

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

|                                                                                                                                                                                                                                                                              |                            |                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CITY PLANNING CASE:</b>                                                                                                                                                                                                                                                   | <b>ENVIRONMENTAL CASE:</b> | <b>COUNCIL DISTRICT:</b>                                                                                                                                                         |
| ZA-2023-7218-ZV-CDP-MEL-HCA-2A                                                                                                                                                                                                                                               | ENV-2023-7220-CE           | 15 – McOsker                                                                                                                                                                     |
| <b>RELATED CASE NOS.:</b>                                                                                                                                                                                                                                                    | <b>COUNCIL FILE NO:</b>    | <b>PROCEDURAL REGULATIONS:</b>                                                                                                                                                   |
| ZA-2023-7218-ZV-CDP-MEL-HCA-1A ;<br>ZA-2023-7218-ZV-CDP-MEL-HCA                                                                                                                                                                                                              | <a href="#">26-0975</a>    | <input type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.)<br><input checked="" type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.) |
| <b>PROJECT ADDRESS / LOCATION:</b>                                                                                                                                                                                                                                           |                            |                                                                                                                                                                                  |
| 700 West Paseo del Mar                                                                                                                                                                                                                                                       |                            |                                                                                                                                                                                  |
| <b>APPLICANT:</b>                                                                                                                                                                                                                                                            | <b>TELEPHONE NUMBER:</b>   | <b>EMAIL ADDRESS:</b>                                                                                                                                                            |
| Vartan Achabashian, Masis Holdings, LLC                                                                                                                                                                                                                                      | 818-588-3881               | <a href="mailto:vartan@prospectgroup.net">vartan@prospectgroup.net</a>                                                                                                           |
| <b>APPLICANT'S REPRESENTATIVE:</b>                                                                                                                                                                                                                                           | <b>TELEPHONE NUMBER:</b>   | <b>EMAIL ADDRESS:</b>                                                                                                                                                            |
| Jesi Harris, Brian Silveira & Associates                                                                                                                                                                                                                                     | 310-500-8885               | <a href="mailto:jesi@bsilveira.associates">jesi@bsilveira.associates</a>                                                                                                         |
| <b>APPELLANT:</b>                                                                                                                                                                                                                                                            | <b>TELEPHONE NUMBER:</b>   | <b>EMAIL ADDRESS:</b>                                                                                                                                                            |
| Noel Gould, June Smith, Robin Rudisill, Emma Rault                                                                                                                                                                                                                           | 310-625-1157               | <a href="mailto:aquarianstudios@hotmail.com">aquarianstudios@hotmail.com</a>                                                                                                     |
| <b>APPELLANT'S REPRESENTATIVE:</b>                                                                                                                                                                                                                                           | <b>TELEPHONE NUMBER:</b>   | <b>EMAIL ADDRESS:</b>                                                                                                                                                            |
| <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                      |                            |                                                                                                                                                                                  |
| <b>PLANNER CONTACT:</b>                                                                                                                                                                                                                                                      | <b>TELEPHONE NUMBER:</b>   | <b>EMAIL ADDRESS:</b>                                                                                                                                                            |
| Christine Saponara                                                                                                                                                                                                                                                           | 213-978-1318               | <a href="mailto:christine.saponara@lacity.org">christine.saponara@lacity.org</a>                                                                                                 |
| <b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>                                                                                                                                                                                         |                            |                                                                                                                                                                                  |
| <p>The appellant is appealing the decision made by the Harbor Area Planning Commission's determination, dated June 30, 2026. The appellant is appealing the Environmental Clearance and Zone Variance (ZV), all other entitlement's are final and not subject to appeal.</p> |                            |                                                                                                                                                                                  |
| <b>FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>                                                                                                                                                                  |                            |                                                                                                                                                                                  |
| <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                      |                            |                                                                                                                                                                                  |

**ITEMS APPEALED:**

The appellant is appealing the decision made by the Harbor Area Planning Commission's determination, dated June 30, 2026. The appellant is appealing the Environmental Clearance and the Zone Variance (ZV), all other entitlement's are final and not subject to appeal.

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL DOCUMENT:****REVISED:**

- ☒ **Letter of Determination** (dated June 30, 2026)
- ☒ **Findings of Fact**
- ☒ **Staff Recommendation Report**
- ☒ **Conditions of Approval**
- ☐ **T Conditions**
- ☐ **Proposed Ordinance**
- ☐ **Zone Change Map and Ordinance**
- ☐ **GPA Resolution**
- ☐ **Land Use Map**
- ☒ **Exhibit A – Plans**
- ☒ **Mailing List (both Word and PDF)**
- ☒ **Interested Parties List**
- ☒ **Appeal**
- ☐ **Development Agreement**
- ☐ **Site Photographs**
- ☐ **Other:**

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- ☐ **Categorical Exemption (CE)**  
(Notice of Exemption)
- ☐ **Statutory Exemption (SE)**  
(Notice of Exemption)
- ☐ **Negative Declaration (ND)**
- ☐ **Mitigated Negative Declaration (MND)**
- ☐ **Environmental Impact Report (EIR)**
- ☐ **Mitigation Monitoring Program (MMP)**
- ☐ **Sustainable Communities  
Project Exemption (SCPE)**
- ☐ **Sustainable Communities  
Environmental Assessment (SCEA)**
- ☐ **Sustainable Communities  
Environmental Impact Report (SCEIR)**
- ☐ **Appendices**
- ☐ **Other:**

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**NOTES / INSTRUCTIONS:**

Please create a Supplemental Council File to 26-0975 (26-0975-S1).

**CITY COUNCIL NOTICE TIMING:****NOTICE LIST (SELECT ALL):****NOTICE PUBLICATION:**

- ☐ **10 days**
- ☐ **15 days**
- ☒ **24 days**
- ☐ **N/A / None**
- ☐ **Other: [enter here if applicable]**

- ☒ **Owner**
- ☒ **Applicant**
- ☐ **Adjacent/Abutting**
- ☐ **100' radius**
- ☐ **300' radius**
- ☒ **500' radius**
- ☒ **Neighborhood Council**
- ☒ **Interested Parties**
- ☒ **Other: Appellant**

- ☐ **10 days**
- ☐ **15 days**
- ☒ **24 days**
- ☐ **N/A / None**
- ☐ **Other: [enter here if applicable]**

**FISCAL IMPACT STATEMENT:**

☐ **Yes**

☒ **No**

\*If determination states administrative costs are recovered through fees, indicate "Yes."

**PLANNING COMMISSION:**

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☒ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

**PLANNING COMMISSION HEARING DATE:**

June 2, 2026

**COMMISSION VOTE:**

4 – 0

**LAST DAY TO APPEAL:**

July 15, 2026

**DATE APPEALED:**

July 15, 2026

**COUNCIL TIME TO ACT:**

- ☐ 30 days
- ☐ 45 days
- ☐ 60 days
- ☒ 75 days
- ☐ 90 days
- ☐ 120 days
- ☐ N/A / None
- ☐ Other: [enter here if applicable]

**TIME TO ACT START:**

- ☒ Appeal Filing Date
- ☐ Received by Clerk
- ☐ Last Day to Appeal
- ☐ N/A / None
- ☐ Other: [enter here if applicable]

**TRANSMITTED BY:**

Cecilia Lamas  
Commission Executive Assistant II

**TRANSMITTAL DATE:**

July 27, 2026



# HARBOR AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: JUNE 30, 2026**

**Case No.: ZA-2023-7218-ZV-CDP-MEL-HCA-1A**  
CEQA: ENV-2023-7220-CE  
Plan Area: San Pedro

Council District: 15 – McOsker

**Project Site:** 700 West Paseo del Mar

**Applicant:** Vartan Achabashian, Masis Holdings, LLC  
Representative: Jesi Harris, Brian Silveira & Associates

**Appellant:** Noel Gould, Emma Rault, Robin Rudisill, June Smith

At its meeting of **June 2, 2026**, the Harbor Area Planning Commission took the actions below in conjunction on the following Project:

The continuation and rehabilitation of an existing 736 square-foot historic cafe, proposing 73 total seats with 27 indoor seats and 46 uncovered outdoor seats with on-site sale and consumption of beer and wine with the proposed hours of operation of 8:00 a.m. to 8:00 p.m. daily, and the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot Accessory Dwelling Unit (ADU) both measuring 21 feet in height, along with an attached two-car garage and one carport in the Dual Permit Jurisdiction Area of the Coastal Zone.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Sections 15301 (Class 1), 15303 (Class 3), and 15331 (Class 31), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical-resources applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination dated April 1, 2026;
3. **Approved**, pursuant to Chapter 1 Section 12.20.2 and Chapter 1A Section 13B.9.1 of the Los Angeles Municipal Code (LAMC), a Coastal Development Permit to allow the continuation and rehabilitation of an existing 736 square-foot historic cafe, proposing 73 total seats with 27 indoor seats and 46 uncovered outdoor seats with on-site sale and consumption of beer and wine with the proposed hours of operation of 8:00 a.m. to 8:00 p.m. daily, and the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot Accessory Dwelling Unit (ADU) both measuring 21 feet in height, along with an attached two-car garage and one carport in the Dual Permit Jurisdiction Area of the Coastal Zone;
4. **Approved**, pursuant to LAMC Chapter 1 Section 12.27 and Chapter 1A Section 13.B.5.3, a Zone Variance to allow the continued use of an existing non-conforming historic cafe in the R1-1XL Zone;
5. **Approved**, pursuant to LAMC Chapter 1 Section 12.27 and Chapter 1A Section 13.B.5.3, a Zone Variance to allow the on-site sale and consumption of beer and wine in the R1-1 XL Zone;

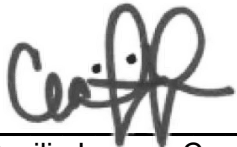


6. **Approved**, pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures, a Mello Act Compliance Review for the construction of two new Residential Units in the Coastal Zone;
7. **Adopted** the attached Conditions of Approval; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Sheikh  
Second: Gatlin  
Ayes: Bagakis, Lara  
Recuse: Sutton

**Vote: 4 – 0**



Cecilia Lamas, Commission Executive Assistant II  
Harbor Area Planning Commission

#### **APPEAL PERIOD - EFFECTIVE DATE**

The decision of the Harbor Area Planning Commission as it relates to the Zone Variance is appealable to City Council within **15 days** after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council.

