara Mastej</b>	Venice	California	90291	United States	2016-09-20	710
<b>Nancy Hower</b>	Venice	California	90291	United States	2016-09-21	711
<b>Nancy Wilding</b>	Venice	California	90291	United States	2016-09-21	712
<b>Martha Kirby</b>	Venice	California	90291	United States	2016-09-21	713
<b>Ariela Gross</b>	Venice	California	90291	United States	2016-09-21	714
<b>nicole Royston</b>	Santa Monica	California	90404	United States	2016-09-21	715
<b>George Gineris</b>	Venice	California	90291	United States	2016-09-21	716
<b>Andrew Reidenbaugh</b>	Venice	California	90291	United States	2016-09-21	717

<b>Namcy Lamb</b>	Venice	California	90291	United States	2016-09-21	718
<b>Karen Kennedy</b>	Venice	California	90291	United States	2016-09-21	719
<b>Karen Rosenhoover</b>	Venice	California	90291	United States	2016-09-21	720
<b>BARBARA MASKET</b>	Venice	California	90291	United States	2016-09-21	721
<b>Channing Pourchot</b>	Playa del Rey	California	90293	United States	2016-09-21	722
<b>Laura Hubber</b>	Venice	California	90291	United States	2016-09-21	723
<b>Ira Simmons</b>	Venice	California	90291	United States	2016-09-21	724
<b>Marianne Robin</b>	Venice	California	90291	United States	2016-09-21	725
<b>Alison Watson</b>	Venice	California	90291	United States	2016-09-21	726
<b>NICHOLAS MELE</b>	Venice	California	90291	United States	2016-09-21	727
<b>Rosemary De Monte</b>	Los Angeles	California	90027	United States	2016-09-21	728
<b>D. Zeitman</b>	Venice	California	90291	United States	2016-09-21	729
<b>trish gallagher glenn</b>	venice	California	90291	United States	2016-09-21	730
<b>Patrik Blohme</b>	Venice	California	90291	United States	2016-09-21	731
<b>Nick Rodgers</b>	Venice	California	90291	United States	2016-09-21	732
<b>charles robbins</b>	Marina del Rey	California	90292	United States	2016-09-21	733
<b>Alice Stek</b>	Venice	California	90291	United States	2016-09-21	734
<b>judi russell</b>	Venice	California	90291	United States	2016-09-21	735
<b>Debra Levitt</b>	Los Angeles	California	90066	United States	2016-09-21	736
<b>lawrence mintz</b>	Venice	California	90291	United States	2016-09-21	737
<b>Marsha Straubing</b>	Venice	California	90291	United States	2016-09-21	738
<b>Kelley Mcdowell</b>	Ojai	California	93023	United States	2016-09-21	739
<b>Carl Weathers</b>	Marina del Rey	California	90292	United States	2016-09-21	740
<b>GWENDOLINE Pere-laha</b>	Los Angeles	California	90066	United States	2016-09-21	741
<b>melissa herrington</b>	Venice	California	90291	United States	2016-09-21	742
<b>Cora Bird</b>	Los Angeles	California	90043	United States	2016-09-21	743
<b>Steven Nutter</b>	Los Angeles	California	90291	United States	2016-09-21	744
<b>Keith Andersen</b>	Venice	California	90291	United States	2016-09-21	745
<b>Inge Mueller</b>	Venice	California	90291	United States	2016-09-21	746
<b>Karin Morris</b>	Santa Monica	California	90403	United States	2016-09-21	747
<b>Eileen Pollack Erickson</b>	Venice	California	90291	United States	2016-09-21	748
<b>Kathy Levitt</b>	Venice	California	90291	United States	2016-09-21	749
<b>Kaija Keel</b>	Los Angeles	California	90049	United States	2016-09-21	750
<b>Mim Brown</b>	Santa Monica	California	90405	United States	2016-09-21	751
<b>Susan Noyes</b>	Venice	California	90291	United States	2016-09-21	752
<b>dolores deluce</b>	venice	California	90291	United States	2016-09-21	753
<b>Mark Folkman</b>	Venice	California	90291	United States	2016-09-21	754
<b>jodie evans</b>	Venice	California	90291	United States	2016-09-21	755

