DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

Central Area Planning Commission

Date: October 14, 2014
Time: After 4:30 pm
Place: Los Angeles City Hall
200 N. Spring Street, 10th Floor
Los Angeles, CA 90012

Public Hearing: September 22, 2014
Appeal Status: Zone Change is appealable by the Applicant to the City Council if denied in whole or in part per LAMC Sec. 12.32 D
Expiration Date: November 4, 2014

Case No.: CPC-2013-924-ZC-CUB-MSC
CEQA No.: ENV-2013-925-MND-REC1
Related Case No. None

Council No.: 4 – LaBonge
Plan Area: Wilshire
Certified NC: Greater Wilshire
GPLU: Neighborhood Office Commercial
Zone: [Q]C2-1D
Applicant: Larchmont Village Partners One LLC
Representative: Jerry Neuman, Liner LLP

PROJECT LOCATION: 107 N. Larchmont Boulevard

PROPOSED PROJECT: The proposed project is a change of use from a Food Take-out/Retail use to Restaurant use for an establishment located in the Larchmont Boulevard neighborhood commercial district in the Wilshire Community Plan area. The site is located at 107 N. Larchmont Blvd. between 1st Street and Beverly Boulevard. The "Q" conditions established in Ordinance No. 168,334 limit the number of restaurants to one for every 270 feet of public street frontage, and do not permit any single restaurant to exceed 40 feet of public lot street frontage, for properties on both sides of Larchmont (identified as Subarea 2). The applicant has requested a Zone Change to modify this "Q" condition. The change of use applies to an existing building that comprises approximately 2,474 square feet on a 6,250-square foot lot.

The property is zoned [Q]C2-1D with a General Plan Land Use Designation of Neighborhood Office Commercial. The surrounding and abutting properties to the north, east and south are zoned [Q]C2-1D and developed with office, retail and restaurant uses. The properties to the west, across an alley, are located within the Windsor Square Historic Preservation Overlay Zone (HPOZ) and zoned R1-1-HPOZ. They are developed with single family homes.

Note: the case is heard by the Area Planning Commission, but has a City Planning Commission (CPC) prefix because the parking waiver request is delegated to the Director of Planning by the CPC.

REQUESTED ACTIONS:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt and Find** the Mitigated Negative Declaration ENV-2013-925-MND-REC1 is adequate and no additional environmental clearance is necessary;

2. Pursuant to Section 12.32 of the Los Angeles Municipal Code (LAMC), a **Zone Change** (ZC) to amend Ordinance No. 168,334 by deleting [Q] Qualified Condition No. 2 (i) for the property located at 107 N. Larchmont Boulevard;

3. Pursuant to Section 12.24W.1. of the LAMC, a **Conditional Use** (CUB) to permit the sale and dispensing of alcoholic beverages to include beer and wine only, for on-site consumption, in conjunction with a 2,474-square foot restaurant; and

4. Pursuant to Section 12.21 A.4(o) of the LAMC, a **Parking Waiver** request to allow for 18 parking spaces of the 25 required to be provided within public parking sites located within 450 feet from the subject premises.

RECOMMENDED ACTIONS:

1. **Do not Adopt** the Mitigated Negative Declaration, ENV-2013-925-MND-REC1, for the above referenced project pursuant to Section 21082.1(c)(3) of the California Public Resources Code;

2. **Deny** a **Zone Change** (ZC) to amend Ordinance No. 168,334 by deleting [Q] Qualified Condition No. 2 (i) for the property located at 107 N. Larchmont Boulevard;

3. **Deny without Prejudice** a **Conditional Use** (CUB) to permit the sale and dispensing of alcoholic beverages to include beer and wine only, for on-site consumption, in conjunction with a 2,474-square foot restaurant;

4. **Deny without Prejudice** a Parking Waiver request to allow for 18 parking spaces of the 25 required to be provided within public parking sites located within 450 feet from the subject premises; and

5. **Adopt** the attached findings.

MICHAEL J. LOGRANDE
Director of Planning

Daniel Scott, Principal City Planner

Shana Bonstin, Senior City Planner

Debbie Lawrence, AICP, City Planner
213-978-1163

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PROJECT ANALYSIS

Project Summary

The project site is located in the Wilshire Community Plan area at 107 N. Larchmont Boulevard between 1st Street to the south and Beverly Boulevard to the north. The project is a proposed Zone Change for an existing establishment known as "The Bungalow." The building is approximately 2,474 square feet and includes 7 parking spaces in a surface lot to the rear of the building, which abuts an alley. The building was originally constructed in 1922 as a restaurant. However, over the years, the use of the building changed to office and retail uses. The establishment is currently permitted for food take-out use and has been in operation for over 5 years. Because the site is subject to [Q] (Qualified conditions) that restrict restaurant uses, the applicant is requesting a Zone Change to remove the [Q] so that the establishment can be permitted as a sit-down restaurant with beer and wine service for on-site consumption.

Zone Change: Amendment to Ordinance 168,334

The Property is zoned [Q]C2-1D, which permits retail and restaurant uses. However, the regulations imposed by section 2(i) of Ordinance No. 168,334 (effective December 12, 1992) establish "Q" conditions that limit (a) the number of sit-down restaurants in Larchmont Village to one restaurant per 270 feet of public street lot frontage; and (b) the public street lot frontage of any single restaurant to no more than 40 feet. This applies to the area on both sides of Larchmont Boulevard between Beverly Boulevard and 1st Street, identified as Subarea 2. The change of use for the "Bungalow" to a sit-down restaurant would cause the maximum number of restaurants and the street frontage limits to be exceeded (the frontage of the existing building is 50 feet). Thus, the applicant has requested a zone change to modify the Ordinance and remove this [Q] condition as it applies to the subject property. The subject site is also subject to Ordinance No. 180,564, which regulates site planning and building design to ensure that new development is of a scale and character that is consistent with the Larchmont neighborhood.

Conditional Use: On-site Consumption of Beer and Wine

Ordinance No. 168,334 defines restaurant as "an establishment operating primarily for the purpose of selling food to be consumed on the premises which may have a secondary purpose of selling alcoholic beverages." As such, the applicant is requesting a Conditional Use permit for the purpose of selling beer and wine for on-site consumption.

Parking Waiver: Reduced Parking

Currently, the establishment provides 7 parking spaces. The restaurant use requires 1 parking space per 100 square feet, which results in a requirement of 25 parking spaces based on the 2,474-square foot building. The applicant has requested a Parking Waiver to allow for 18 of the 25 required parking spaces to be provided within public parking sites located within 450 feet from the subject premises. In accordance with Section 12.21 A 4(o) of the LAMC, the consideration of a parking waiver may be made if a site is within 750 feet of a municipal parking lot. Section 559 of the City Charter and the City Planning Commission action of July 27, 2000 delegates authority to the Director of Planning to act on behalf of the Commission on certain matters. A parking waiver request is included in these actions. However, the request is initially investigated by the Los Angeles Department of Transportation (LADOT), which determines to what extent the parking may be waived based on their parking waiver policies.