**Appeal of Coastal Development Permit.** The proposed development is in the Dual Permit Jurisdiction Area of the Coastal Zone. Pursuant to LAMC Section 13B.9.1.G.1.f., no fee shall be charged for appeals of a Coastal Development Permit.

Provided no appeal has been filed by the noted date, a copy of the permit will be sent to the California Coastal Commission, pursuant to Section 13B.9.1.D.4 of Chapter 1A of the Los Angeles Municipal Code. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final. As further stipulated in California Code of Regulations Section 13313, the permit shall not become effective until the requirements of Public Resources Code (PRC) Section 30601 have been fulfilled.

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 13B.9.1.I.2 of Chapter 1A of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

#### **FINAL APPEAL DATE: JULY 15, 2026**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination on the CEQA clearance is an appealable clearance under Section 13B.11.1.F.2. (EIR, ND, MND, SCEA, Exemption/No Project) made by a decisionmaker other than the City Council; all available appeals on the entitlement approval(s) have been taken; and the Determination on the entitlement(s) is final and not further appealable.

## WHO CAN FILE AN APPEAL

An Applicant or any other person aggrieved by the Decision Maker's decision may file an appeal.

## HOW TO FILE AN APPEAL

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment. Appeals may be filed either online or in person as referenced below:

Forms are available online at <http://planning.lacity.gov/development-services/forms>.

## ONLINE APPEAL FILINGS THROUGH ONLINE APPLICATION SYSTEM (OAS)



QR Code to  
Online Appeal Filing

**Online Application System (OAS):** The OAS (<https://planning.lacity.gov/oas>) allows entitlement appeals to be submitted entirely online. Appeal fees may be paid for by credit card or e-check.

## IN PERSON APPEAL FILINGS



QR Code to Forms  
for In-Person Appeal  
Filing

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, as well as the South Los Angeles DSC on Tuesdays and Thursdays only, and payment can be made by credit card or check.

- a. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications;
- b. Alternatively, appeal applications can be filed with staff at DSC public counters.

## CITY PLANNING DEVELOPMENT SERVICES CENTERS – PUBLIC COUNTERS

| Office                                               | Address                                                    | Phone Number   | Email                          |
|------------------------------------------------------|------------------------------------------------------------|----------------|--------------------------------|
| Metro DSC                                            | 201 N. Figueroa St<br>4th Floor<br>Los Angeles, CA 90012   | (213) 482-7077 | planning.figcounter@lacity.org |
| Van Nuys DSC                                         | 6262 Van Nuys Blvd<br>Suite 251<br>Van Nuys, CA 91401      | (818) 374-5050 | planning.mbc2@lacity.org       |
| South LA DSC<br><i>Tuesday and<br/>Thursday Only</i> | 8475 S. Vermont Ave,<br>1st Floor<br>Los Angeles, CA 90044 | (213) 978-1465 | planning.southla@lacity.org    |

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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

### **SCHEDULING CASE CONDITION CLEARANCE AND BUILDING PERMIT SIGN-OFFS**

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).



QR Code to BuildLA  
Appointment Portal for  
Condition Clearance

In order to clear conditions and/or obtain building permit sign-offs, you must make an [appointment](#) with the Department of City Planning's Development Services Center (DSC). You may schedule a Case Condition Clearance Appointment with the DSC at [appointments.lacity.org](https://appointments.lacity.org) after the effective date of the determination..

See instructions on how to prepare for your appointment at [planning.lacity.gov/project-review/case-filings](https://planning.lacity.gov/project-review/case-filings)

Attachments: Zoning Administrator's Determination dated April 1, 2026

cc: Christine Saponara, Associate Zoning Administrator

OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

**ESTINEH MAILIAN**  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
TIM FARGO  
JONATHAN A. HERSHEY, AICP  
PHYLLIS NATHANSON  
CHRISTINE M. SAPONARA  
COURTNEY SHUM  
CHRISTINA TOY LEE  
JORDANN TURNER

**CITY OF LOS ANGELES**  
CALIFORNIA



**KAREN BASS**  
MAYOR

**LOS ANGELES DEPARTMENT  
OF CITY PLANNING  
EXECUTIVE OFFICES**

**VINCENT P. BERTONI, AICP**  
DIRECTOR

**KEVIN J. KELLER, AICP**  
EXECUTIVE OFFICER

**SHANA M.M. BONSTIN**  
DEPUTY DIRECTOR

**HAYDEE URITA-LOPEZ**  
DEPUTY DIRECTOR

**ARTHI L. VARMA, AICP**  
DEPUTY DIRECTOR

**LISA M. WEBBER, AICP**  
DEPUTY DIRECTOR

**CRAIG R. WEBER**  
DEPUTY DIRECTOR

[planning.lacity.org](http://planning.lacity.org)

**April 1, 2026**

**Vartan Achabashian (A)(O)**  
**Masis Holdings, LLC**  
203 North San Fernando Boulevard  
Burbank, CA 91502

**Elisa Paster (R)**  
**Rand Paster and Nelson, LLP**  
633 West Fifth Street, Unit #5880  
Los Angeles, CA 90071

**CASE NO. ZA-2023-7218-ZV-CDP-MEL-  
HCA**  
**Zone Variance/Coastal Development  
Permit/Mello Act Compliance Review**

700 West Paseo del Mar  
San Pedro Community Plan  
San Pedro Specific Plan  
Zone: R1-1XL  
C.D: 15 – McOsker  
D.M.: 003B197  
CEQA: ENV-2023-7220-CE  
Legal Description: Lot 15, Block 7, Peck's  
Ocean View Tract

**CORRECTION LETTER**

On February 19, 2026, the City of Los Angeles issued a Letter of Determination for the above-referenced case. Due to an unforeseen administrative issue involving mail processing, the determination was not mailed in accordance with established City procedures.

Accordingly, the Letter of Determination is hereby reissued and mailed with a corrected mailing date. No changes have been made to the substance, findings, conclusions, or conditions contained in the original determination.

The time period in which an appeal may be filed shall commence on the date of mailing of this reissued Letter of Determination. Any appeal must be filed within fifteen (15) days of the mailing date in accordance with applicable provisions of the Los Angeles Municipal Code Section 12.24 and/or other applicable sections of the Los Angeles Municipal Code.

Except for the corrected mailing date and this notice of re-issuance, all other provisions of the original determination remain unchanged and in full force and effect.

Inquiries regarding this matter should be directed to Monica Taimoori, Planning Staff for the Department of City Planning at (213) 682-6372 or [monica.taimoori@lacity.org](mailto:monica.taimoori@lacity.org).



**CHRISTINE M. SAPONARA**  
Associate Zoning Administrator

CMS:CC:NM:MT

cc: Councilmember Tim McOsker  
Fifteenth District  
Adjoining Property Owners  
Interested Parties



OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

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LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

CRAIG R. WEBER  
DEPUTY DIRECTOR

planning.lacity.org

**Decision Date:** April 1, 2026

**Appeal End Date:** April 16, 2026

**Vartan Achabashian (A)(O)**  
**Masis Holdings, LLC**  
203 North San Fernando Boulevard  
Burbank, CA 91502

**Elisa Paster (R)**  
**Rand Paster and Nelson, LLP**  
633 West Fifth Street, Unit #5880  
Los Angeles, CA 90071

**CASE NO. ZA-2023-7218-ZV-CDP-MEL-  
HCA**  
**Zone Variance/Coastal Development  
Permit/Mello Act Compliance Review**

700 West Paseo del Mar  
San Pedro Community Plan  
San Pedro Specific Plan  
Zone: R1-1XL  
C.D.: 15 – McOske  
D.M.: 003B197  
CEQA: ENV-2023-7220-CE  
Legal Description: Lot 15, Block 7, Peck's  
Ocean View Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301 (Class 1), 15303 (Class 3), and Section 15331 (Class 31), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.20.2 and Section 13B.9.1 of Chapter 1A, I hereby APPROVE:

a Coastal Development Permit to allow the continuation and rehabilitation of an existing 736 square-foot historic café, proposing 73 total seats with 27 indoor seats and 46 uncovered outdoor seats with on-site sale and consumption of beer and wine with the proposed hours of operation of 8 A.M. to 8 P.M. daily, and the demolition of an existing

1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot Accessory Dwelling Unit (ADU) both measuring 21 feet in height, along with an attached two-car garage and one (1) carport in the Dual Permit Jurisdiction Area of the Coastal Zone,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.27 of Chapter 1 and Section 13.B.5.3 of Chapter 1A, I hereby APPROVE

a Zone Variance to allow the continued use of an existing non-conforming historic café in the R1-1XL Zone,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.27 and Section 13.B.5.3 of Chapter 1A, I hereby APPROVE

a Zone Variance to allow the on-site sale and consumption of beer and wine in the R1-1XL Zone,

Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures I hereby APPROVE:

a Mello Act Compliance Review for the construction of two (2) new Residential Units in the Coastal Zone.