<b>Gregory Cruikshank</b>	San Francisco	California	94114	United States	2016-09-21	756
<b>Kathleen Hartoch</b>	Marina del Rey	California	90292	United States	2016-09-21	757
<b>Patti Hall</b>	Venice	California	90291	United States	2016-09-21	758
<b>Edward McQueeney</b>	Venice	California	90291	United States	2016-09-21	759
<b>Andrew Greenberg</b>	Venice	California	90291	United States	2016-09-21	760
<b>daniel duboise</b>	venice	California	90291	United States	2016-09-21	761
<b>Richard Ford</b>	Venice	California	90291	United States	2016-09-21	762
<b>Rachel Davis</b>	Venice	California	90291	United States	2016-09-21	763
<b>Anne Herlihy</b>	Santa Monica	California	90405	United States	2016-09-21	764
<b>Serena Vo</b>	Santa Monica	California	90401	United States	2016-09-21	765
<b>Max Kerkhoff</b>	Los Angeles	California	90024	United States	2016-09-21	766
<b>Carolina Cruz</b>			10969	Germany	2016-09-21	767
<b>Vicki LOPOW</b>	Silver Spring	Maryland	20902	United States	2016-09-21	768
<b>lori leboy</b>	los angeles	California	90035	United States	2016-09-21	769
<b>Donna Deitch</b>	Venice	California	90291	United States	2016-09-21	770
<b>Kirby Shanklin</b>	Venice	California	90291	United States	2016-09-21	771
<b>Helen Scheer</b>	Venice	California	90291	United States	2016-09-21	772
<b>Clover Butte</b>	Los Angeles	California	90066	United States	2016-09-21	773
<b>Elisa Meyer</b>	Venice	California	90291	United States	2016-09-22	774
<b>Catherine Carpenter</b>	Venice	California	90291	United States	2016-09-22	775
<b>Jackson Glenn</b>	Venice	California	90291	United States	2016-09-22	776
<b>Marc Perlof</b>	Venice	California	90291	United States	2016-09-22	777
<b>Alexander Hurren</b>	Los Angeles	California	90035	United States	2016-09-22	778
<b>Paula Peng</b>	Los Angeles	California	90020	United States	2016-09-22	779
<b>Maureen Cotter</b>	Venice	California	90291	United States	2016-09-22	780
<b>Gail Walther</b>	Los Angeles	California	90034	United States	2016-09-22	781
<b>Michael Angelo Stuno</b>	Venice	California	90291	United States	2016-09-22	782
<b>Lisa Leeman</b>	Venice	California	90291	United States	2016-09-22	783
<b>Stephanie Larowe</b>	Glendale	California	91202	United States	2016-09-22	784
<b>Jonlyn Williams</b>	Lo Angeles	California	90066	United States	2016-09-22	785
<b>shannon moss</b>	Venice	California	90291	United States	2016-09-22	786
<b>Janet Alicea</b>	Venice	California	90291	United States	2016-09-22	787
<b>Lynda Nargie</b>	Henderson	Nevada	89015	United States	2016-09-23	788
<b>Elena Lerma</b>	Venice	California	90291	United States	2016-09-23	789
<b>Rob Bass</b>	Venice	California	90291	United States	2016-09-23	790
<b>Lisa Stramiello</b>	Los Angeles	California	90018	United States	2016-09-23	791
<b>Vanna Robin-Tani</b>	Venice	California	90291	United States	2016-09-23	792
<b>Genesis Garcia</b>	Lawndale	California	90260	United States	2016-09-23	793



<b>cheri rodrigo</b>	Los Angeles	California	90066	United States	2016-09-23	794
<b>Roan Winter</b>	Marina del Rey	California	90292	United States	2016-09-23	795
<b>Shel Mills</b>	Los Angeles	California	90066	United States	2016-09-24	796
<b>Christina Renee Bellsny</b>	Hermosa Beach	California	90254	United States	2016-09-24	797
<b>Rosemary Ford</b>	Venice	California	90291	United States	2016-09-24	798
<b>Julie Herlocker</b>	Venice	California	90291	United States	2016-09-24	799
<b>Nora Dvosin</b>	Venice	California	90291	United States	2016-09-25	800
<b>Michele Ondre</b>	Los Angeles	California	90066	United States	2016-09-25	801
<b>chandni singh</b>	Santa Monica	California	90405	United States	2016-09-26	802
<b>Emily Shaffer</b>	Agoura Hills	California	91301	United States	2016-09-26	803
<b>Ryan Blowers</b>	Venice	California	90291	United States	2016-09-26	804
<b>Peggy Philbin</b>	Oklahoma City	Oklahoma	73116	United States	2016-09-26	805
<b>Mike Jacobson</b>	New York	New York	10003	United States	2016-09-27	806
<b>Denny Kennedy</b>	Venice	California	90291	United States	2016-09-28	807
<b>Harvey Lewis</b>	Marina del Rey	California	90292	United States	2016-09-28	808
<b>Sara Sluss</b>	Venice	California	90291	United States	2016-09-28	809
<b>Lisa Tauscher</b>	Venice	California	90291	United States	2016-09-28	810
<b>Stephanie Tarling</b>	Los Angeles	California	90068	United States	2016-09-28	811
<b>Erin Collins</b>	Venice	California	90291	United States	2016-09-28	812
<b>rick o'bryan</b>	los angeles	California	90066	United States	2016-09-28	813
<b>Debra Gavlak</b>	Venice	California	90291	United States	2016-09-28	814
<b>Barbara MESNEY</b>	Los Angeles	California	90066	United States	2016-09-28	815
<b>Koren Paalman</b>	Venice	California	90291	United States	2016-09-28	816
<b>Christine Lee Rosen</b>	Venice	California	90291	United States	2016-09-28	817
<b>Jytte Springer</b>	Venice	California	90291	United States	2016-09-28	818
<b>Joel Isaacs</b>	Venice	California	90291	United States	2016-09-29	819
<b>Steven Rosenblum</b>	Los Angeles	California	90066	United States	2016-09-29	820
<b>Alan Barker</b>	Venice	California	90291	United States	2016-09-29	821
<b>Roberta Haze</b>	Venice	California	90291	United States	2016-09-29	822
<b>Doug Monas</b>	Venice	California	90291	United States	2016-09-29	823
<b>audrey lamoreaux</b>	Fort Worth	Texas	76116	United States	2016-09-29	824
<b>Adrienne Morea</b>	Venice			Cayman Islands	2016-09-29	825
<b>Carolyn Famatiga-Fay</b>	Venice	California	90291	United States	2016-09-29	826
<b>Madeline McClure</b>	Los Angeles	California	90066	United States	2016-09-30	827
<b>Mario Vieira</b>	Rio de Janeiro		22411-030	Brazil	2016-09-30	828
<b>Paul Graff</b>	Venice	California	90291	United States	2016-09-30	829
<b>Maureen Whalen</b>	Venice	California	90291	United States	2016-09-30	830
<b>Leda Maria Nogueira No</b>	RIO DE JANEIRO			Brazil	2016-10-01	831