Background

The Property fronts the west side of N. Larchmont Boulevard, between Beverly Boulevard to the north and 1st Street to the south. This section of N. Larchmont Boulevard is a busy visitor and shopping destination, consisting of a variety of retail businesses, including coffee shops, restaurants, clothing stores, and neighborhood services establishments. The architecture of the neighborhood is characterized by older, low density structures, and retains the quaint scale and feel of the small town of Larchmont, New York, for which it was named in the early 1920's. The N. Larchmont Boulevard commercial area is identified as one of the four Neighborhood commercial districts within the Wilshire Community Plan area.

The City's General Plan Framework identifies several types of commercial districts. One of these is the Neighborhood District, which is an intended focal point of surrounding residential neighborhoods and serves populations of 15,000 to 25,000 residents. They contain a diversity of uses that serve daily needs, such as restaurants, retail outlets, grocery stores, child care facilities, community meeting rooms, pharmacies, religious facilities and other similar uses. There are four areas within the Wilshire Community Plan Area that are designated as Neighborhood Districts by the Community Plan. The Larchmont Neighborhood District includes commercial frontage along Larchmont Boulevard from Beverly Boulevard on the north to 1st Street on the south. Other neighborhood districts include: the Fairfax-Beverly Neighborhood District (Fairfax Avenue frontage from Rosewood Avenue on the north, to Beverly Boulevard on the south); the 3rd Street Neighborhood District (3rd Street frontage from Fairfax Avenue on the east, to La Jolla Avenue on the west); and the Fairfax-Olympic Neighborhood District (Fairfax Avenue frontage from Olympic Boulevard on the north, to Pico Boulevard on the south). These areas are primarily developed into small commercial one to four-story retail and office uses, with a mix of residential units.

Uses permitted in the Larchmont neighborhood district are limited by special zoning regulations known as "Q" conditions, which are intended to protect and promote Larchmont Boulevard as a neighborhood-serving shopping district. Section 12.32.G.2(b) of the LAMC defines the purpose of a "Q" Qualified Classification as a necessary action in order to (1) protect the best interest of and assure a development with the surrounding properties or neighborhood; (2) secure an appropriate development in harmony with the General Plan; and (3) prevent or mitigate potential adverse environmental effects of the zone change. In 1992, the Larchmont community supported the adoption of these "Q" conditions as necessary to protect the best interests of the neighborhood and to assure diversity in the businesses established in the area. This resulted in Ordinance No. 168,334, which expressly identifies permitted uses, and limits restaurants and financially-oriented services located at the ground floor, in order to protect the pedestrian and neighborhood orientation of the shopping district.

Relevant Cases in Chronological Order

1. **Ordinance 167,420 (CPC 90-0597 ZC)**: Council initiated a Zone Change to establish permanent [Q] conditions on commercially zoned property along Larchmont Boulevard south of Beverly Boulevard to restrict ground-floor financial service uses to one business for every 300 feet of public street frontage, and restrict restaurants to one for every 270 feet of public street frontage. Ordinance No. 167,420 was adopted by the City Council, effective December 28, 1991. In the hearing examiner recommendations to the Commission, it was stated that the adoption of these limitations are necessary to protect the best interests of and to assure development more compatible with the neighborhood surrounding Larchmont Boulevard, and to secure an appropriate development in harmony with the General Plan.

2. **Ordinance 168,334 (CPC 91-0117-ZC/GPA)**: Council-initiated Zone Change and General Plan Amendment from CV-1VL to [Q]C1-1VL and C2-1VL to [Q]C2-1VL along Larchmont Boulevard between Melrose Avenue and First Street, to allow uses permitted in the C1 zone and only certain uses permitted in the C1.5 and C2 zones. The General Plan Amendment changed the land use from Limited Commercial to Neighborhood Commercial. Ordinance No. 168,334 was adopted by the City Council, effective December 12, 1992 and established "Q" conditions limiting the number of restaurants along Larchmont Boulevard between Beverly Boulevard and First Street, in order to ensure a diversity of uses be maintained for this area. Restaurant was generally defined in the Ordinance as an establishment "operating primarily for the purpose of selling food to be consumed on the premises of an individual business establishment." The Ordinance excludes food take-out uses. The City Planning Commission found that the "Q" conditions would help facilitate the retention and expansion of a wide range of neighborhood-oriented shops and services that will insure the continued economic vitality of a pedestrian-oriented shopping district.

3. **Ordinance 180,564 (CPC-2008-783-ZD-HD):** This ordinance was adopted in 2009 to impose design standards and development limitations to reinforce the land use designation of Neighborhood Commercial Office. Regulations, such as smaller storefronts, were included to encourage neighborhood retail and services to locate in the area and maintain the area's pedestrian orientation. The goal was to improve the general environment of the community by placing design controls on site planning and building design to ensure that new development is of a scale and character that is consistent with the subject area, in accordance with the Wilshire Community Plan. The Ordinance incorporates and retains the existing development standards imposed by the "Q" conditions in Ordinance No. 168,334.

4. **APCC-2013-1033-ZC:** On February 11, 2014, the Central Area Planning Commission voted to deny a Zone Change request for the property located at 147 N. Larchmont Boulevard to add "indoor studio" as a permitted use, and approved a Zone Change request that amended the list of permitted uses, established by the "Q" Conditions, to allow a "Physical culture institution" (stationary cycling studio) as a permitted use not to exceed 873 square feet of the subject property. The property is zoned [Q]C2-1D and remains subject to the controls of Ordinance 168,334. This case involved an emerging use that was not present at the time the Ordinance was established in 1992, rather than a request to allow a use that was restricted by the Ordinance.

Adjacent Land Uses

The subject site is located in the Larchmont Village Neighborhood Commercial district. Surrounding development is primarily commercial in character, with residential uses to the east and west. The property is zoned [Q]C2-1D with a General Plan Land Use Designation of Neighborhood Office Commercial. The lot size is approximately 6,250 square feet.

The surrounding and abutting properties to the north, east and south are zoned [Q]C2-1D and developed with office, retail and restaurant uses as well as surface parking. The General Plan Land Use designation for these properties is Neighborhood Commercial. The properties to the west, across an alley, are located within the Windsor Square Historic Preservation Overlay Zone (HPOZ) and zoned R1-1-HPOZ, with Low II Residential Land Use designation. They are developed with single family homes. The area is characterized by level topography and fully improved streets.