Upon the following additional terms and conditions:

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 plans submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.

6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (Covenant and Agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. **Coastal Development Permit.** Approved herein is:
  - a. **Dual Permit Jurisdiction Area.** The project is located within the Dual Permit Jurisdiction area of the California Coastal Zone. The applicant shall file an application for a second (or "dual") coastal development permit with the Coastal Commission. Prior to the issuance of any permits, the Applicant shall submit proof of a valid ("dual") permit issued by the Coastal Commission.
  - b. **Residential Use.** The project shall be limited to a maximum density of one (1) new single-family dwelling and one (1) new Accessory Dwelling Unit (ADU), for a total of two (2) dwelling units on the subject property.
  - c. **Commercial Use.** The existing historic café shall be limited to 736 square feet.
  - d. **Height.** The existing historic café shall maintain the building height of 12 feet 10 inches, and the proposed two-story single-family dwelling and attached ADU shall be limited to a building height of 21 feet as measured from the average existing natural grade for the new attached structures, as shown in Exhibit "A".
  - e. **Roof Deck.** Railings used on the proposed roof deck shall not exceed 36 inches and be of an open design per San Pedro Specific Plan Section 5.B.5, as shown in Exhibit "A".
  - f. **Parking and Access.** As shown in "Exhibit A", a minimum of three (3) covered parking spaces shall be provided for residential use. Final approval of the number and location of parking is subject to review and approval by the Department of Building and Safety.
  - g. **Single-Family Zones Regulations.** Prior to the issuance of a grading or building permit, the applicant shall demonstrate compliance with Ordinance 184,802 including but not limited to:
    - i. The project shall provide an encroachment plane, a 45° angled plane above a height of 20 feet that the house cannot intersect.
    - ii. Side wall more than 45 feet in length and 14 feet in height require articulation.
    - iii. Roof decks are required to be set back at least 3 feet from the minimum side yard.



- iv. Driveways are limited to width to 25% of lot width (but not less than 9 feet) or the width of the existing driveway.
  - h. **San Pedro Specific Plan.** Prior to the issuance of a grading or building permit, the Department of Building and Safety shall determine that a project complies with the regulations of the San Pedro Specific Plan pursuant to Ordinance No. 166,352, including but not limited to:
    - i. Building or Structure for residential use shall be limited to two stories or a height of 26 feet as measured from the average existing natural grade to the highest point of the roof or parapet wall of the building, whichever is higher per San Pedro Specific Plan Section 5. B.1.
    - ii. Roof deck railings that do not exceed 36 inches and are of an open design.
  - i. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
  - j. Prior to the commencement of site construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a phone number and shall be posted on the site in a manner, which is readily visible to any interested party.
8. **Zone Variance.** Authorized herein is the sale and dispensing of beer and wine for on-site consumption, in conjunction with an existing 736 square-foot non-conforming historic café and an uncovered outdoor patio in the public right-of-way. The grant shall be subject to the following limitations:
- a. The hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. daily.
  - b. Indoor seating shall be limited to a maximum of 27 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
  - c. Outdoor seating shall be limited to a maximum of 46 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.
  - d. Outdoor seating in the public right-of-way shall be limited to a maximum of 16 seats. A Revocable Permit from the Bureau of Engineering, Department of Public Works is required for the outdoor dining located in the public right-of-way. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures. A copy of the approved Revocable Permit, including a plot plan and

any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right of way as permitted by this grant.

9. After-hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
10. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
11. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
12. Game machines, pool tables, or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
13. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
14. 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.
15. The security plan must be reviewed and approved by the Police Department. The approved security plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
16. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
17. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
18. **Good Neighbor Program.** 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.

19. **STAR/LEAD/RBS Training.** Within six months of the date of this determination and within six months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. Upon completion of the training, the applicant shall provide evidence to the Zoning Administrator that such training was provided.
20. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under the control of the applicant to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
21. Loitering is prohibited on or around these premises and the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
22. 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, the conditions imposed by the Department of Alcoholic Beverage Control (ABC), and the conditional use granted herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activities on the subject premises and in any exterior area, including accessory parking areas, over which the building owner exercises control, in an effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism, and truancy occur.
23. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, the Department of Building and Safety, the Department of City Planning, or other responsible agencies. The on-site Manager and employees shall be knowledgeable of the conditions herein.
24. The applicant shall provide the Zoning Administrator a copy of each license suspension thereof, or citation issued by the Los Angeles Police Department or State Department of Alcoholic Beverage Control upon such issuance.
25. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
26. 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.

27. 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.
28. 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.
29. **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.
30. 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.
31. **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.
32. 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.
33. 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.
34. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.



35. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, performers or fashion shows.
36. There shall be no speakers or amplified sound permitted in the outdoor dining area.
37. No employee or agent shall be permitted to accept money or any other item of value from a customer for the purpose of sitting or otherwise spending time with the customers while on the premises. No patrons shall be made available to act as escorts, companions, or guests of customers. Employees shall not be allowed to solicit or accept any alcoholic or non-alcoholic beverage from any customers in the premises.

#### **Administrative Conditions**

38. **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 Clearance - ZA shall be paid to the City.
  - a. Within 24 months from the effective date of this grant, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. A second inspection will take place within 36 months of the first inspection. 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.
39. 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 their 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.
40. 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. The application, in association with

the appropriate fees, shall be submitted to the Development Services Center, 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 a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

41. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
42. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
43. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
44. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
45. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.



46. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
47. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
48. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This determination runs with the land. In the event the property is to be sold, leased, rented, or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must

be strictly observed.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$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.

### **NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### **FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on October 30, 2025, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a Coastal Development Permit pursuant to Section 12.20.2, a Zone Variance pursuant to Section 13B.5.3 of Chapter 1A of the Los Angeles Municipal Code, and a Mello Act Compliance Review pursuant to Sections 65590 and 65590.1 have been established by the following facts:

### **BACKGROUND**

The subject site is a rectangular-shaped lot with an area of approximately 6,138 square feet in the R1-1XL Zone. The property has approximately 50 feet of frontage on the northeast side of Paseo del Mar, approximately 45 feet of frontage along the 20-foot-wide alley to the north, and a lot depth of approximately 130 feet. The site is located within the San Pedro Community

Plan area and has a land use designation of Low II Residential with a corresponding zone of R1. The site is zoned R1-1XL, which is consistent with the land use designation. The property is subject to Community Plan Map Footnote 7, which limits the area to Height District 1XL, allowing two (2) stories or 30 feet for Low II and Low Medium I and II Residential and Neighborhood Commercial Designations. The property is also within the San Pedro Specific Plan Area, which further restricts height to a limit of two stories or 26 feet as measured from the Average Natural Existing Grade to the highest point of the roof, or parapet wall of the building, whichever is higher. The site is within approximately 3.66 kilometers (2.27 miles) of the Palos Verdes Fault Zone. The site is also located within the BOE Special Grading Area, 500 feet of a park zone, and the Methane Buffer Zone. The site is located within the Dual Permit Jurisdiction of the California Coastal Zone but not located within the Calvo Exclusion area.

The site is currently improved with a one-story, 736 square-foot historic café that is 12 feet and 10 inches tall located in the front of the property and a 1,118 square-foot garage located in the rear of the property. Walker's Café was constructed in 1935 and had been in continuous operation since 1946 until its closure in October 2021 due to COVID-19-related reasons. During that time, it had been under an administrative review initially for the Historic-Cultural Monument (HCM) and now for the Coastal Development Permit and Zone Variance. The café has previously sold beer and wine for on-site consumption since 1997, as indicated on their ABC License No. 329702. This historic café was identified as individually eligible for listing as a Los Angeles Historic-Cultural Monument (HCM) by SurveyLA in 2012 as a "long time restaurant in San Pedro; in continuous operation as Walker's Burgers since 1942. Includes a neon sign." Walker's Café was designated HCM #1267 on August 24, 2022.

The applicant requests for a Coastal Development Permit to allow the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport.

The applicant also filed for a Zone Variance to allow the continued use of an existing non-conforming historic café, proposing 73 total seats, with 27 indoor seats and 46 outdoor seats (16 seats in public right-of-way and 30 seats in rear patio), in conjunction with on-site sale and consumption of beer and wine with the proposed hours of operation of 8 A.M. to 8 P.M. daily, located in the R1-1XL Zone.

The adjacent properties across the alleyway to the north are zoned R2-1XL with a land use designation of Low Medium I Residential and are developed with multi-family dwellings that are up to three (3) stories in height. The adjacent properties to the east are zoned R1-1XL with a land use designation of Low II Residential and are developed with both single and multi-family dwellings that are up to two (2) stories in height. The property to the south across the street from Paseo Del Mar is zoned OS-1XL with a land use designation of Open Space and developed with Point Fermin Park. The adjacent properties to the west are zoned R1-1XL with a land use designation of Low II Residential and are developed with both single and multi-family dwellings that are up to three (3) stories in height.

**Streets:**

Paseo del Mar is designated Local Street Standard. The Mobility Plan 2035 designates a right-of-way width of 60 feet and designated roadway width of 36 feet and the street is dedicated to an approximately 80-foot right-of-way and improved to an approximately 55-foot roadway, with sidewalk, curb, and gutter.

Alley, adjoining the subject property to the north, has a width of approximately 20 feet with no curb or sidewalk.