<b>jeff braunstein</b>	Toronto		m4k 1e8	Canada	2016-10-02	832
<b>Aimee Lennox</b>	San Mateo	California	94401	United States	2016-10-03	833
<b>Lawrence Szabo</b>	Venice	California	90291	United States	2016-10-04	834
<b>LeeAn Lantos</b>	Marina del Rey	California	90292	United States	2016-10-08	835
<b>Barbara Laffan</b>	Venice	California	90291	United States	2016-10-08	836
<b>s.r. willen</b>	Venice	California	90291	United States	2016-10-09	837
<b>Mike Lee</b>	Venice	California	90291	United States	2016-10-13	838
<b>Robert Hairman</b>	Los Angeles	California	90066	United States	2016-10-17	839
<b>Sean Costello</b>	Venice	California	90291	United States	2016-10-17	840
<b>robert munslinger</b>	Venice	California	90291	United States	2016-10-17	841
<b>Lorrie Kazan</b>	Redondo Beach	California	90277	United States	2016-10-17	842
<b>nicholas dickens</b>	Venice	California	90291	United States	2016-10-17	843
<b>Sharon Jacobucci</b>	Los Angeles	California	91406	United States	2016-10-18	844
<b>Elaine Wilson</b>	Torrance	California	90501	United States	2016-10-18	845
<b>Susan Osborne</b>	Los Angeles	California	90066	United States	2016-10-18	846
<b>Brady Heiser</b>	Van Nuys	California	91405	United States	2016-10-18	847
<b>Beth Uram</b>	Crown Point	Indiana	46307	United States	2016-10-18	848
<b>Caryl Eckhart</b>	Des Plaines	Illinois	60016	United States	2016-10-18	849
<b>Wendy Moore</b>	Los Angeles	California	90066	United States	2016-10-18	850
<b>Jennifer Fisk</b>	Venice	California	90291	United States	2016-10-18	851
<b>Vickie joy</b>	Santa Monica	California	90401	United States	2016-10-18	852
<b>crisrina urioste</b>	Venice	California	90291	United States	2016-10-18	853
<b>Leonard Schmidt</b>	Los Angeles	California	91423	United States	2016-10-18	854
<b>Michael Serra</b>	Venice	California	90291	United States	2016-10-18	855
<b>Nicol Jameson</b>	Santa monica	California	90402	United States	2016-10-18	856
<b>Carmen garay</b>	Santa Monica	California	90403	United States	2016-10-18	857
<b>windee freireich</b>	San Diego	California	92115	United States	2016-10-18	858
<b>Jonathan Alcorn</b>	Venice	California	90291	United States	2016-10-18	859
<b>Rebecca Bermudez</b>	Venice	California	90291	United States	2016-10-18	860
<b>Vecelina Minkovski</b>	West Dundee	Illinois	60118	United States	2016-10-18	861
<b>Kelly Mack</b>	Venice	California	90291	United States	2016-10-18	862
<b>Todd Simmons</b>	Venice	California	90291	United States	2016-10-18	863
<b>Andrea Hoover</b>	Santa Monica	California	90404	United States	2016-10-18	864
<b>Jarryn Smith</b>	Venice	California	90291	United States	2016-10-18	865
<b>Hutt Bush</b>	Kihei	Hawaii	96753	United States	2016-10-18	866
<b>Jo-Marianne Trudeau-Bu</b>	Vancouver	Washington	98665	United States	2016-10-18	867
<b>Steve Turkopp</b>	San Tan Valley	Arizona	85142	United States	2016-10-18	868
<b>Dara Rider</b>	San Tan Valley	Arizona	85142	United States	2016-10-18	869