Streets and Circulation
Larchmont Boulevard is a designated Collector Street, dedicated to a regular width of approximately 86 feet. Beverly Boulevard to the north is designated as a Major Highway Class II street with a width of 90 feet. Both streets are improved with curb, gutter and sidewalk.

Zoning and FAR
The project site is located in the Wilshire Community Plan area. The Community Plan establishes a Land Use Designation of Neighborhood Commercial with the corresponding [Q]C2-1D Zone. The height is limited to 40 feet per the "D" Limitation. The C2 zone expressly allows restaurant uses. However, "Q" conditions are established in Ordinance No. 168,334, which places restrictions on restaurants, and Ordinance No. 180,564, which includes design standards and development limitations to reinforce pedestrian design and character.

Issues

Enforceability of "Q" Conditions – When Ordinance No. 168,334 was created, the precedent cases for similar restrictions involved Specific Plan Ordinances, such as Westwood Village Specific Plan (use/linear street frontage ratio), and the San Vicente Corridor and Palisades Commercial Village Specific Plans (use/percentage of lot frontage restriction). These provisions are enforced through a design review process, signage restrictions, as well as through zoning regulations. Imposition of the zoning regulations through "Q" conditions alone has been problematic, since not only new construction, but tenant improvements and certificates of occupancy for business licenses must be regulated. The only screening is if the Department of City Planning receives a Building and Safety issued clearance for a permit. In the absence of amending the Ordinance, the only relief is through the zone change process for individual properties. Based on the total frontage of 2,190 linear feet and the limitation of one restaurant per 270 linear feet, 8 restaurants are permitted in the sub-area. This excludes food take-out establishments. Section 12.21 A.4 (c)3 states that an establishment which *provides no seating* and exclusively dispenses food or refreshments to be eaten off the premises is not included in the definition of restaurant and shall instead meet the requirement for general retail uses. However, in addition to the "Bungalow", there are other permitted food take-out establishments that are operating as restaurants, due to the inclusion of tables and chairs on their premises. Thus, in actuality, the maximum number of restaurants has been exceeded. The applicant has requested the removal of the [Q] in order to legalize the use of the establishment as a restaurant.

Conclusion

Staff recommends denial of the applicant's request for a Zone Change to amend Ordinance No. 168,334 through the deletion of [Q] Qualified Condition No. 2 (i), which limits the number of restaurants and the public street lot frontage of any single restaurant. Staff also recommends denial of the other entitlement requests, which are incidental to the zone change. Granting the zone change to remove the [Q] for this property would be NOT be *consistent with public necessity, convenience, general welfare and good zoning practice.*

Section 12.32.G.2(b) of the LAMC defines the purpose of a "Q" Qualified Classification as a necessary action in order to (1) protect the best interest of and assure a development with the surrounding properties or neighborhood; (2) secure an appropriate development in harmony with the General Plan; and (3) prevent or mitigate potential adverse environmental effects of the zone change. The "Q" is part of the zone and places restrictions on the property through special zoning regulations. Restaurants are permitted in the C2 zone, which is intended as a Neighborhood Commercial zone, allowing uses such as bookstores, bakeries, hardware stores, drugstores, restaurants, and live-work facilities. However, the "Q" conditions were imposed to

maintain the diversity of neighborhood-serving retail and address the more intense impacts of restaurant uses (i.e. parking). In 1992, the City Planning Commission found that the limitations on certain uses allowed by the C2 zone for this area of Larchmont Boulevard would help facilitate the retention and expansion of a wide range of neighborhood-oriented shops and services that would ensure the continued economic vitality of a pedestrian-oriented shopping district. Based on testimony received regarding this project, the majority support the retention of the "Q" conditions as specified in Ordinance No. 168,334. This testimony is summarized beginning on Page P-1, and indicates that protection of the neighborhood-serving character of the street is still desired 22 years after the adoption of Ordinance 168,334.

The appropriate process for removal of the [Q] condition is to address the current effectiveness of the Ordinance through an amendment that is initiated by the City Council, City Planning Commission, or the Director of Planning, as outlined in Section 12.32 (Legislative Actions) of the LAMC. Through this public process, the Ordinance as it applies to the entire Subarea 2, rather than one individual property, can be examined. The Wilshire Community Plan identifies this area as a Neighborhood Commercial district, and if the amendment process indicates that removal of the [Q] is appropriate for the entire Subarea 2, then the change will occur. The findings cannot be made that the applicant's request to remove the [Q] condition for this site only, would be *consistent with public necessity, convenience, general welfare and good zoning practice.*

FINDINGS

General Plan Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Wilshire Community (the "Plan"), which was adopted by the City Council on September 19, 2001 (Council File 01-1366). The Plan map designates the subject property for Neighborhood Office Commercial Land Uses, with the corresponding zones of C1, C1.5, C2, C4, P, CR, RAS3, and RAS4. The subject property is currently zoned [Q]C2-1D, which corresponds to the Neighborhood Office Commercial Plan Designation in the adopted Community Plan.

2. **General Plan Text.** The General Plan includes the following relevant land use objectives and policies:

   General Plan Framework

   Objective 3.8 Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

   Policy 3.8.1 Accommodate the development of neighborhood-serving uses in areas designated as "Neighborhood District" in accordance with Tables 3-1 and 3-4. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

   The General Plan Framework, adopted in December 1996, provides long-term guidance on land use issues for the entire City. The subject area is located within an area designated as a Neighborhood District with an underlying land use designation of Neighborhood Commercial Office. The Framework Element characterizes a Neighborhood District as a focal point for surrounding residential neighborhoods and containing a diversity of land uses. In addition, Pedestrian-oriented land use is encouraged in a Neighborhood District. Lastly, The Framework Element states that Neighborhood Districts should be moderate scale commensurate with the function it serves in the community. The project site is located in one of the four neighborhood serving commercial districts within the Plan area.

   The policies of the General Plan Framework establish zones that correspond to specific land use designations. A restaurant in the [Q]C2-1D zone at the subject location is consistent with the existing land use designation and intent of the General Plan Framework. The Property fronts on the westerly side of N. Larchmont Boulevard, just north of 1st Street. This section of N. Larchmont Boulevard (between 1st Street and Beverly Boulevard) is a busy neighborhood shopping destination consisting of a variety of retail businesses, including coffee shops, restaurants, clothing stores, and general service establishments.