**Previous zoning related actions on the site include:**

Case No. CHC-2021-10727-HCM- On December 21, 2021, the applicant submitted a Historic-Cultural Monument Nomination Form for Walker's Café, citing the proposed monument's historic, cultural and/or architectural significance. On March 25, 2022, the Cultural Heritage Committee took actions to include Walker's Café in the list of Historic-Cultural Monuments.

Building Permit No. 24016-10000-02615- On January 12, 2024, the applicant submitted an application for a Building Permit with the Department of Building and Safety to allow for the alteration to an existing restaurant, which is currently pending at the time of preparing this report.

Building Permit No. 24010-10000-00132- On January 12, 2024, the applicant submitted an application for a Building Permit with the Department of Building and Safety to allow a new two-story single-family dwelling with a roof deck, attached garage, and attached ADU, and to allow the renovation of an existing historic café, which is currently pending at the time of preparing this report.

Order to Comply No. 963812- On July 14, 2022, and August 12, 2022, the Department of Building and Safety issued an Order to Comply indicating that a site inspection revealed that there was construction done without Permits or Inspections.

**Previous related actions in the 500 feet radius area include:**

ADM-2023-1237-CEX – On March 24, 2023, an application for a Coastal Exemption was approved for a prescriptive patio cover addition to an existing single-family dwelling within the Single-Permit Jurisdiction of the California Coastal Zone at 710 and 712 West Shepard Street.

**Correspondence**

Planning staff received correspondence from LAPD Harbor Area in a letter dated April 1, 2024. LAPD stated that due to the revitalization efforts in the area, they were unopposed to the issuance of the license. However, acting in the interest of the public, LAPD recommends operating conditions be imposed to diminish vice-related problems that may develop at the proposed business.



Planning staff received a total of 46 comments submitted via email from constituents representing diverse opinions regarding the proposed project. Some constituents expressed disapproval of the proposed new construction of the single-family dwelling (SFD) and ADU at the rear of the property site, noting that the SFD and ADU are out-of-scale with the other buildings in the neighborhood. Furthermore, a majority of constituents submitted similar comments stating the following:

“The Prospect Group has been alarmingly unwilling to hear the community’s concerns and prioritize reopening the café, even refusing to meet with potential new operators. Over time, it has become clear that Prospect Group’s first and foremost priority is to build a large house on the parcel rather than reopen an iconic legacy business. The café is literally and figuratively painted into a corner. To protect the future of the landmarked community spot, they request that the Zoning Administrator impose the following crucial conditions to any approval of the project: 1) A substantially reduced footprint for the house in the back so the café has enough space to operate 2) As the Zoning Administrator, you are able to impose so-called Q conditions. For this site, we ask that you set the key condition that an operational restaurant or coffee shop must be maintained at the location to ensure that no matter what else happens with the parcel, generations to come will be able to enjoy a cup of coffee and a bite to eat at this iconic establishment.”

Conversely, some constituents expressed full support of the plans as submitted and the revitalization efforts, citing that Walker’s Café is in much need of a renovation. Furthermore, some comments noted that the project is in-scale with the character and density of the surrounding properties, consistent with other local land uses, and beneficial to neighbors of San Pedro.

Additionally, on March 20, 2025, Council District 15 representative sent an email with a list of 18 public comments taken during the March 17<sup>th</sup> Coastal San Pedro Neighborhood council. The comments represent mixed opinions, with some constituents in support of the project as presented, while others expressing concern over the size and scale of the proposed SFD and ADU in relation to the lot and existing historic café.

### **Public Hearing**

A Notice of Public Hearing was sent to all property owners within 500’ from the subject site. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The Office of Zoning Administration Public Hearing was conducted virtually on October 30, 2025, at approximately 9:30 a.m. The hearing was conducted by Associate Zoning Administrator Christine Saponara. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Approximately 45 individuals participated in the meeting.

The applicant provided the following comments:

The applicant provided the following comments: The proposed project involves the rehabilitation of the 736 square-foot historic Walker's Cafe (HCM #1262) and the construction of a new residential complex. The request includes a Zone Variance to allow the continued use of the cafe and the on-site sale of beer and wine in the R1-1XL zone. The cafe proposes 73 total seats (27 indoor and 46 outdoor) with daily hours from 8:00 a.m. to 8:00 p.m. Additionally, the project includes the demolition of an existing garage to construct a 21-foot tall, two-story, 2,453 square-foot single-family dwelling and an attached 1,070 square-foot ADU. The applicant emphasized that the residential component is essential for the financial feasibility of restoring the historic landmark and that the design remains subordinate to the cafe to maintain the pedestrian-oriented character of Point Fermin.

Council District 15:

Representative Pamela Thornton stated that the Council Office supports the goals of reopening the cafe and the economic development of the community. She noted that the approval should strictly respect the historic character of the project. The office has received numerous emails containing both support and concerns and will be submitting recommended conditions to ensure the project serves the community effectively.

Public Testimony:

During the hearing, testimony was mixed but generally leaned toward support for the cafe's revival. Proponents, including long-time residents and representatives from the local Chamber of Commerce, highlighted the cafe's history as a community gathering spot and argued that the new housing is a thoughtful investment that will eliminate blight. Conversely, several neighbors expressed concerns regarding the scale and height of the new single-family dwelling, fearing it would set a precedent for over-development and impact private views. Specific concerns were also raised regarding the potential for loud music or "biker bar" activity, with some residents requesting "Q" conditions to ensure the cafe is operational before residential permits are issued.

Applicant's last statement:

Applicant's last statement: In rebuttal, representative Elisa Paster clarified that the single-family dwelling is crucial for the project's overall feasibility. She confirmed that the applicants have no intention of operating a bar, but rather a bona fide restaurant, and agreed to exclude alcohol service from the front sidewalk patio. She further noted that the project has been vetted by the Cultural Heritage Commission and that the new housing is consistent with state laws encouraging multi-unit properties on single lots. The Zoning Administrator took the case under advisement, leaving the record open for five days.

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

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

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

- Any alcoholic beverage sold or dispensed for on-site consumption shall be served by employees of the establishment. No self-service of alcohol is allowed.
- There shall be no sales of wine by the bottle or storage of any bottle for future consumption.
- There shall be no minimum drink required of patrons.
- No person under 21 years of age shall sell or serve alcoholic beverages.
- There shall be no exterior advertising of any kind of type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
- There shall be no bottle service.
- No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
- There shall be no "bottle service" of distilled spirits; "Magnum" sized wine/champagne, nor "Buckets" of beer allowed.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- The sale of alcoholic beverages for consumption off-premises shall be prohibited.
- There shall be no "Happy Hour" or reduced-price drinks.
- The maximum number of televisions used for television spectatorship shall be limited to one in the bar area. Additional televisions used for the purpose of displaying a menu, digital art or similar uses will be allowed.
- The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. weekdays and 7:00 a.m. to 11:00 p.m. weekends. Last call for alcohol shall occur no later than 10:30 p.m. daily. After hours use of the facility, other than activities required for construction, clean up, inventory and maintenance type activities otherwise allowed per code are not permitted.
- The owner/operator shall always retain operational control of the premises and shall not sublet the premises to outside "promoters" for nightclub or concert activity.
- No cover charge shall be required to enter the premises. There shall be no requirement to purchase a minimum number of drinks at any time on the premises.
- The organization of an admissions line or line queue on the public sidewalk is prohibited.

- There shall be no coin-operated games or video machines maintained upon the premises at any time.
- No pay phone shall be maintained on the exterior of the premises.
- No person under 21 years of age shall sell or deliver alcoholic beverages with the exception of bona fide eating establishments.
- The subject alcoholic beverage license shall not be exchanged for a public premise type license.
- Off-street parking shall comply with the applicable provisions of the Los Angeles Municipal Code (LAMC).
- Vendor(s) delivery of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 7:00 p.m. each day of the week.
- The applicant shall be required to have a minimum of 10 parking spots designated for the business to facilitate a maximum of 40 patrons at time of full capacity. The parking spots will prevent the business from inhibiting parking at Point Fermin Park during business hours of operation for those community members visiting the park.

## FINDINGS

### ZONE VARIANCE

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The site is located within the San Pedro Community Plan area and has a land use designation of Low II Residential with a corresponding zone of R1. The site is zoned R1-1XL, which is consistent with the land use designation. The property is subject to Community Plan Map Footnote 7, which limits the area to Height District 1XL, allowing two (2) stories or 30 feet for Low II and Low Medium I and II Residential and Neighborhood Commercial Designations. The property is also within the San Pedro Specific Plan Area, which further restricts height to a limit of two stories or 26 feet as measured from the Average Natural Existing Grade to the highest point of the roof, or parapet wall of the building, whichever is higher.

The general purpose and intent of zoning regulations are to limit uses to specific zones in order to comply with the general plan and provide compatibility between respective properties. However, such regulations are written on a citywide basis and cannot take into account individual unique characteristics of a specific property as well as consider changes in the use and demand of land. A variance is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted, provided that the spirit of the zoning regulations is observed and substantial consideration is given to the impacts on the surrounding



community.

**Continued Use of Existing Non-Conforming Historic Café:**

The subject property is improved with a one-story commercial structure constructed in 1935 and continuously operated as Walker's Café since 1946 until its temporary closure in 2021. The structure was purpose-built for commercial use and is designated as a Historic-Cultural Monument (HCM).

The café lawfully existed prior to the 1988 legislative rezoning of the property from a commercial zone to RD1.5-1XL, and subsequently to R1-1XL in 2024. As a result of these legislative actions, the use became nonconforming through no action of the property owner.