<b>Virginia Clark</b>	Phoenix	Arizona	85028	United States	2016-10-18	870
<b>Yumana Yunes</b>	Pacific Palisades	California	90272	United States	2016-10-18	871
<b>Dan Coffey</b>	Redondo Beach	California	90277	United States	2016-10-18	872
<b>Jaime Street</b>	Venice	California	90291	United States	2016-10-18	873
<b>Jorg Holzer</b>	Los Angeles	California	90078	United States	2016-10-18	874
<b>Brian Cleary</b>	San Francisco	California	94131	United States	2016-10-18	875
<b>Catherine Rist</b>	Santa Monica	California	90404	United States	2016-10-18	876
<b>Meredith Gold</b>	Glendale	California	91206	United States	2016-10-18	877
<b>Renay Garcia</b>	Los Angeles	California	90066	United States	2016-10-18	878
<b>Victor Lopez</b>	L.A.	California	90026	United States	2016-10-18	879
<b>Shaina Fast</b>	Marina del Rey	California	90292	United States	2016-10-18	880
<b>Justina Gilleland</b>	Playa del REy		90293	United States Mir	2016-10-18	881
<b>Barbara White</b>	Santa Monica	California	90404	United States	2016-10-18	882
<b>Amanda Copes</b>	Venice	California	90291	United States	2016-10-18	883
<b>Lisette Landaverde</b>	Venice	California	90291	United States	2016-10-19	884
<b>Martha Lennon</b>	Los Angeles	California	90291	United States	2016-10-19	885
<b>Paula Sadler</b>	Venice	California	90291	United States	2016-10-19	886
<b>Nadia yoshioka</b>	Los Angeles	California	90066	United States	2016-10-19	887
<b>Petra Rudisill</b>	Los Angeles	California	90291	United States	2016-10-19	888
<b>Marc Aken</b>	Los Angeles	California	90066	United States	2016-10-19	889
<b>jessica iovine</b>	marina del rey	California	90292	United States	2016-10-19	890
<b>Laurie Treacy</b>	Venice	California	90291	United States	2016-10-19	891
<b>Judie Henninger</b>	Santa Monica	California	90403	United States	2016-10-19	892
<b>viviane sellamhassim</b>	CULVER CITY	California	90230	United States	2016-10-19	893
<b>Edie Miller</b>	Los Angeles	California	90066	United States	2016-10-19	894
<b>Chloe Vaught</b>	Los Angeles	California	90043	United States	2016-10-19	895
<b>Geo Freeman</b>	Los Angeles	California	90034	United States	2016-10-19	896
<b>Warren Victor</b>	Venice	California	90291	United States	2016-10-19	897
<b>carlota gamboa</b>	Los Angeles	California	91423	United States	2016-10-19	898
<b>Kira Wessels</b>	Los Angeles	California	90045	United States	2016-10-19	899
<b>Makana Cusack</b>	Venice	California	90291	United States	2016-10-19	900
<b>lucas Dedrich</b>	Woodford	Vermont	5201	United States	2016-10-19	901
<b>Olivia Soussan</b>	Santa Monica	California	90405	United States	2016-10-19	902
<b>Paige Derby</b>	Venice	California	90291	United States	2016-10-19	903
<b>Francesca Fox</b>	Santa Monica	California	90403	United States	2016-10-19	904
<b>Elon Wertman</b>	Los Angeles	California	90272	United States	2016-10-19	905
<b>Randy Frey</b>	Los Angeles	California	90066	United States	2016-10-19	906
<b>Charlotte Del</b>	Los Angeles	California	90067	United States	2016-10-19	907

<b>Joseph Duerr</b>	Los Angeles	California	90066	United States	2016-10-19	908
<b>Natalie Bates</b>	Hopewell	New Jersey	8525	United States	2016-10-19	909
<b>Ilsa Glanzberg</b>	Venice	California	90291	United States	2016-10-19	910
<b>Fiona Duerr</b>	Los Angeles	California	90066	United States	2016-10-19	911
<b>joe petersen</b>	Los Angeles	California	90018	United States	2016-10-19	912
<b>Debbie Rose</b>	los angeles	California	90066	United States	2016-10-19	913
<b>Taylor McCowan</b>	Venice	California	90291	United States	2016-10-19	914
<b>Howard Dafney</b>	Los Angeles	California	90034	United States	2016-10-19	915
<b>Matthew Weniz</b>	Los Angeles	California	90049	United States	2016-10-19	916
<b>Julian Perez</b>	Fullerton	California	92831	United States	2016-10-19	917
<b>Jenn Ingram</b>	Venice, ca	California	90291	United States	2016-10-19	918
<b>Natalie Hubbard</b>	Santa Monica	California	90405	United States	2016-10-19	919
<b>andrew chong</b>	candylover123	California	90066	United States	2016-10-19	920
<b>Nikta Mahmoodi</b>	New York	New York	10010	United States	2016-10-19	921
<b>Cindy Escarcega</b>	Los Angeles	California	91303	United States	2016-10-19	922
<b>Jack Lutsky</b>	Los Angeles	California	90045	United States	2016-10-19	923
<b>Pilar Petropoulos-White</b>	Venice	California	90291	United States	2016-10-19	924
<b>Vlادن Ponomar</b>	West Hollywood	California	90069	United States	2016-10-19	925
<b>Emma Totsubo</b>	Los Angeles	California	90034	United States	2016-10-19	926
<b>Dexter Shepherd</b>	Los Angeles	California	91401	United States	2016-10-19	927
<b>Analesse Serna</b>	Venice	California	90291	United States	2016-10-19	928
<b>Sarah De Santis</b>	New Orleans	Louisiana	70118	United States	2016-10-20	929
<b>Savannah Fuller</b>	Venice	California	90291	United States	2016-10-20	930
<b>sophie mallery</b>	la	California	90066	United States	2016-10-20	931
<b>Chloe Poyourow</b>	Los Angeles	California	90034	United States	2016-10-20	932
<b>Ruby Lanet</b>	Venice	California	90291	United States	2016-10-20	933
<b>Taylor Kaltman</b>	Los Angeles	California	90066	United States	2016-10-20	934
<b>Theo Snow</b>	Los Angeles	California	90066	United States	2016-10-20	935
<b>Millie Wilson</b>	Culver City	California	90232	United States	2016-10-20	936
<b>Santos Vasquez</b>	Los Angeles	California	90041	United States	2016-10-20	937
<b>Diane Laskin</b>	L.A.	California	90068	United States	2016-10-20	938
<b>Peter Scalise</b>	Los Angeles	California	90064	United States	2016-10-20	939
<b>Evan Moses</b>	Luang prabang			Lao People's Der	2016-10-20	940
<b>D.C. Leslie-Pringle</b>	Santa Monica	California	90405	United States	2016-10-20	941
<b>Eli Gutierrez</b>	Los Angeles	California	90066	United States	2016-10-20	942
<b>Steven Rosenblum</b>	Los Angeles	California	90066	United States	2016-10-20	943
<b>Laura Street</b>	Venice	California	90291	United States	2016-10-20	944
<b>Trisja Malisoff</b>	Venice	California	90291	United States	2016-10-20	945