   The primary objectives of the policies in the Framework Element's Land Use chapter are to support the viability of the City's residential neighborhoods and commercial districts, and, when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations. The General Plan Framework identifies several types of districts, including Neighborhood districts, which are intended focal points of surrounding residential neighborhoods and serve populations of 15,000 to 25,000 residents. They contain a diversity of uses that serve daily needs, such as

restaurants, retail outlets, grocery stores, child care facilities, community meeting rooms, pharmacies, religious facilities and other similar uses. The clustering of uses minimizes automobile trips and encourages walking to and from adjacent residential neighborhoods. Pedestrian-oriented areas are encouraged.

The project is a request to change the use of an existing business from food take-out/retail to restaurant, both of which uses are permitted in the C2 Zone. Although the proposed zone change is consistent with the policies and objectives of the General Plan Framework Element, special zoning regulations were put in place to facilitate the retention and expansion of a wide range of neighborhood-oriented shops and services that will insure the continued economic vitality of a pedestrian-oriented Neighborhood shopping district. The "Q" conditions were adopted to achieve this. This desired outcome is in line with the Neighborhood Districts and Community Centers Section of the Urban Form and Neighborhood Design Chapter in the Framework Element which states that the City's planning efforts should reinforce and encourage strong pedestrian orientation in designated neighborhood districts, so that these areas can serve as a focus of activity for the surrounding community and a focus for investment in the community.

Wilshire Community Plan (General Plan Land Use Element)

The Wilshire Community Plan text includes the following relevant land use goals, objectives, and policies:

GOAL 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire Community through well-designed, safe and accessible areas, while preserving historic and cultural character.

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

Objective 2-2: Promote distinctive commercial districts and pedestrian oriented areas.

Policy 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.

Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.

Objective 2-3: Enhance the visual appearance and appeal of commercial districts.

Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.

The Wilshire Community Plan Map identifies four areas that are designated as Neighborhood Districts by the Community Plan Land Use Diagram – Larchmont, Fairfax-Beverly, 3rd Street, and Fairfax-Olympic. The subject property is located in the Larchmont

Neighborhood District Subarea 2, which includes commercial frontages along Larchmont Boulevard, from Beverly Boulevard on the north to 1st Street on the south.

The Wilshire Community Plan includes a policy to enhance the viability of existing neighborhood stores and businesses that support the needs of local residents and are compatible with the neighborhood. Special zoning regulations were put in place to facilitate the retention and expansion of a wide range of neighborhood-oriented shops and services that will insure the continued economic vitality of a pedestrian-oriented shopping district. The intent was not to exclude restaurants, but rather to prevent over-concentration. The "Q" conditions were adopted to address this, by restricting the number of restaurants in an area where it was perceived that other more local retail establishments were being driven out of the area by restaurants, which attracted a more regional patronage and thus more automobiles. The proposed removal of the [Q] limiting restaurant uses would not promote neighborhood serving uses that are consistent with the goals and policies of the Wilshire Community Plan, intended to protect and promote Larchmont Boulevard as a neighborhood serving shopping district.

3. **Zone Change Findings.**

a. *Pursuant to Section 12.32 C of the Municipal Code, and based on these findings, the recommended action is deemed NOT consistent with public necessity, convenience, general welfare and good zoning practice.*

The proposed project is a Zone Change request to modify the existing "Q" conditions established under Ordinance No. 168,344 to allow a change of use from a Take-out/Retail use to Restaurant use for a 2,474-square foot establishment located at 107 N. Larchmont Blvd. between 1st Street and Beverly Boulevard (Subarea 2). The [Q] Qualified Conditions established in Ordinance No. 168,334 limit the number of restaurants to one for every 270 feet of public street frontage, and do not permit any single restaurant to exceed 40 feet of public lot street frontage for properties on both sides of Larchmont in Subarea 2. Removal of the [Q] for this property would cause the ratio of one restaurant for every 270 feet to be exceeded. Granting the zone change would establish a precedent that cannot be substantiated with findings of consistency with public necessity, convenience, general welfare and good zoning practice.

The action, as requested, is to allow a restaurant use on the subject site. LAMC Section 12.32.G.2(b) defines the purpose of a "Q" Qualified Classification as a necessary action in order to (1) protect the best interest of and assure a development with the surrounding properties or neighborhood; (2) secure an appropriate development in harmony with the General Plan; and (3) prevent or mitigate potential adverse environmental effects of the zone change. Such limitations are necessary to protect the best interests of and to assure a commercial district that is compatible with the surrounding neighborhood character, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of any future project that may be proposed for the site.

Special zoning regulations were put in place to facilitate the retention and expansion of a wide range of neighborhood-oriented shops and services that will insure the continued economic vitality of a pedestrian-oriented shopping district. The intent was not to exclude restaurants, but rather to prevent over-concentration. The "Q" conditions were adopted to achieve this. The proposed zone change to remove the "Q" condition limiting restaurant uses would not promote neighborhood serving uses that are consistent with the goals and policies of the Wilshire Community Plan, intended to protect and promote Larchmont Boulevard as a neighborhood serving shopping district.

Public Necessity
Restaurants are a permitted use in the C2 zone, which is within the range of corresponding zones for the Neighborhood Commercial Land Use Designation. However, removal of the [Q] to allow the current establishment to operate as restaurant will prevent it from complying with the purposes of the "Q" Conditions as originally intended by the Ordinance. This purpose was to allow the retention of a wide range of neighborhood oriented goods and services. Although restaurants are encouraged as a neighborhood serving use, it was the community's concern regarding an over-concentration of them in this district that drove the adoption of the regulations. Restaurants have higher parking demands compared to other forms of retail, as evidenced by the LAMC parking requirements, and too many restaurants would contribute to the loss of diversity in neighborhood-serving retail.

Convenience
The applicant has requested the removal of the [Q] in order to legalize the use of the establishment as a restaurant. Granting the proposed zone change for this individual property would result in a project that is inconsistent with the public convenience, because it would apply to only one property in Subarea 2. The establishment is currently operating as a restaurant with tables and chairs, but is permitted for food take-out/retail use only. LAMC Section 12.21 A.4(c)3 states that an establishment which *provides no seating* and exclusively dispenses food or refreshments to be eaten off the premises is not included in the definition of restaurant and shall instead meet the requirement for general retail uses.

General Welfare
Granting the requested zone change would not be consistent with the general welfare, in that the request involves a use that does not meet the Ordinance's intent to maintain and promote a diversity of neighborhood serving commercial uses. Allowing the proposed project to operate as a restaurant will prevent the project from complying with the purposes of the "Q" Conditions as originally intended by the Ordinance: to allow the retention of a wide range of neighborhood oriented goods and service and exclude uses detrimental to the neighborhood.