The strict application of the R1-1XL regulations would prohibit the continued commercial use of the structure and require conversion to a single-family residential use. Due to the building's original commercial design, layout, parking configuration, and HCM designation, conversion to residential use would require substantial alteration of the structure, potentially compromising its historic integrity. The property's longstanding commercial development pattern and physical improvements are unique circumstances not shared by surrounding residentially developed lots.

The zoning regulations are written on a citywide basis and do not account for properties developed with lawful commercial uses that later became nonconforming as a result of legislative rezoning. In this instance, the literal enforcement of the zoning code would effectively eliminate a long-established historic resource and require substantial structural modification inconsistent with preservation objectives.

Accordingly, the strict application of the zoning ordinance would result in practical difficulties and unnecessary hardship inconsistent with the general purpose and intent of the zoning regulations.

**On-Site Sale and Consumption of Beer and Wine:**

The applicant requests authorization for the on-site sale and consumption of beer and wine in conjunction with the existing historic café. While alcohol service may be permitted by Conditional Use in commercial zones, the R1-1XL Zone does not provide such an entitlement path. As a result of the legislative rezoning of the property, the applicant must request a variance to maintain an operational component that is customary and incidental to restaurant uses.

Records from the California Department of Alcoholic Beverage Control indicate that a Type 40 (On-Sale Beer) license has been active at the subject property since July 21, 1997, with no record of disciplinary action. The alcohol service has historically operated in conjunction with the café without documented adverse impacts.



Given the café's historic designation and operational model as a neighborhood-serving establishment, the availability of beer and wine service represents a customary accessory component typical of similar small-scale restaurants. The inability to provide this service would materially limit the functionality of the café use relative to comparable establishments located in commercial zones, thereby placing this uniquely situated property at a disadvantage due solely to legislative zoning changes.

Furthermore, the continued preservation and maintenance of the designated historic structure requires viable commercial operation. Without the ability to provide customary restaurant amenities, including limited alcohol service, the adaptive reuse and preservation of the historic resource would be jeopardized.

For these reasons, the strict application of the zoning ordinance would result in practical difficulties and unnecessary hardship inconsistent with the general purpose and intent of the zoning regulations.

**2. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject site is a rectangular-shaped lot with an area of approximately 6,138 square feet in the R1-1XL Zone. The property has approximately 50 feet of frontage on the northeast side of Paseo del Mar, approximately 45 feet of frontage along the 20-foot-wide alley to the north, and a lot depth of approximately 130 feet. The site is located within the San Pedro Community Plan area and has a land use designation of Low II Residential with a corresponding zone of R1. The site is zoned R1-1XL, which is consistent with the land use designation. The property is subject to Community Plan Map Footnote 7, which limits the area to Height District 1XL, allowing two (2) stories or 30 feet for Low II and Low Medium I and II Residential and Neighborhood Commercial Designations. The property is also within the San Pedro Specific Plan Area, which further restricts height to a limit of two stories or 26 feet as measured from the Average Natural Existing Grade to the highest point of the roof, or parapet wall of the building, whichever is higher.

The adjacent properties across the alleyway to the north are zoned R2-1XL with a land use designation of Low Medium I Residential and are developed with multi-family dwellings that are up to three (3) stories in height. The adjacent properties to the east are zoned R1-1XL with a land use designation of Low II Residential are developed with both single and multi-family dwellings that are up to two (2) stories in height. The property to the south is zoned OS-1XL with a land use designation of Open Space and developed with Point Fermin Park. The adjacent properties to the west are zoned R1-1XL with a land use designation of Low II Residential are developed with both single and multi-family dwellings that are up to three (3) stories in height.

**Continued Use of Existing Non-Conforming Historic Café:**

While the subject property is similar in size and configuration to other R1-1XL lots in

the vicinity, it is uniquely improved with a purpose-built, one-story commercial structure constructed in 1935 and historically operated as Walker's Café for approximately 75 years. The structure lawfully existed prior to the City's 1988 legislative rezoning of the property from a commercial zone to RD1.5-1XL, and subsequent rezoning to R1-1XL in 2024. As a result of these legislative actions, the long-established commercial use became legal nonconforming through no action of the property owner.

This circumstance does not generally apply to other properties in the same zone and vicinity, which were developed and designed for single-family residential purposes consistent with the R1 zoning regulations. The subject property is uniquely burdened by the presence of a historically significant commercial structure that was constructed and operated in reliance upon prior commercial zoning classifications.

Additionally, the property has been identified through SurveyLA with status codes 3S, 3CS, and 5S3 as eligible for listing in the California Register and locally designated as a Historic-Cultural Monument. The historic significance of the structure is directly tied to its longstanding commercial use as a neighborhood café, including its character-defining features such as the neon signage. The historic designation imposes preservation obligations that are not applicable to other properties within the R1 zone.

Furthermore, the site's location adjacent to Point Fermin Park (Open Space zoning) to the south and multi-family residential zoning (R2-1XL) across the alley to the north creates a transitional context that differs from interior R1 parcels in the neighborhood. The presence of alley access and its corner-adjacent location further reflect development characteristics that historically supported commercial activity.

These combined circumstances, legislative downzoning of a long-standing commercial use, the existence of a purpose-built historic commercial structure, HCM designation, and the property's transitional location, constitute special circumstances applicable to the subject property that do not generally apply to other properties in the same zone and vicinity.

#### **On-Site Sale and Consumption of Beer and Wine:**

The special circumstances applicable to the continued café use likewise apply to the request for on-site beer and wine sales. The property's historic designation is tied to its identity as a neighborhood-serving commercial establishment. The California Department of Alcoholic Beverage Control records indicate that a Type 40 (On-Sale Beer) license has been active at the site since July 21, 1997, without disciplinary history.

The combination of (1) a historically designated commercial structure, (2) longstanding lawful alcohol service, and (3) the absence of an entitlement pathway under the current R1 zoning due solely to legislative rezoning, creates a unique circumstance not generally applicable to other R1 properties in the vicinity. Other R1 parcels were developed as residential uses and do not contain historic commercial improvements or longstanding accessory alcohol service.

Accordingly, these special circumstances are peculiar to the subject property and justify consideration of the requested variance.

3. **The Variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

**Continued Use of Existing Non-Conforming Historic Café:**

Other properties within the same vicinity that are zoned for commercial use possess the right to operate neighborhood-serving restaurant establishments consistent with their zoning classification. Those properties may lawfully maintain commercial structures and conduct restaurant operations as permitted uses.

Because of the legislative rezoning of the subject property from commercial to residential classifications in 1988 and 2024, the subject site is uniquely deprived of the ability to maintain the commercial use for which it was originally designed and historically utilized. Unlike surrounding residential parcels that were developed as single-family dwellings in conformity with the R1 zone, the subject property contains a purpose-built commercial structure constructed in 1935 and historically operated as a café for approximately 75 years.

Absent the requested variance, the property would be required to discontinue the commercial use and convert the historic structure to a single-family residential use, thereby depriving the owner of the same fundamental property right enjoyed by similarly situated commercial properties in the vicinity, namely, the right to utilize an existing restaurant building for restaurant purposes.

The variance is therefore necessary to preserve and enjoy a substantial property right, the continued operation of a small-scale restaurant use in a structure designed and historically utilized for that purpose, which is generally possessed by other restaurant properties in the same vicinity but is denied to the subject property solely due to legislative zoning changes and its unique historical development pattern.

**On-Site Sale and Consumption of Beer and Wine:**

Restaurants located within commercially zoned properties in the same vicinity possess the right to apply for and obtain a Conditional Use Permit for the on-site sale and consumption of beer and wine. This entitlement pathway provides commercial restaurant operators the opportunity to offer customary accessory alcohol service subject to operational safeguards.

Due to the subject property's current R1-1XL zoning — a classification applied through legislative action after decades of lawful commercial operation — the applicant is denied access to the same conditional use entitlement process that is available to

similarly functioning restaurant properties located in commercial zones. The inability to even seek that entitlement deprives the subject property of a substantial operational privilege generally available to comparable establishments in the area.

The requested variance restores parity by allowing the historic café to maintain an operational component that is typical and incidental to restaurant uses in the vicinity, subject to appropriate conditions of approval. Without the variance, the property would be uniquely constrained in a manner not generally applicable to other restaurant properties serving the same community.

Accordingly, the variance is necessary for the preservation and enjoyment of a substantial property right generally possessed by other properties in the same zone and vicinity but denied to the subject property due to its unique zoning history and historic development.

**4. The granting of the Variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.**

The subject site is a rectangular-shaped lot with an area of approximately 6,138 square feet in the R1-1XL Zone. The property has approximately 50 feet of frontage on the northeast side of Paseo del Mar, approximately 45 feet of frontage along the 20-foot-wide alley to the north, and a lot depth of approximately 130 feet. The site is located within the San Pedro Community Plan area and has a land use designation of Low II Residential with a corresponding zone of R1. The site is zoned R1-1XL, which is consistent with the land use designation. The property is subject to Community Plan Map Footnote 7, which limits the area to Height District 1XL, allowing two (2) stories or 30 feet for Low II and Low Medium I and II Residential and Neighborhood Commercial Designations. The property is also within the San Pedro Specific Plan Area, which further restricts height to a limit of two stories or 26 feet as measured from the Average Natural Existing Grade to the highest point of the roof, or parapet wall of the building, whichever is higher.

The adjacent properties across the alleyway to the north are zoned R2-1XL with a land use designation of Low Medium I Residential and are developed with multi-family dwellings that are up to three (3) stories in height. The adjacent properties to the east are zoned R1-1XL with a land use designation of Low II Residential are developed with both single and multi-family dwellings that are up to two (2) stories in height. The property to the south is zoned OS-1XL with a land use designation of Open Space and developed with Point Fermin Park. The adjacent properties to the west are zoned R1-1XL with a land use designation of Low II Residential are developed with both single and multi-family dwellings that are up to three (3) stories in height.