<b>maria estevez</b>	sherman oaks	California	91423	United States	2016-10-20	946
<b>Daisy Jones</b>	Venice	California	90291	United States	2016-10-20	947
<b>Roxana Solorzano</b>	venice	California	90291	United States	2016-10-20	948
<b>Andrew Rosen</b>	Venice	California	90291	United States	2016-10-20	949
<b>Rachel Panush</b>	Los Angeles	California	90066	United States	2016-10-20	950
<b>Lonni Cowan</b>	Venice	California	90291	United States	2016-10-20	951
<b>Andrea Schoening</b>	Venice	California	90291	United States	2016-10-20	952
<b>lori sesemann</b>	Portland	Oregon	97230	United States	2016-10-20	953
<b>Vincent Furrrie</b>	Venice	California	90291	United States	2016-10-20	954
<b>Lillian White</b>	Venice	California	90291	United States	2016-10-20	955
<b>Sandra Freer-Bickish</b>	Livingston	Montana	59047	United States	2016-10-20	956
<b>Charles FAGIN</b>	Venice	California	90291	United States	2016-10-20	957
<b>Kara Steiniger</b>	Marina del Rey	California	90292	United States	2016-10-20	958
<b>Monique Barco</b>	Marina	California	93933	United States	2016-10-20	959
<b>Federico Mendez</b>	Venice	California	90291	United States	2016-10-20	960
<b>Merry Tigar</b>	Venice	California	90291	United States	2016-10-20	961
<b>Daniela Ardizzone</b>	Marina del Rey	California	90292	United States	2016-10-20	962
<b>Emily Lui</b>	Los Angeles	California	90066	United States	2016-10-20	963
<b>deborah daly</b>	Venice	California	90291	United States	2016-10-20	964
<b>vreni Merriam</b>	Venice	California	90291	United States	2016-10-20	965
<b>Violet Thompson</b>	Beverly Hills	California	90210	United States	2016-10-20	966
<b>melodie meyer</b>	Venice	California	90291	United States	2016-10-20	967
<b>Sharon Labreck</b>	Damascus	Oregon	97089	United States	2016-10-20	968
<b>Daniel Nyiri</b>	Venice	California	91401	United States	2016-10-20	969
<b>Jack Humphreville</b>	Los Angeles	California	90020	United States	2016-10-20	970
<b>oaen Rothman</b>	Los Angeles	California	90064	United States	2016-10-20	971
<b>mary-dorothy line</b>	Marina del Rey	California	90292	United States	2016-10-20	972
<b>Lisa Loukinen</b>	Venice	California	90291	United States	2016-10-20	973
<b>Eric Wright</b>	Venice	California	90291	United States	2016-10-20	974
<b>Frank Broatch Berry</b>	Venice	California	90291	United States	2016-10-20	975
<b>Karen La Cava</b>	Venice	California	90291	United States	2016-10-20	976
<b>Karen Wolfe</b>	Venice	California	90291	United States	2016-10-20	977
<b>Frank Lutz</b>	Venice	California	90291	United States	2016-10-20	978
<b>Linda Pierson</b>	Anaheim	California	92807	United States	2016-10-20	979
<b>Sean Greiner</b>	Los Angeles	California	90066	United States	2016-10-20	980
<b>Antonia Lorenzo</b>	San Diego	California	92092	United States	2016-10-20	981
<b>Jared Hassim</b>	Los Angeles	California	90066	United States	2016-10-20	982
<b>Derek Amano</b>	Los Angeles	California	90045	United States	2016-10-20	983

<b>kosciusko-morizet ariane</b>	Marina del Rey	California	90292	United States	2016-10-20	984
<b>tina braxton</b>	Lafayette	Colorado	80026	United States	2016-10-20	985
<b>John Stein</b>	Venice	California	90291	United States	2016-10-20	986
<b>carol rusoff</b>	Venice	California	90291	United States	2016-10-20	987
<b>Chelsea Debo</b>	Los Angeles	California	90027	United States	2016-10-20	988
<b>jerry malamud</b>	San Diego	California	92122	United States	2016-10-20	989
<b>Rick Swinger</b>	Venice	California	90291	United States	2016-10-20	990
<b>Pamela Lane</b>	Santa Monica	California	90405	United States	2016-10-20	991
<b>Maria Boulin</b>	Venice	California	90291	United States	2016-10-20	992
<b>Brooke Benson</b>	Venice	California	90291	United States	2016-10-20	993
<b>Cristina de la Maza</b>	New York	New York	10151	United States	2016-10-20	994
<b>Alice Metz</b>	Leander	Texas	78645	United States	2016-10-20	995
<b>Julia Martin Wrobel</b>	Los Angeles	California	90066	United States	2016-10-20	996
<b>Eric Sarbach</b>	Culver City	California	90232	United States	2016-10-20	997
<b>stephanie little</b>	los angeles	California	90006	United States	2016-10-20	998
<b>Michele Sutter</b>	Venice	California	90291	United States	2016-10-20	999
<b>Brian Ann Letofsky</b>	Los Angeles	California	90036	United States	2016-10-20	1000
<b>Mia Lopez-Zubiri</b>	Venice	California	90291	United States	2016-10-20	1001
<b>Kimberly Miller</b>	Wethersfield	Connecticut	6109	United States	2016-10-20	1002
<b>gwendoline pere-lahaille</b>	Los Angeles	California	90066	United States	2016-10-20	1003
<b>Gabrielle Mamane</b>	Los Angeles	California	90064	United States	2016-10-20	1004
<b>Leslie Rainer</b>	Venice	California	90291	United States	2016-10-20	1005
<b>Devon Lee</b>	Venice	California	90291	United States	2016-10-20	1006
<b>Barbara Milliken</b>	Venice, CA 9029	California	90291	United States	2016-10-20	1007
<b>Nina Masuda</b>	Venice	California	90291	United States	2016-10-20	1008
<b>Noemie Alison</b>	Venice	California	90291	United States	2016-10-20	1009
<b>Elisa Clark</b>	Venice	California	90291	United States	2016-10-20	1010
<b>alice burston</b>	los angeles	California	90291	United States	2016-10-20	1011
<b>Kyle Bouquet</b>	Venice	California	90291	United States	2016-10-20	1012
<b>Hayley covarrubias</b>	Berkeley	California	94720	United States	2016-10-20	1013
<b>Marty Cusack</b>	Venice	California	90291	United States	2016-10-20	1014
<b>Malcolm Ball</b>	Venice	California	Ca 90291	United States	2016-10-20	1015
<b>zoei Alley</b>	Los Angeles	California	90031	United States	2016-10-20	1016
<b>Kiana Ferguson</b>	Los Angeles	California	90066	United States	2016-10-20	1017
<b>Darcy Parsons</b>	Culver City	California	90231	United States	2016-10-20	1018
<b>Laurence Stern</b>			13007	France	2016-10-20	1019
<b>Hanna Gabay</b>	Los Angeles	California	90035	United States	2016-10-20	1020
<b>Lorraine Sanchez</b>	Santa Monica	California	90405	United States	2016-10-20	1021