Good Zoning Practice
As evidenced by the Ordinance, "Q" Conditions have been incorporated to restrict commercial uses along Larchmont Boulevard to those that serve the immediate neighborhood and this is a typical zoning practice citywide to protect neighborhoods. The proposed change of use to restaurant allows a use that is permitted in the C2 zone. However, the requested zone change would not be good zoning practice because it will prevent the project from complying with the purposes of the "Q" Conditions as originally intended to enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

The "Q" is part of the zone and places restrictions on the property through special zoning regulations. Restaurants are permitted in the C2 zone, which is intended as a Neighborhood Commercial zone, allowing uses such as bookstores, bakeries, hardware stores, drugstores, restaurants, and live-work facilities. However, the "Q" conditions were imposed to maintain the diversity of neighborhood-serving retail and address the more intense impacts of restaurant uses (i.e. parking). In 1992, the City Planning Commission found that the limitations on certain uses allowed by the C2 zone for this area of Larchmont Boulevard would help facilitate the retention and expansion of a wide range of neighborhood-oriented shops and services that would ensure the continued economic vitality of a pedestrian-oriented shopping district. Based on testimony received regarding this project, the majority support the retention of the "Q" conditions as specified in Ordinance No. 168,334. This testimony is summarized beginning on Page P-1, and indicates that protection of the

neighborhood-serving character of the street is still desired 22 years after the adoption of Ordinance 168,334.

The appropriate process for removal of the [Q] condition is to address the current effectiveness of the Ordinance through an amendment that is initiated by the City Council, City Planning Commission, or the Director of Planning, as outlined in Section 12.32 (Legislative Actions) of the LAMC. Through this public process, the Ordinance as it applies to the entire Subarea 2, rather than one individual property, can be examined. The Wilshire Community Plan identifies this area as a Neighborhood Commercial district, and if the amendment process indicates that removal of the [Q] is appropriate for the entire Subarea 2, then the change will occur. The findings cannot be made that the applicant's request to remove the [Q] condition for this site only, would be *consistent with public necessity, convenience, general welfare and good zoning practice.*

4. **Conditional Use for Alcohol Permit Findings -** Pursuant to 12.24. W1 of the LAMC, the Applicant requests a Conditional Use to permit the sales and consumption of alcoholic beverages, beer and wine only, in conjunction with a 2,474-square foot restaurant. Since the request for Conditional Use to permit Alcohol sales is incidental to the Zone Change for the change of use from take-out to restaurant, staff also recommends denial without prejudice of the Conditional Use permit.

5. **City Charter Section 559, Parking Waiver Request Findings -** Pursuant to Section 12.21 A.4(o) of the LAMC, the applicant requests a Parking Waiver to allow for 18 parking spaces of the 25 required to be provided within public parking sites located within 450 feet from the subject premises. Since the request for the Parking Waiver is incidental to the Zone Change for the change of use from take-out to restaurant, staff also recommends denial without prejudice of the Parking Waiver Request.

CEQA Findings

A Mitigated Negative Declaration (MND) (ENV-2013-925-MND) was prepared for the proposed project and published for a period of 20 days. During this period, no comments were received. After the comment period ended, the applicant revised the application and entitlements, withdrawing the parking variance request. As a result, a Reconsideration (ENV-2013-925-MND-REC-1) was filed. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project would have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

PUBLIC HEARING AND COMMUNICATIONS

A Public Hearing was held at Los Angeles City Hall, 200 North Spring Street, 10th Floor, Room 1020, Los Angeles, CA 90012 on Monday, September 22, 2014 at 10 a.m. Seventeen (17) persons, including a representative of Councilmember Tom LaBonge (CD4), and the applicant/applicant's representative spoke at the Public Hearing. The majority of the attendees opposed the project. Eighteen (18) persons signed in at the hearing, however, more than that number were in attendance.

Summary of Public Hearing

1. The applicant's team presented the proposed project:

   - The Larchmont Bungalow was established in 2009. The building contained a restaurant use in the 1920s, changed to several retail uses, and has reverted to restaurant use in 2009. The restaurant is considered a "living room" –community gathering space—for Larchmont.

   - The applicant seeks a change to the Q Condition to allow additional sit-down restaurant on Larchmont. However, no waiter service will be provided.

   - The applicant is seeking a parking waiver to use two municipal parking lots approximately 450' away. Twenty bicycle parking spaces will also be added to the site.

   - The original CUB for a Full-Line of Alcohol has been changed to Beer and Wine only. The CUB will help establish a better evening use for the establishment.

   - The Representative presented a packet (unverified) with 3,933 signatures in support of the zone change. The materials indicate that 30 signatures originate from within 500 feet, 41 within 600 feet, 61 within 1000 feet, and 72 within 1500 feet, of the restaurant. The chart also indicates that 626 signatures originate from the 90004 zip code, in which the "Bungalow" is located. This represents approximately 16 percent of the total 3,933 total signatures received.

2. A total of Seventeen (17) members of the public spoke at the public hearing. The following comments were made:

   In Support of the Project

   - An employee of the restaurant spoke in support. The restaurant is within walking distance and serves as a destination for out-of-towners. It is an asset to Larchmont Village that encourages community.

   - An employee of the restaurant spoke in support. The restaurant is convenient and accessible by transit. It is a family environment that is good for the community.

   - A patron of the restaurant spoke in support, mentioning the restaurant's food variety and family-friendly atmosphere.

   - A local resident and frequent patron spoke in support of the restaurant. The restaurant offers a place for work meetings and WiFi. It does not push away working patrons.

- A patron of the restaurant spoke in support. The restaurant is accessible by bus and allows work meetings. It is a pleasant place.

- Three employees spoke in support of the restaurant. The restaurant offers a good work environment.

- An employee spoke in support of the restaurant and on behalf of other employees and locals. The restaurant brings in business to Larchmont Village.

- One resident spoke regarding the Project. He inquired about the estimated construction time. The applicant replied that the estimated construction time would be 18 months.

Not in Support of the Project

- A resident spoke in opposition to the zone change and parking waiver. Litigation has been going on for several years and the applicant has a history of not abiding by the [Q] Conditions. There is no indication that the applicant will abide by the new conditions.

- A prior resident of Windsor Square spoke in opposition to the project. Any decision by should consider the current litigation. The speaker is concerned that Larchmont will become "restaurant row." The [Q] Condition is vital in maintaining a mix of local services. They are needed to maintain neighborhood character. In addition, the Greater Wilshire Neighborhood Council has rejected the application twice.

- A local resident spoke in opposition to the project. There is concern about safety. Cars are parked very close to homes behind the restaurant and many service trucks operate with little visibility. It makes no sense to create bike parking behind the restaurant. There are many families with young children in Larchmont Village.