**Continued Use of Existing Non-Conforming Historic Café:**

The granting of the variance will not authorize new construction, increased floor area, or physical expansion of the existing structure. The historic café will remain a one-story

building with a height of 12 feet 10 inches and a total floor area of 736 square feet. The request is limited to interior and exterior rehabilitation of the existing structure and restoration of the historic neon sign.

The proposed rehabilitation has been reviewed by the Office of Historic Resources and found consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as documented in the April 26, 2024 memorandum prepared by Historic Resources Group. The Cultural Heritage Commission has reviewed the project and will continue to provide oversight. As such, the project enhances preservation of a designated Historic-Cultural Monument rather than intensifying development on the site.

The café historically operated for approximately 75 years at this location. The variance does not introduce a new or intensified use but allows the continuation of a long-established neighborhood-serving establishment. Given the small building size, limited operational hours (8:00 a.m. to 8:00 p.m.), and absence of expansion, the continued operation is not expected to generate impacts materially different from historical operations.

Conditions of approval have been incorporated to ensure compatibility with surrounding residential uses, including operational limitations, noise controls, maintenance requirements, and monitoring provisions. As conditioned, the continued use of the café will not be materially detrimental to the public welfare nor injurious to nearby properties.

#### **On-Site Sale and Consumption of Beer and Wine:**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, Census Tract Number 2976.01 is authorized three (3) on-site and one (1) off-site license. At the present time, there are 17 existing on-site licenses, including one (1) of which belongs to the Applicant.

Within Census Tract No. 2976.01, the following types of alcoholic beverage licenses are active:

- (2) Type 40 – On-Sale Beer (Applicant)
- (3) Type 41 – On-Sale Beer and Wine – Eating Place
- (2) Type 47 – On-Sale General – Eating Place
- (1) Type 48 – On-Sale General – Public Premises
- (3) Type 51 – Club
- (5) Type 58 – Caterer's Permit
- (1) Type 77 – Event Permit

According to information submitted by the applicant, there are no (0) establishments located within a 1,000-foot radius of the project site.



Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The ABC also has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. This request would not result in an additional license to Census Tract Number 2976.01, as the applicant has been operating under an ABC Type 40 License since 1997.

The grant authorized herein incorporates a number of conditions which will continue to make the use of the property and the sale and consumption of beer and wine more compatible with other uses in the surrounding community and provide for monitoring of the establishment. Operational hours have already been addressed in more detail and are limited from 8 A.M. to 8 P.M. daily. Furthermore, the sale of beer and wine will be closely regulated to prevent sales to minors. The conditions of the grant address noise, security, loitering and maintenance to deter any nuisance activity on or adjacent to the site. The conditions of the grant require STAR/LEAD/RBS training for employees, adequate site maintenance, installation of surveillance cameras, and the maintenance of age verification devices. These conditions are intended to deter or prevent nuisance or criminal activity such as loitering or public drinking and will improve public safety. Conditions reflect consideration of the surrounding sensitive uses such as the residential buildings. Some of the conditions also reflect consideration of current and/ or future residential tenants. As noted, the Background Section of this action also includes recommended conditions to the Department of Alcoholic Beverage Control for consideration in its review of an alcohol license for the subject historic café.

According to statistics provided by the Los Angeles Police Department's Southwest Division, within Crime Reporting District No. 587, which has jurisdiction over the subject property, a total of 110 crimes were reported in 2023 (94 Part I Crimes and 16 Part II Arrests), compared to the Citywide Average of 162 crimes and the High Crime Reporting District Average of 194 crimes. Part II Arrests reported include (1) DUI related arrests, (4) Other Assaults, and (2) Miscellaneous Other Violations. There were no reported crimes for violations to liquor laws, drunkenness, disturbing the peace, disorderly conduct, or gambling. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The above statistics indicate that the crime rate in the reporting district where the subject site is located is lower than the citywide average. Further, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate.

As conditioned, the use is not expected to contribute to the area's crime rate and will not result in an undue concentration of establishments providing alcoholic beverages. Furthermore, specific conditions have been incorporated into this action, which are targeted at safeguarding the community and providing for a reasonable operation. Therefore, the granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.

**5. The granting of the Variance will not adversely affect any element of the General Plan.**

**Continued Use of Existing Non-Conforming Historic Café:**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of Municipal Code Requirements. The General Plan is comprised of the Framework Elements, seven state-mandated elements, and four additional elements.

The Framework Element establishes the broad overall policy and direction for the General Plan. The variance to allow the continued use and operation of the subject historic café is consistent with the following objectives and policy of the Framework Element:

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.

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

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

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The project site is located in the San Pedro Community Plan. The community plan designates the property for Low II Residential with a corresponding zone of R1. The site is zoned R1-1XL, which is consistent with the land use designation. The San Pedro Community Plan contains the following text:

Goal LU1: Complete, livable and quality residential neighborhoods throughout San Pedro that provide a variety of housing types, densities, forms and designs and a mix of uses and services that support the needs of residents.

LU1.1 Neighborhood character. Maintain the distinguishing characteristics of San Pedro's residential neighborhoods with respect to lot size, topography, housing scale and landscaping, to protect the character of existing stable neighborhoods from new, out-of-scale development.

LU1.2 Adequate housing and services. Provide housing that accommodates households of all sizes, as well as integrates safe and convenient access to schools, parks, and other amenities and services.

LU1.3 Neighborhood transitions. Assure smooth transitions in scale, form, and character, by regulating the setback, stepbacks, rear elevations, and backyard landscaping of new development where neighborhoods of differing housing type and density abut one another.

LU1.6 Alleys. Maintain and improve existing neighborhood alleys as an alternative, safe, well maintained vehicular access to homes that reduces curb cuts, driveways, and associated pedestrian-automobile conflicts along sidewalks.

LU1.7 Build Green. Developments should be sustainable and attractive, and incorporate green building design, systems and materials to the greatest extent feasible.

Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.

LU5.1 Investment. Conserve, strengthen and encourage investment in San Pedro's existing commercial districts.

LU5.2 Mix of uses. Encourage the vertical and horizontal integration of a complementary mix of commercial, service, and other nonresidential uses that address the needs of families and other household types living in urban neighborhoods. Such uses may include daycare and school facilities, retail and services, and parks, plazas, and open spaces.

Goal LU6: Attractive, pedestrian-friendly Neighborhood Districts that serve surrounding neighborhoods and business as local gathering places where people shop and socialize.

LU6.1: Neighborhood services. Encourage the retention of existing and the development of new commercial uses that are primarily oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms).

LU6.2: Mix of Uses. Encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non-residential uses that address the needs of households living in urban neighborhoods. Such uses may include retail and services, entertainment, childcare facilities, daycare and school facilities, public meeting rooms, recreation, cultural facilities, and public open spaces, which enhance neighborhood activity.



LU6.4: Compatible “non-conforming uses” that are a recognized part of a neighborhood (e.g., “Mom and Pop” neighborhood stores), should be allowed to continue in accordance with applicable provisions of the Municipal Code.

Goal LU17: Preservation and restoration of cultural resources, neighborhoods, and landmarks which have historical and/or cultural significance.

LU17.1 Celebrate History. Protect, preserve and enhance San Pedro’s historically significant resources. Support the completion of SurveyLA within the San Pedro Community Plan Area.

LU17.2. Protect, preserve and enhance the historic characteristics of distinctive historic neighborhoods such as Old San Pedro/Downtown, Vinegar Hill HPOZ and study the possible expansion of HPOZ as well as Averill Park and the Cabrillo/27<sup>th</sup>/Gaffey neighborhood.

The Framework Element and San Pedro Community Plan each recognize the importance of retaining viable neighborhood-serving uses near residences to support a pedestrian-friendly and amenity-rich environment. The proposed variance will assist in providing local amenities for residents of the neighborhood, provide a service to promote neighborhood stability, and encourage a mix of uses.

In light of the above, the project substantially conforms to the purpose, intent, and provisions of the General Plan and the San Pedro Community Plan, as such, the approval of the variance will not adversely affect any element of the General Plan.

#### **On-Site Sale and Consumption of Beer and Wine:**

The Framework Element establishes the broad overall policy and direction for the General Plan. Policy 7.3.2 of the Framework Element encourages the establishment and retention of “neighborhood commercial activities within walking distance of residential areas.”

Approval of the conditional use permit request is consistent with the following Objectives and Policies of the Community Plan:

Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.

LU5.1 Investment. Conserve, strengthen and encourage investment in San Pedro's existing commercial districts.

LU5.2 Mix of uses. Encourage the vertical and horizontal integration of a complementary mix of commercial, service, and other nonresidential

uses that address the needs of families and other household types living in urban neighborhoods. Such uses may include daycare and school facilities, retail and services, and parks, plazas, and open spaces.

The Framework Element and San Pedro Community Plan each recognize the importance of retaining viable neighborhood-serving uses near residences to support a pedestrian-friendly and amenity-rich environment. The proposed variance will assist in providing local amenities for residents of the neighborhood, provide a service to promote neighborhood stability, and encourage a mix of uses.

The ability to serve alcohol with entertainment furthers the Community Plan's aim to encourage activity in the area and provides an amenity for local residents, employees, and visitors to enjoy. With the conditions and limitations imposed by the Zoning Administrator, the surrounding properties should be protected from predictable impacts of the proposed use. In light of the above, the project substantially conforms to the purpose, intent, and provisions of the General Plan and the San Pedro Community Plan, as such, the approval of the variance will not adversely affect any element of the General Plan.