<b>Heather Thompson</b>	Los Angeles	California	90049	United States	2016-10-20	1022
<b>mary beth trautwein</b>	venice	California	90291	United States	2016-10-20	1023
<b>keiden oguri</b>	Venice	California	90291	United States	2016-10-20	1024
<b>Alexander Miles</b>	Venice	California	90291	United States	2016-10-20	1025
<b>Linda Albertano</b>	Venice	California	90291	United States	2016-10-20	1026
<b>kim drobny</b>	Santa Monica	California	90402	United States	2016-10-20	1027
<b>Dogie Ku</b>	Venice	California	90291	United States	2016-10-20	1028
<b>West Adler</b>	Los Angeles	California	90066	United States	2016-10-20	1029
<b>Sandi Wise</b>	Los Angeles	California	90066	United States	2016-10-20	1030
<b>francesco raneri</b>	Santa Monica	California	90403	United States	2016-10-20	1031
<b>Erica Walker</b>	Marina del Rey	California	90292	United States	2016-10-20	1032
<b>Toni Holmstrom</b>	Venice	California	90291	United States	2016-10-20	1033
<b>Grace Spanbock</b>	Los Angeles	California	90064	United States	2016-10-20	1034
<b>Jon Prano</b>	Marina del Rey	California	90292	United States	2016-10-20	1035
<b>Wil Sterner</b>	Topanga	California	90290	United States	2016-10-20	1036
<b>Matthew Carpenter</b>	Los Angeles	California	90026	United States	2016-10-20	1037
<b>Elisa James</b>	Venice	California	90291	United States	2016-10-20	1038
<b>Barry Campion</b>	Venice	California	90291	United States	2016-10-20	1039
<b>Miriam mORE</b>	Venice	California	90291	United States	2016-10-21	1040
<b>Violet Burrows</b>	Chatsworth	California	91311	United States	2016-10-21	1041
<b>Camille Candaele</b>	Santa Monica	California	90405	United States	2016-10-21	1042
<b>Karen HORWITZ</b>	Venice	California	90291	United States	2016-10-21	1043
<b>John Toyama</b>	Los Angeles	California	90064	United States	2016-10-21	1044
<b>Evan Blaney</b>	santa monica	California	90404-	United States	2016-10-21	1045
<b>Oliver Tan</b>	Marina del Rey	California	90292	United States	2016-10-21	1046
<b>Sarah Jones</b>	South Lake Tahoe	California	96158	United States	2016-10-21	1047
<b>Danielle Schecter</b>	Los Angeles	California	90035	United States	2016-10-21	1048
<b>Elizabeth Lopez</b>	Los Angeles	California	90016	United States	2016-10-21	1049
<b>Jose Pina</b>	Venice	California	90291	United States	2016-10-21	1050
<b>Joshua Altman</b>	Venice	California	90291	United States	2016-10-21	1051
<b>Patti Pimento</b>	Los Angeles	California	90066	United States	2016-10-21	1052
<b>Diana Hinek</b>	Santa Monica	California	90405	United States	2016-10-21	1053
<b>Tiba Edelmann</b>	Los Angeles	California	91423	United States	2016-10-21	1054
<b>Jean-marc Demmer</b>	Los Angeles	California	90066	United States	2016-10-21	1055
<b>Ava Jorgensen</b>	Los Angeles	California	90034	United States	2016-10-21	1056
<b>Samantha Coleman</b>	Los Angeles	California	90035	United States	2016-10-21	1057
<b>Barbara Johnson</b>	Los Angeles	California	90094	United States	2016-10-21	1058
<b>Jennifer Noctor</b>	Monroe	New York	10950	United States	2016-10-21	1059