- A representative of the Windsor Square Association spoke in opposition to the project. There should be compliance with the rules and all businesses on Larchmont should be treated the same. The [Q] Condition has worked well to keep diversity of businesses and should not be changed.

- A local resident spoke in opposition to the project, stating that the Applicant should be following the rules.

- A local resident spoke in opposition. The restaurant does not provide enough parking nor does the speaker think that the shared lot will be used. The [Q] Condition should remain unchanged.

- A member of the Larchmont Neighborhood Association spoke in opposition, stating that the Applicant has been operating illegally.

3. **Greater Wilshire Neighborhood Council** - A representative of the Land Use Committee spoke in opposition to the project. Larchmont Village has a sense of community and place because the businesses follow the rules established by the Q Condition. The [Q] Condition was created to promote a balance of uses. The Applicant had signed an affidavit acknowledging the [Q] Condition's limitations on tables and chairs in a take-out establishment. However, the Applicant shows no intent on following these rules. The rules must be enforced equally.

4. **Council District 4** - Renee Weitzer, representative for Councilmember LaBonge, spoke in opposition to the Project. Council District 4 strongly opposes the project. The diversity of businesses is a result of the [Q] conditions, and they should not be changed for one individual applicant. If the [Q] condition needs to be changed, then the entire of the Ordinance should be amended. She stated that such a change would be an improper use and constitute spot zoning.

Summary of Written Testimony

Fifty (53) letters and e-mails were received on this matter. The following comments were made.

In Support of the Project

- There were no letters in support of the project.

Not in Support of the Project

- The mix of uses on Larchmont is credited to the [Q] condition, which should be enforced to preserve Larchmont's unique character.
- The restaurant attracts large crowds of non-locals who do not respect the street as locals do.
- There is not enough parking on-site to accommodate the proposed restaurant. Parking congestion on Beechwood Drive and Gower Street is interfering with the use of residential properties.
- There is distrust of the Applicant, citing a history of violations and refusal to work with the community.
- The existing zoning conditions should be enforced equally.
- An approval should not be granted to a restaurant that has been operating illegally for the previous five years. It implies that the zoning code need not be obeyed.
- Special entitlements should be reserved for operators of legal businesses.
- Granting the requested entitlement will result in too many restaurants and a loss of local serving businesses.
- The requested Conditional Use Permit for Full-Line of Alcohol is inappropriate and incompatible with a family friendly environment. (*Note: the request is for Beer and Wine only*)
- The Greater Wilshire Neighborhood Council and the Windsor Square Association oppose the entitlement requests and modifications to the [Q] conditions.

EXHIBIT A

RADIUS MAP

CPC-2013-924-ZC-CUB-MSC



CONDITIONAL USE - ALCOHOL
ZONE VARIANCE
ZONE CHANGE

ZONE CHANGE FROM [Q]C2-1D TO [Q]C2-1D

LEGEND:

- C ON-SITE CONSUMPTION OF FULL LINE ALCOHOLIC BEVERAGES
- B ON-SITE CONSUMPTION OF BEER AND OR WINE
- A OFF-SITE CONSUMPTION OF FULL LINE ALCOHOLIC BEVERAGES
- A OFF-SITE CONSUMPTION OF BEER AND OR WINE

C.D. 4
C.T. 2110.00
P.A. WILSHIRE

N

LEGAL: LOT 24, BLK. 2, TRACT NO. 3501.

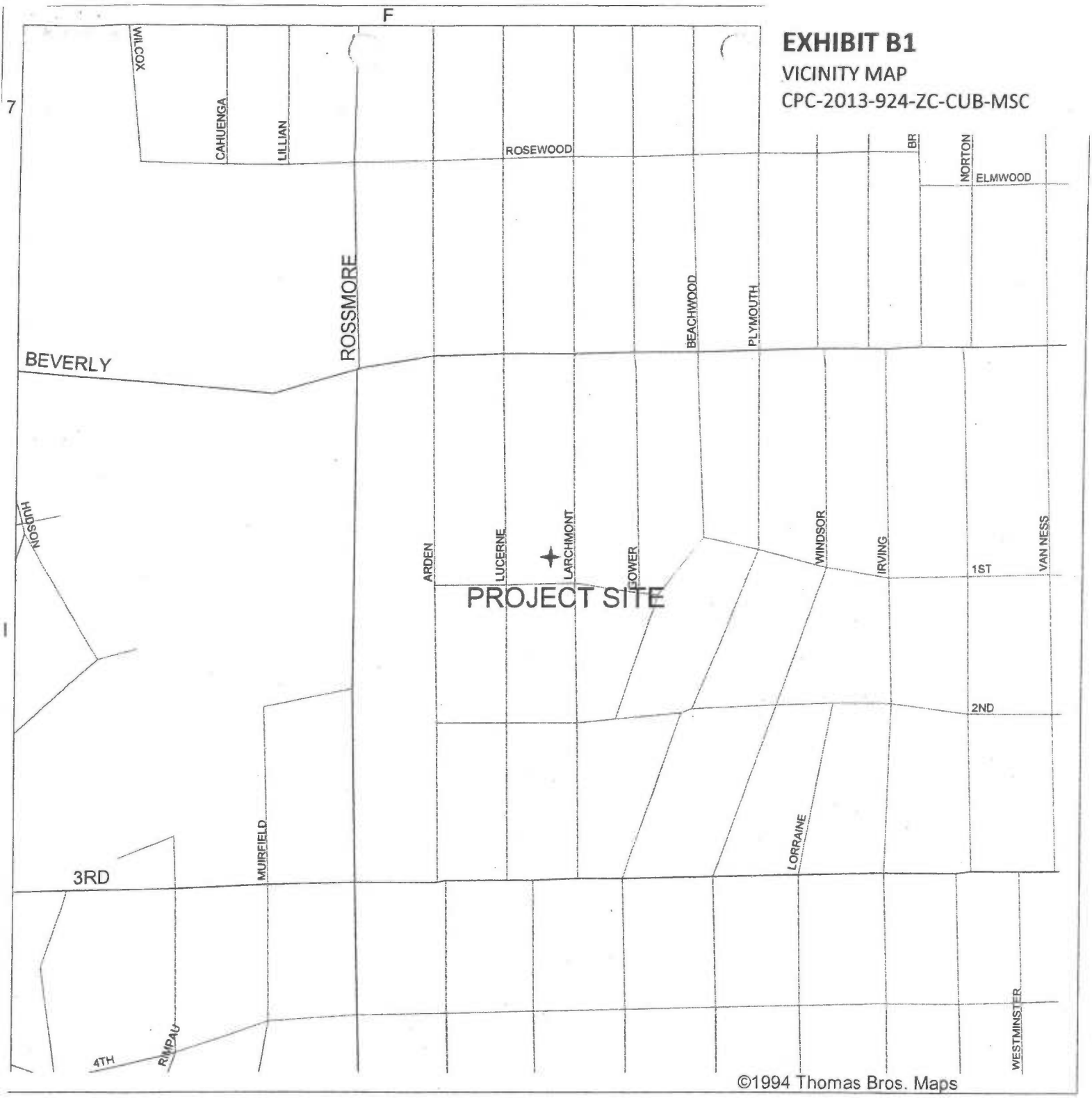
GC MAPPING SERVICE, INC.