### **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.

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

The subject site is a rectangular-shaped lot with an area of approximately 6,138 square feet in the R1-1XL Zone. The property has approximately 50 feet of frontage on the northeast side of Paseo del Mar, approximately 45 feet of frontage along the 20-foot-wide alley to the north, and a lot depth of approximately 130 feet. The site is located within the San Pedro Community Plan area and has a land use designation of Low II Residential with a corresponding zone of R1. The site is zoned R1-1XL, which is consistent with the land use designation. The property is subject to Community Plan Map Footnote 7, which limits the area to Height District 1XL, allowing two (2) stories or 30 feet for Low II and Low Medium I and II Residential and Neighborhood Commercial Designations. The property is also within the San Pedro Specific Plan Area, which further restricts height to a limit of two stories or 26 feet as measured from the Average Natural Existing Grade to the highest point of the roof, or parapet wall of the building, whichever is higher. The site is within approximately 3.66 kilometers (2.27 miles) of the Palos Verdes Fault Zone. The site is also located within the BOE Special Grading Area, 500 feet of a park zone, and the Methane Buffer Zone. The site is located within the Dual Permit Jurisdiction of the California Coastal Zone but not located within the Calvo Exclusion area.



Chapter 3 of the Coastal Act includes provisions that address the impact of development on public services, infrastructure, traffic, the environment and significant resources, and coastal access. Applicable provisions are as follows:

**Section 30244 Archaeological and Paleontological Resources.**

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measure shall be required.*

The applicant filed for a Coastal Development Permit to allow the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. No (0) protected trees or non-protected trees are proposed to be removed. The project will maintain the existing one-story historic café in the R1-1XL zone in the Dual Permit Jurisdiction of the California Coastal Zone. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are later discovered during excavation or grading activities, the project is subject to compliance with Federal State and Local regulation already in place.

**Section 30250 Location; existing developed area**

*(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.* A Coastal Development Permit Context/Character Analysis Visual Impact Analysis conducted by Howard Robinson and Associates which was submitted on April 26, 2024, analyzed all residential properties on the block along Paseo del Mar between South Gaffey Street to the west and South Carolina Street to the east to assess the pattern of development within the surrounding area of the project site. The study suggested that the number of stories, height, Floor Area Ratio (FAR), and density of the proposed project are in line with that of the surrounding area. The applicant filed for a Coastal Development Permit to allow the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. The project will maintain the existing, one-story historic café in the R1-1XL zone. The lot fronts Paseo del Mar, which provides both pedestrian and vehicular access to the site. The alley to the rear of the property to the north provides vehicular access to the site. The property is located in a developed residential area with adequate vehicle access and infrastructure. The proposed project is not expected to have a significant adverse impact on coastal

resources.

**Section 30251 Scenic and Visual Qualities**

*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 landforms, 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 is located in a neighborhood that is developed with residential structures that are one (1) to three (3) stories in height; new construction in the area is limited to a maximum height of 26 feet, pursuant to the San Pedro Specific Plan. The construction, maintenance, and use of the single-family dwelling will be 21 feet maximum and will not exceed the 26 feet to the top of the roof or parapet, as measured from the Average Existing Natural Grade as specified in the San Pedro Specific Plan. No (0) protected trees or non-protected trees are proposed to be removed. The property will maintain the existing one-story historic café in the R1-XL zone within the Dual Permit Jurisdiction of the California Coastal Zone. No natural landforms will be altered as part of the project. As such, the proposed project as conditioned will not impact scenic resources in the area.

**Section 30252 Maintenance and Enhancement of Public Access.**

*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 applicant filed for a Coastal Development Permit to allow the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. The provisions of ADU State Law and the City's ADU Ordinance (LAMC Section 12.22-A.33(c)(12)) require one parking space for an ADU unless 1) located within ½ mile walking distance from a bus or rail stop, 2) one block from a designated car share pickup or drop off location, 3) within an applicable historic district, or 4) part of a proposed or existing residence. The proposed project is located within ½ mile walking distance to the Metro Line 246 bus stop at the intersection of Shepard Street and Gaffey Street. As a result, no parking is required for the ADU, however, the project proposes a two-car garage with one (1) carport, which satisfies the parking requirements outlined above. No (0) protected trees

or non-protected trees are proposed to be removed. The property will maintain the existing one-story historic café in the R1-1XL zone. The subject site is located within a residential neighborhood within 500 feet from the ocean. The proposed single-family dwelling and attached ADU will be constructed in the rear of the lot behind the commercial building and will maintain yard setback requirements and no permanent structures will be placed within the public right-of-way and public access to the coast would not be impacted.

**Section 30253 Minimization of Adverse Impacts.**

*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 site is not located within a Very Fire Hazard Severity Zone or Liquefaction area and approximately 3.66 kilometers (2.27 miles) of the Palos Verdes Fault Zone. This property is located in the methane buffer zone and outside of the flood zone. The site is within a Special Grading Area and is located along the coastal bluff. The property is a popular visitor destination. The project proposes the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. No (0) protected trees or non-protected trees are proposed to be removed. The site will maintain the existing one-story, commercial café in the R1-XL zone. The use would have no adverse impacts on public access, recreation, public views, or the marine environment. No permanent structures would be placed within the public right-of-way and public access to the coast would not be impacted. Although, the subject site is located within a residential neighborhood within 500 feet from the ocean, the proposed scope of work will be done in the front of the property approximately 40 feet from the front yard property line, away from the coastal bluff. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling, or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed project will not block any designated public access views. The proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

The San Pedro Community Plan designates the property for Low II Residential land uses, with corresponding zones of R1. There is currently no certified Local Coastal

Program (“LCP”) for San Pedro. The San Pedro Coastal Land Use Plan (LUP) was certified by the California Coastal Commission on May 8, 1991; 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 San Pedro Specific Plan was adopted in 1990 to implement the Coastal Act and to serve as the implementation ordinance of the Local Coastal Program for that portion of the San Pedro community within the Coastal Zone. The Specific Plan contains regulations to protect views, public access, scenic resources, and limits building height, parking, and development on sloping and geologically hazardous lots located in the Coastal Zone. The San Pedro Specific Plan limits building height at the subject property to a maximum height of 26 feet (as measured from Average Existing Natural Grade) and two stories, in order to preserve scenic views of the Pacific Ocean.

The project is consistent with the following Housing policies and standards of the Land Use Plan:

*Objective 1: To preserve and protect stable single-family residential areas from encroachment by other types of uses, including higher density residential development.*

*Objective 3: To designate changes in residential densities based on the relationship between neighborhood units, topography, nearness to highways, availability of commercial services, and adequacy of public facilities and at levels where it will not have significant adverse effects, either individually or cumulatively, on coastal access or coastal resources.*

*Policy 6: The continuation of existing compatible land uses that are a recognized part of a neighborhood, although non-conforming with respect to zoning or the designation of the Plan map (such as “mom and pop” neighborhood markets), be permitted.*

*Height Standard (a): No building or structure shall be erected or enlarged within that portion of the Coastal Zone designated for residential use which exceeds two stories or a height of 26 feet as measured from the average existing natural grade to the highest point of the roof or parapet wall of the building, whichever is higher.*

*Parking Standard (a): Adequate on-site parking shall be provided by new development and where feasible in remodels in order to maintain and enhance public access to the coast.*

The project is consistent with the following Commerce policies and standards of the Land Use Plan:

*Objective 1: To emphasize, rehabilitate and strengthen the Community Center as the focal point for the Community’s social, civic, and economic life.*

*Objective 3: To improve the aesthetic quality of commercial developments and areas.*



*Objective 4: To designate local commercial areas conveniently serving the day-to-day needs of residential neighborhoods, while maintaining and enhancing coastal/recreational commercial uses along Pacific Avenue by regulating permitted uses.*

The project proposes the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. The project will maintain the existing one-story, historic café in the R1-XL zone. The proposed project will remain compatible in scale with the adjacent properties to the north, east, and west of the subject property which are zoned R1-1XL and R2-1XL with a land use designation of Low II Residential and Low Medium I Residential and are developed with single and multi-family dwellings that are up three (3) stories in height. The existing café is a historic use that has previously been established as a neighborhood resource. The new single-family dwelling and ADU are in line with the rest of the neighborhood use and in compliance with LAMC requirements. As a result, the proposed rehabilitation of the existing historic café, the demolition of the existing garage, and the construction of a new, two-story single-family dwelling with an attached ADU will not prejudice the ability of the City to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act.

**8. 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 Interpretative 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 Interpretative 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 Interpretative Guidelines, the policies of the San Pedro Coastal Land Use Plan (the Land Use Plan was certified by the Coastal Commission on May 8, 1991) have been reviewed and considered.

The applicant filed for a Coastal Development Permit to allow the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. The project will maintain the existing one-story historic café in the R1-XL zone. The proposed project is consistent with the use and development guidelines of the



Regional Interpretive Guidelines for the San Pedro portion of the Coastal Zone. The Regional Interpretive Guidelines have been reviewed, analyzed, and considered in light of the individual project in making this determination, and the project as conditioned is consistent with such Guidelines.