<b>David Campbell</b>	Venice	California	90291	United States	2016-10-21	1060
<b>Tobi Adeoye</b>	Rancho Palos Ve	California	90275	United States	2016-10-22	1061
<b>Catherine Comeau</b>	West Hills	California	91307	United States	2016-10-22	1062
<b>Vickie Karten</b>	venice	California	90291	United States	2016-10-22	1063
<b>Leah Broidy</b>	Los Angeles	California	90048	United States	2016-10-22	1064
<b>Noa Sparrow Vaknin</b>	Los Angeles	California	90066	United States	2016-10-22	1065
<b>Estrella Lopez</b>	Venice	California	90291	United States	2016-10-22	1066
<b>j yudell</b>	santa monica	California	90409	United States	2016-10-22	1067
<b>Amy Neiman</b>	Venice	California	90291	United States	2016-10-22	1068
<b>Lorna Snow</b>	Baskett	Kentucky	42402	United States	2016-10-23	1069
<b>Alex Neiman</b>	Venice	California	90291	United States	2016-10-23	1070
<b>Montserrat Jimenez</b>	Venice	California	90291	United States	2016-10-23	1071
<b>V C</b>	Venice	California	90291	United States	2016-10-23	1072



Table 1



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## ZA-2012-3354 (Venice Place)

1 message

**Elisa Paster** <epaster@glaserweil.com>

Mon, Oct 12, 2020 at 9:18 AM

To: Planning APC West LA <apcwestla@lacity.org>, "james.k.williams@lacity.org" <james.k.williams@lacity.org>

Cc: Krista Kline <krista.kline@lacity.org>, Len Judaken <ljudaken@kanel.com>, Jason Douglas <jason.p.douglas@lacity.org>, Milena Zasadzien <milena.zasadzien@lacity.org>, Juliet Oh <juliet.oh@lacity.org>, "dana@three6ixty.net" <dana@three6ixty.net>

Good morning,

Please see attached letter regarding the above referenced project. Will you please include this in the APC packet and in the administrative record?

Thank you.

Elisa

## Glaser Weil

**Elisa Paster | Partner**

Century City Office: [10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067](#)

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 **Letter to APC Oct. 12, 2020(1911092.1).pdf**

149K

October 12, 2020

**Direct Dial**  
310.556.7855

**Direct Fax**  
310.843.2655

**Email**  
epaster@glaserweil.com

VIA E-MAIL

West Los Angeles Area Planning Commission  
President, Mr. Michael Newhouse  
c/o James Williams  
200 N. Spring Street, Room 272  
Los Angeles, California 90012

apcwestla@lacity.org

Re: Case No. ZA 2012-3354-(CUB)(CU)(CDP)(SPR)(SPP)(MEL)(WDI)

Dear President Newhouse:

I am writing on behalf of my client, Wynkoop Properties, LLC ("Applicant"), owner of the property located at 1021-1033 and 1047-1051 South Abbot Kinney Boulevard and 1011 Electric Avenue ("Project Site"). This letter incorporates by reference the correspondence sent to the West Los Angeles Area Planning Commission (APC) on July 6, 2020, July 13, 2020, and July 15, 2020. On March 12, 2020, the Zoning Administrator (ZA) issued a Letter of Determination (LOD) regarding the above-referenced case, approving a mixed-use project consisting of a hotel, apartment units, restaurants, office, and retail ("Project"). The Project was approved by the APC on July 15, 2020.

## I. City Council Action on the Project

Subsequent to the APC's decision, the City Council assumed jurisdiction of the Project and remanded it back to the APC for consideration. Significantly, the City Council action remanding the Project did not include a rejection of the Project or even substantive changes to it. Indeed, Councilmember Bonin stated it was his intent to approve the Project. However, because Councilmember Bonin proposed additional conditions of approval for the Project in a motion on the last day for the City Council to act, the City Attorney opined that any consideration of those potential modifications to the conditions required a noticed hearing, and that the prudent action was a remand to APC. Accordingly, the project before the APC is exactly the same project that this body approved in mid-July during an exhaustive 5-hour public hearing after carefully considering the testimony and arguments of dozens of members of the public and fellow commissioners. There is no new

information related to the Project appeals before you that has not already been exhaustively vetted by the APC and by the City Council to warrant any reconsideration of the validity of any of the appeals, and thus they must be denied again.

## **II. Revised Project Conditions**

In the spirit of those additional suggested items in the motion, and working cooperatively with Councilmember Bonin's office, the Applicant agrees to modification of several conditions previously approved by the APC or new conditions that address particular community concerns.

- **Parking and Valet Operations (Conditions 15 and 16):** To avoid any unintended impacts on the community, new language is proposed to Condition 15 that requires Applicant to submit two condition compliance reports focused on parking and valet operations to the City, the first within 18 months after issuance of the certificate of occupancy and the second within three years of the certificate of occupancy. The reports will demonstrate the extent to which the parking and valet operations comply with the standards set forth in the conditions of approval and as analyzed in the Environmental Impact Report (EIR). Should operations not be consistent with the standards imposed by the City, any operational modifications necessary to comply with the conditions will be implemented to the satisfaction of the Department of City Planning, in consultation with the Department of Transportation (LADOT). Also, new language is proposed to Condition 15 that would require the use of off-site parking if the Project's valet operations and/or on-site queuing location are unable to accommodate the service levels identified in the EIR and if the community is subjected to frequent queuing backup onto the neighboring streets. These new monitoring provisions will ensure that the automated parking garage and the valet program are operating as planned, that no unreasonable queuing occurs and that impacts to the community are minimized.