3055 WEST VALLEY BOULEVARD
ALHAMBRA CA 91803
(626) 441-1080 FAX (626) 441-8850

0.14 NET AC.

CASE NO.
DATE: 12-06-2013
SCALE: 1" = 100'
USES FIELD
D.M. 138 B 189

T.B. PAGE: 633 GRID: F-1



VICINITY MAP

SITE : 107-109 N. LARCHMONT BLVD.

GC MAPPING SERVICE, INC.

3055 WEST VALLEY BOULEVARD
ALHAMBRA CA 91803
(626) 441-1080, FAX (626) 441-8850
GCMAPPING@RADIUSMAPS.COM

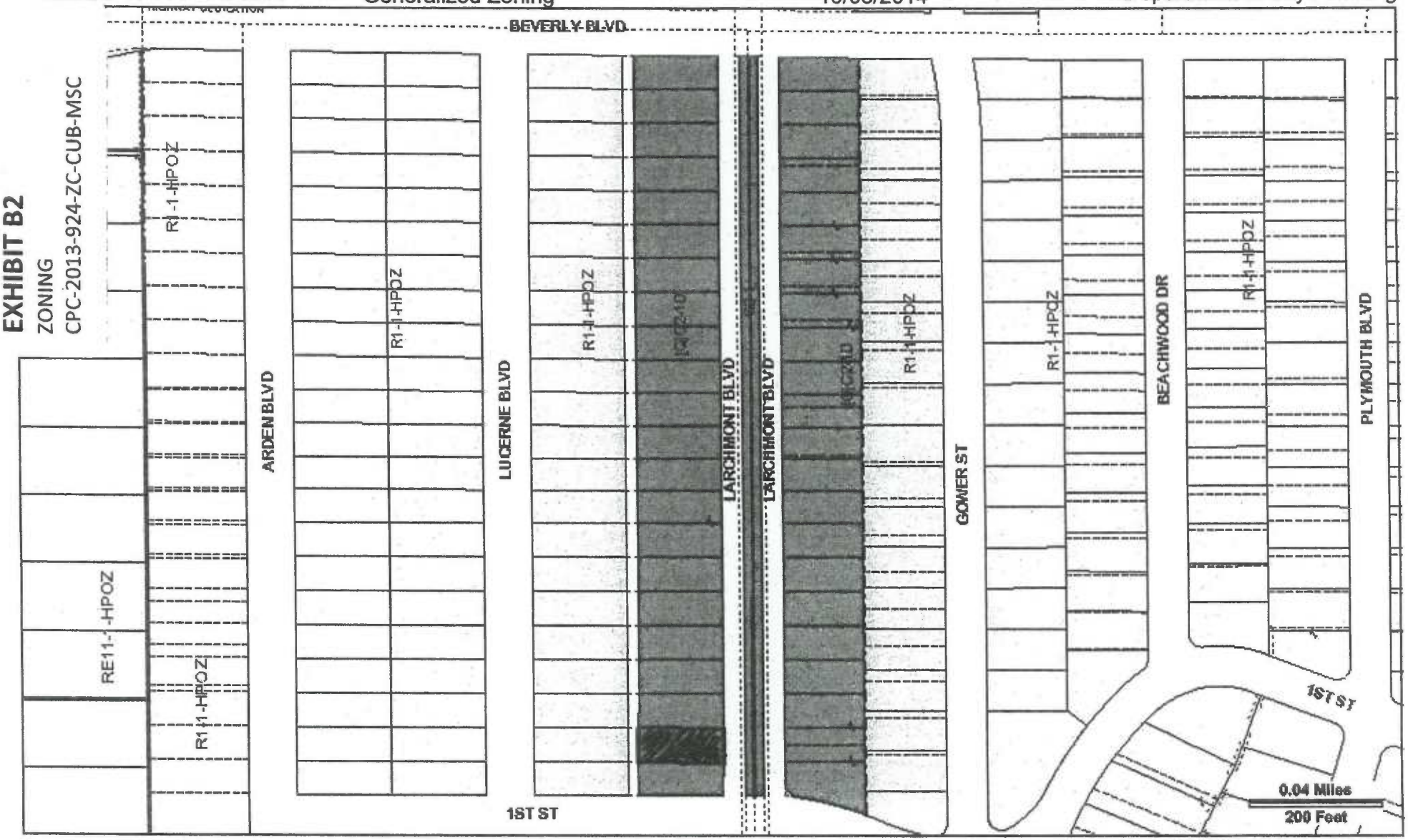
ZIMAS INTRANET

Generalized Zoning

10/03/2014

City of Los Angeles
Department of City Planning

EXHIBIT B2
ZONING
CPC-2013-924-ZC-CUB-MSC



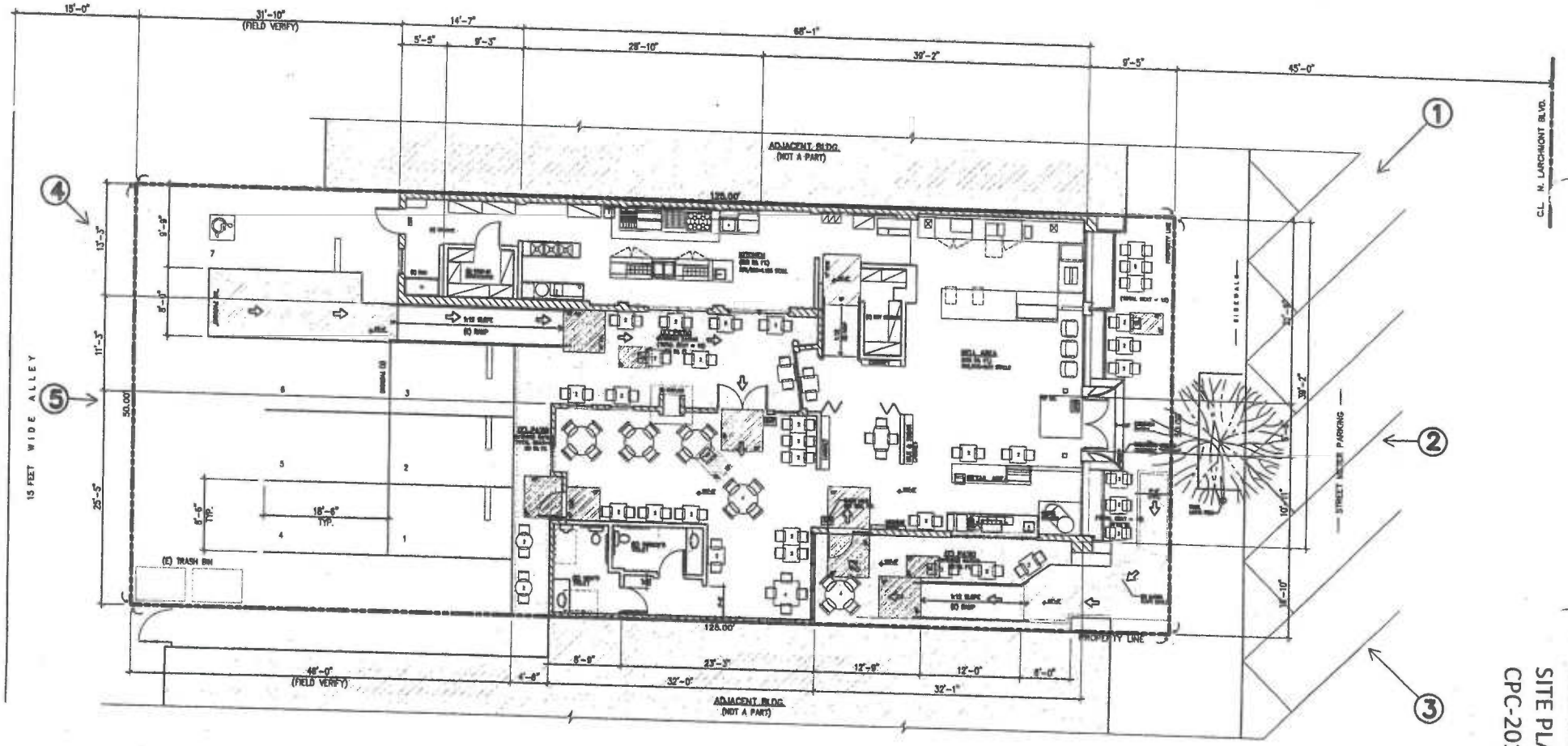
Address: 107 N LARCHMONT BLVD
APN: 5515019013
PIN #: 138B189 951

Tract: TR 3501
Block: 2
Lot: FR 24
Arb: None

Zoning: [Q]C2-1D
General Plan: Neighborhood Office Commercial

Streets Copyright (c) Thomas Brothers Maps, Inc.

INDEX MAP



ZA 2013-924

EXHIBIT B3
SITE PLAN
CPC-2013-924-ZC-CUB-MSC

X:\PRO-2012\2012-041larchmont\submittal\plot plan submittal\A-1.dwg, 3/28/2013 9:18:47 AM, KONICA MINOLTA C360SeriesPCL

EXHIBIT C
ENVIRONMENTAL CLEARANCE
ENV-2013-925-MND-REC1

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

RENEE DAKE WILSON
PRESIDENT
DANA M. PERLMAN
VICE-PRESIDENT
ROBERT L. AHN
DAVID H. J. AMBROZ
MARIA CABILDO
CAROLINE CHOE
RICHARD KATZ
JOHN W. MACK
MARTA SEGURA

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA

ERIC GARCETTI
MAYOR

MICHAEL J. LOGRANDE
DIRECTOR
(213) 978-1271

ALAN BELL, AICP
DEPUTY DIRECTOR
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

August 21, 2014

Property Owner
Larchmont Village Partners One LLC
704 Trenton Dr.
Beverly Hills, CA 90210

Representative
Jerry Neuman
Liner, LLP
633 W. 5th St.
Los Angeles, CA 90017

RE: Reconsideration of ENV-2013-925-MND
107 N. Larchmont Blvd.

Mr. Neuman,

Pursuant to Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, the Department of City Planning issued a Mitigated Negative Declaration (ENV-2013-925-MND) dated July 23, 2014 with the following project description:

The proposed project is a change of use from a Food Take-out/Retail use to Restaurant use for an establishment located in the Larchmont Boulevard neighborhood commercial district in the Wilshire Community Plan area. The site is located at 107 N. Larchmont Blvd. between 1st Street and Beverly Boulevard. The "Q" conditions established in Ordinance No. 168,334 limit the number of restaurants to one for every 270 feet of public street frontage, and do not permit any single restaurant to exceed 40 feet of public lot street frontage, for properties on both sides of Larchmont (identified as Subarea 2). The applicant has requested a Zone Change to modify this "Q" condition. The change of use applies to an existing building that comprises approximately 2,474 square feet on a 6,250-square foot lot.

Subsequent to the publication of the original MND, a request was received from the Applicant to change the Conditional Use (CUB) request from a full line of alcoholic beverages to beer and wine service only, and to withdraw the request for a parking variance (ZV). Additionally, an entitlement request for a Parking Waiver was added. Thus, this Reconsideration of the MND has been prepared. The changes to the Project include the following:

1. **Change in Conditional Use for Alcohol**: Pursuant to Section 12.24W.1. of the LAMC, a Conditional Use (CUB) to permit the sale and dispensing of alcoholic beverages to include beer and wine only, for on-site consumption, in conjunction with a 2,474-square foot restaurant;

2. **Withdraw the Variance for reduced parking**: Pursuant to Section 12.27 of the LAMC, a Zone Variance (ZV) from Section 12.21 A.4 of the LAMC to permit 7 parking spaces in lieu of the required 25 parking spaces; and

3. **Add a request for a Parking Waiver**: Pursuant to Section 12.21 A.4(o) of the LAMC, a Parking Waiver to allow for 18 parking spaces of the 25 required to be provided within public parking sites located within 450 feet from the subject premises.

The Department of City Planning has determined that the previously issued Mitigated Negative Declaration (ENV-2013-925-MND) addresses all potential environmental impacts of the revised project and, therefore, no new impacts were identified as a result of the project revision. In addition, no additional mitigation measures are required. As this revised project represents the same project, recirculation of the previously issued MND is not required.

Sincerely,

MICHAEL J. LOGRANDE
Director
Department of City Planning

Debbie Lawrence

Debbie Lawrence, AICP
City Planner