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

The applicant filed for a Coastal Development Permit to allow the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. The project will maintain the existing one-story historic café in the R1-XL zone. The proposed project does not conflict with prior decisions of the Coastal Commission. The Coastal Commission has previously approved the following project in the San Pedro Coastal Zone:

- In December 2021, the Commission found a substantial issue on appeal and approved with conditions a Coastal Development Permit for the construction of a new two-story, 26-feet high, 3,695 square feet single-family dwelling home with 921 square feet detached garage, 1,154 square feet roof deck, and rear yard deck and spa on vacant bluff top lot in the R1-1XL in the dual permit jurisdiction area of the California Coastal Zone at 1305 West Paseo Del Mar (Application No. A-5-SNP-19-0136/5-20-0153).
- In December 2021, the Commission found a substantial issue on appeal and approved with conditions a Coastal Development Permit for the demolition of 1,302 square feet single-family dwelling and the construction of a new two-story, 26-feet high, 3,548 square feet single-family home with 665 square feet detached garage, 1,124 square feet roof deck, and rear yard deck on blufftop lot in the R1-1XL in the dual permit jurisdiction area of the California Coastal Zone at 1307 West Paseo Del Mar (Application No. A-5-SNP-19-0154/5-20-0152).
- In February 2020, the Commission approved a Coastal Development Permit for the demolition of 19-feet high, 2,328 square feet single-family home; and construction of 2-story, approximately 21-feet high, 2,328 square feet single-family home on bluff top lot in the R1-1XL in the dual permit jurisdiction area of the California Coastal Zone at 1355 West Paseo Del Mar (Application No. 5-18-0999).

As such, the decision of the permit granting authority has been guided by applicable decisions 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.

**10. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development**

**is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

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

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

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

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The development is not located between the nearest public road and the sea or shoreline of any body of water. The proposed construction will occur in the north property boundary within the front yard setback and will not interfere with public access to the coast. The subject site is located within a residential neighborhood within 500 feet from the ocean and the proposed new construction is proposed in the rear portion of the property away from the coastal bluff. The project will maintain the existing one-story historic café, which will be accessed from Paseo del Mar. No permanent structures would be placed within the public right-of-way and public access to the coast would not be impacted. Furthermore, all seats within the public right-of-way will require review and approval from Bureau of Engineering, Department of Public Works through a revocable permit process. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

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

A Categorical Exemption, ENV-2023-7220-CE, has been prepared for the proposed project consistent with the provisions of CEQA. The proposed project is for the rehabilitation of an existing 736 square-foot historic café, the demolition of an existing 1,118 square-foot garage, and the construction of a new, two-story 2,453 square-foot single-family dwelling with an attached 1,070 square-foot ADU along with an attached two-car garage and one (1) carport. The project will maintain the existing one-story historic café in the R1-XL zone within the Dual Permit Jurisdiction of the California Coastal Zone.

The Categorical Exemption prepared for the project is appropriate pursuant to CEQA Guidelines, Section 15301 (Class 1), Section 15303 (Class 3), and Section 15331 (Class 31). As described herein, each categorical exemption prepared covers different components of the project, including the restoration of an existing older historic café, the construction of one (1) new single-family dwelling and attached ADU, and the rehabilitation of the historical resource in the manner consistent with the Secretary of Interior Standards.

Specifically, the Class 1 categorical exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of exiting public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. As discussed, the proposed project is for the continuation of an existing non-conforming historic café in conjunction with the on-site sale of beer and wine.

The Class 3 categorical exemption allows for the construction of a limited number of new, small facilities or structures, including one (1) single-family residence, or a second dwelling unit in a residential zone, and up to three (3) single-family residences in highly urbanized areas. As discussed, the proposed project is for the construction of a new, two-story single-family dwelling with an attached ADU.

The Class 31 categorical exemption consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservations, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Reconstruction Historic Buildings. As previously mentioned, the proposed project is for the rehabilitation of an existing historic café.

Furthermore, the Exceptions outlined in the CEQA Guidelines Section 15300.2 do not apply to the project:

- a. Location. The project is not located in a sensitive environment. Although the project is located within the Coastal Zone, the residential neighborhood is not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject project is located within a Special Grading Area and Methane Buffer Zone; however, it is not located in a fault or flood zone, landslide area, liquefaction area, very high fire severity area, or airport hazard area. The project is subject to compliance with the requirements of the Building and Zoning Code that outline standards for construction.
- b. Cumulative Impacts. The project is consistent with the type of development permitted for the area zoned R1-1XL and designated Low II Residential. The project proposed is the rehabilitation of an existing historic café, the demolition of an existing garage, and the construction of a new, two-story single-family dwelling with an attached ADU, and will not exceed thresholds identified for impacts to the area (i.e., traffic, noise, etc.), conforms to the permitted regulations for the underlying zone, and will not result in significant cumulative impacts.
- c. Significant Effect. The subject property is located in a highly urbanized area. The surrounding properties are developed with both single and multi-family dwellings and a park. The subject project is of a similar size and scope to these properties. The proposed project consists of work typical of residential development. Thus, there are no unusual circumstances that will lead to a significant impact on the environment.

- d. Scenic Highways. The only State-designated Scenic Highway in the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of the Topanga State Park. The subject site is located approximately 28.92 miles to the southeast of State Route 27. Therefore, the proposed project will not create any impacts to scenic resources within a State-designated Scenic Highway.
- e. Hazardous Waste Sites. According to the EnviroStor, the State of California's database of hazardous waste sites, neither the subject property nor any property in the vicinity, is identified as a hazardous waste site.
- f. Historical Resources. The subject site was identified in SurveyLA as a historic resource, eligible for listing in the California Register of Historical Resources (California Register) and locally as Historic-Cultural Monument (HCM) (status codes 3S, 3CS, and 5S3) as a "long time restaurant in San Pedro; in continuous operation as Walker's Burgers since 1942. Includes neon sign." The proposed project qualifies for a Class 31 Categorical Exemption, which is limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The proposed project is for the continuation and rehabilitation of an existing 736 square-foot historic café, proposing 73 total seats, with 27 indoor seats and 46 uncovered outdoor seats (16 seats in public right-of-way and 30 seats in rear patio) with on-site sale and consumption of beer and wine with the proposed hours of operation of 8 A.M. to 8 P.M. daily. A memorandum prepared by Historic Resources Group, dated April 26, 2024, outlines the proposed rehabilitation and consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The memorandum and proposed plans were reviewed and approved by the Office of Historic Resources, in an email dated June 21, 2024. As discussed in the memorandum, the proposed project is consistent with the Secretary of the Interior's Standards.

Therefore, the proposed project is determined to be categorically exempt and does not require mitigation or monitoring measures. No alternatives of the proposed project were evaluated. The appropriate environmental clearance has been granted.

### **Mello Act Compliance Review**

- 12. 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:

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

The project proposes the demolition of an existing 1,118 square-foot garage and the construction of a new 2,453 square-foot two-story single-family dwelling with an attached 1,070 square-foot two-story Accessory Dwelling Unit (ADU) along with an attached two-car garage and one (1) carport. The project will maintain the existing historic café in the front of the property, in the R1-1XL zone. 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, the proposed development of two new Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

### **ADDITIONAL MANDATORY FINDINGS**

13. 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. 186,952, have been reviewed and it has been determined that this project is not located within Flood Hazard Area. The project conforms with both the specific provisions and the intent of the Floodplain Hazard Management Ordinance.

### **APPEAL PERIOD - EFFECTIVE DATE**

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

**Online Application System (OAS):** The OAS (<https://planning.lacity.gov/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill



out and submit an appeal application online directly to City Planning's DSC and submit fee payment by credit card or e-check.

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.gov/development-services/forms>. Public offices are located at:

| Metro DSC                                                                                                                                               | Van Nuys DSC                                                                                                                              | South LA DSC                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 201 N. Figueroa Street<br>Los Angeles, CA 90012<br><a href="mailto:planning.figcounter@lacity.org">planning.figcounter@lacity.org</a><br>(213) 482-7077 | 6262 Van Nuys Boulevard<br>Van Nuys, CA 91401<br><a href="mailto:planning.mbc2@lacity.org">planning.mbc2@lacity.org</a><br>(818) 374-5050 | (In person appointments available on Tuesdays and Thursdays 8am-4pm only)<br>8475 S. Vermont Avenue<br>1st Floor<br>Los Angeles, CA 90044<br><a href="mailto:planning.southla@lacity.org">planning.southla@lacity.org</a> |

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://build.la) portal ([appointments.lacity.gov](https://appointments.lacity.gov)). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to  
Online  
Appeal Filing



QR Code to  
Forms for In-  
Person Appeal  
Filing



QR Code to BuildLA  
Appointment Portal for  
Condition Clearance

Furthermore, this coastal development permit shall be subject to revocation as provided in Section 13B.9.1.1.2 of Chapter 1A of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

Provided no appeal has been filed by the above-noted date, a copy of the permit will be sent to the California Coastal Commission, pursuant to Section 13B.9.1.E.4 of Chapter 1A of the Los Angeles Municipal Code. Unless an appeal is filed with the California Coastal Commission before 20 working days have expired from the date the City's determination is deemed received by such Commission, the City's action shall be deemed final.

The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20 working day appeal period. For more information on filing a permit, applicants should visit <https://www.coastal.ca.gov/cdp/cdp-forms.html> or contact the Coastal Commission South Coast District Office: [SouthCoast@coastal.ca.gov](mailto:SouthCoast@coastal.ca.gov).

Inquiries regarding this matter should be directed to Monica Taimoori, Planning Staff for the Department of City Planning at (213) 682-6372 or [monica.taimoori@lacity.org](mailto:monica.taimoori@lacity.org).

A handwritten signature in blue ink that reads "Christine M. Saponara".

**CHRISTINE M. SAPONARA**  
Associate Zoning Administrator

CMS:CC:NM:MT

cc: Councilmember Tim McOsker  
Fifteenth District  
Adjoining Property Owners  
Interested Parties