Related to the changes to Condition 15, new language is proposed to Condition 16 that would require the hotel operator to collect and maintain data on the peak hour function of the automated parking system to determine whether it meets the performance levels imposed by TRANS-PDF-9 of the Mitigation Monitoring Program. If the parking system does not meet those criteria, an off-site parking location must be identified to maintain the required level of service. Moreover, if the parking system chronically malfunctions, a Plan Approval by the Zoning Administrator could be triggered and additional restrictions may be placed on the Project.

- **Loading (Condition 17):** In our conversations with the community, we heard concerns that the proposed on-street loading on Broadway had been eliminated, and that the extent of the Project’s loading activities could not be efficiently handled in a singular loading area within the building. Modified language is proposed to Condition 17 that would allow commercial loading on Broadway, in addition to the proposed on-site loading location, subject to the approval of LADOT and the Coastal Commission. Loading activities shall be coordinated with vendors and trash companies so that these activities are not conducted within one-hour prior to and 15 minutes after the start of Westminster Elementary School or within 15 minutes prior to and one hour after the end time of regular school hours, similar to all other loading and delivery activities for the Project.

This on-street loading zone was part of the Project Description and application plans and programming analyzed in the EIR for the Project, and thus does not present any new information or change to the Project not already analyzed by the EIR.

- **Wider Sidewalk on Electric (Condition 19):** In accordance with the APC’s previous action, new language is proposed to Condition 19 to reflect the 2.5 foot-wide ground floor public sidewalk easement along Electric Avenue. We agree this is an important addition to enhancing the pedestrian experience along Electric Avenue.
- **Hours for Alcoholic Beverage Service (Condition 22):** New language is also proposed to Condition 22 to delay the start of service of alcohol at the restaurants at the Project until 9:00 am on weekdays when school is in session.

In addition, we ask the APC to modify Condition 10 (Height). The Project fully complies with the express terms of the Venice Coastal Zone Specific Plan’s height limit of 30 feet. Since the height limit derives from the language of the Specific Plan, not from the Zoning Code, it is appropriate to simply reference the applicable sections (Sections 9 and 10) of the Specific Plan in limiting the height and defining how height shall be measured. However, as written, Condition 10 imposes a more stringent height requirement than is imposed by the Specific Plan, with no explanation or justification regarding the necessity of a more stringent application of the plan provision for this project than any other project. Instead of simply referencing a 30 foot height limit as set forth in Sections 9 and 10, it *interprets* these rules. This results in an uneven and unfair application of the rules for this project, and one that has not been imposed on any other project. We request that Condition 10 be modified to read: “10. Height. The project shall be limited to a maximum flat roof height limit of 30 feet, to the top edge of the roof parapet, as defined by Sections 9 and 10 of the Venice Coastal Zone Specific Plan ~~as measured from the midpoint of the centerline of Electric Avenue or Abbot Kinney Boulevard, whichever street is lowest in elevation, to the top edge of the roof~~

parapet.”

Other proposed changes to the conditions reflect clean-ups and technical edits to ensure consistency and accuracy of the conditions.

### **III. The Project Continues to Maintain Widespread Community Support**

An important consideration in both the APC and Zoning Administrator’s approvals earlier this year was the level of support the Project enjoys from the Venice Community. At the APC hearing in July, those who spoke in favor of the Project called exclusively from the Venice community, and noticeably outnumbered Project opponents. This support mirrored the overwhelming support the Project has generated in the Community: almost 1,200 individuals receive regular email updates from the project (with a similar number following the Project on Facebook), over 1,000 letters of support for the Project have been submitted to the City, and the Project has received support from organizations including the Venice Neighborhood Council and the Venice Chamber of Commerce. Significantly, the Project, as defined with the changes to conditions outlined above, now also has the support of Councilmember Bonin.

As a result of this sustained outreach, the Project has modified operational and architectural elements to be consistent not only with local planning documents, but also the Councilmember’s vision for the community and the community’s vision for itself. As the Project concept has been developed over eight years, including a full EIR for construction of 63,891 square feet of net new square footage across over an acre of land, it has been the subject of extensive scrutiny by Los Angeles City Planning and the community, and thoroughly vetted by the Zoning Administrator in two public hearings, by the APC in one public hearing and by the City Council in two public hearings.

As detailed in previous letters, we have consistently responded to concerns from a small group of opponents and have substantially modified the Project. We have also had lengthy conversations with all of the appellants in an effort to reach some compromise. Although we were not able to come to an ultimate agreement with the small group of vocal opponents, we agreed to the proposed conditions which address many of the issues raised.

**Given the comprehensiveness of the environmental documentation, extensive technical analysis on all issues, and obvious commitment to creating a community-driven project, we respectfully request you again deny all of the appeals to the Project and uphold your prior position regarding this project.**

West Los Angeles Area Planning Commission  
October 12, 2020  
Page 5

Sincerely,

*Elisa Paster*

ELISA L. PASTER  
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

ELP:eg

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Juliet Oh, Department of City Planning, [Juliet.oh@lacity.org](mailto:Juliet.oh@lacity.org)  
Dana Sayles, AICP, three6ixty, [dana@three6ixty.net](mailto:dana@three6ixty.net)

ZA 2012-3354-CUB-CU-CDP-SPR-SPP-MEL-WDI-1A

Exhibit E: Additional Information Letter  
(Planning Staff)

[https://clkrep.lacity.org/onlinedocs/2020/20-1024\\_misc\\_3\\_08-26-2020.pdf](https://clkrep.lacity.org/onlinedocs/2020/20-1024_misc_3_08-26-2020.pdf)