

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL CASE:	COUNCIL DISTRICT:
ENV-2021-10705-CE-1A	ENV-2021-10705-CE	13
RELATED CASE NOS.:	COUNCIL FILE NO:	PROCEDURAL REGULATIONS:
ZA-2021-10704-CUB-1A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Ch. 1 as of 1/21/24 (Not subject to Processes & Procedures Ord.) <input checked="" type="checkbox"/> Ch. 1A (Subject to Processes & Procedures Ord.)
PROJECT ADDRESS / LOCATION:		
5243 – 5245 West Santa Monica Boulevard		
APPLICANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Petros Taglyan		gary@taglyancomplex.com
APPLICANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Larry Mondragon	N/A	dragon@craigfryandassociates.com
OR		
Lee Rabun	(213) 229-4300	Clr1985lee@yahoo.com
APPELLANT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Seta Panosian	(323) 428-4828	nanookmyboy@yahoo.com
APPELLANT'S REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
<input checked="" type="checkbox"/> N/A		
PLANNER CONTACT:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Esther Ahn	(213) 978-1486	esther.ahn@lacity.org
ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):		
ENV-2021-10705-CE-1A (Categorical Exemption - CEQA Appeal)		
FINAL ENTITLMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)		
Conditional Use (CUB)		
ITEMS APPEALED:		
ENV-2021-10705-CE-1A (Categorical Exemption - CEQA Appeal)		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input type="checkbox"/> T Conditions	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program (MMP)	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map and Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Project Exemption (SCPE)	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA)	<input type="checkbox"/>
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR)	<input type="checkbox"/>
<input type="checkbox"/> Exhibit A – Plans	<input type="checkbox"/>	<input type="checkbox"/> Appendices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Mailing List (both Word and PDF)	<input type="checkbox"/>	<input type="checkbox"/> Other:	<input type="checkbox"/>
<input checked="" type="checkbox"/> Interested Parties List	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Appeal	<input type="checkbox"/>		
<input type="checkbox"/> Development Agreement	<input type="checkbox"/>		
<input type="checkbox"/> Site Photographs	<input type="checkbox"/>		
<input type="checkbox"/> Other:	<input type="checkbox"/>		

NOTES / INSTRUCTIONS:

Please create Council File

☐ N/A

CITY COUNCIL NOTICE TIMING:	NOTICE LIST (SELECT ALL):	NOTICE PUBLICATION:
<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input checked="" type="checkbox"/> 24 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Adjacent/Abutting <input type="checkbox"/> 100' radius <input type="checkbox"/> 300' radius <input type="checkbox"/> 500' radius <input checked="" type="checkbox"/> Neighborhood Council <input checked="" type="checkbox"/> Interested Parties	<input type="checkbox"/> 10 days <input type="checkbox"/> 15 days <input type="checkbox"/> 24 days <input checked="" type="checkbox"/> N/A / None <input type="checkbox"/> 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:	COMMISSION VOTE:
February 8, 2024	4 – 1
LAST DAY TO APPEAL:	DATE APPEALED:
July 3, 2024	July 2, 2024
COUNCIL TIME TO ACT:	TIME TO ACT START:
<input type="checkbox"/> 30 days <input type="checkbox"/> 45 days <input type="checkbox"/> 60 days <input checked="" type="checkbox"/> 75 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]	<input checked="" type="checkbox"/> Appeal Filing Date <input type="checkbox"/> Received by Clerk <input type="checkbox"/> Last Day to Appeal <input type="checkbox"/> N/A / None <input type="checkbox"/> Other: [enter here if applicable]
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant II	July 9, 2024



CENTRAL AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: FEBRUARY 8, 2024

Case No. ZA-2021-10704-CUB-1A

CEQA: ENV-2021-10705-CE

Plan Area: Hollywood

Council District: 13 – Soto-Martinez

Project Site: 5243 – 5245 West Santa Monica Boulevard

Applicant/

Appellant: Petros Taglyan
Representatives: Petros Taglyan, Lee Rabun

At its meeting of **December 12, 2023**, the Central Area Planning Commission took the actions below in conjunction with the approval of the following Project:

The sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 9,988 square-foot ground floor restaurant/cafe that includes a 1,226 square-foot outdoor patio. The restaurant will have a maximum 230 seats that include 186 indoor seats and 44 outdoor seats, and hours of operation of Monday through Thursday: 11:30 a.m. to 11:00 p.m.; Friday: 11:30 a.m. to 1:00 a.m.; Saturday: 10:00 a.m. to 1:00 a.m.; and Sunday: 10:00 a.m. to 11:00 p.m. There will be no live entertainment.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA, pursuant to CEQA Guidelines Section 15301, and there is no substantial evidence demonstrating that any exceptions contained in CEQA Guidelines Section 15300.2 applies;
2. **Granted** the appeal and **overturned** the Zoning Administrator's Determination dated October 7, 2022;
3. **Approved**, pursuant to Section 12.24 W.1 of the Los Angeles Municipal Code, a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved: Kang
Second: Lawrence
Aye: Geaga
Nay: Stromberg
Absent: Delgado

Vote: 4 – 1



Cecilia Lamas, Commission Executive Assistant II
Central Area Planning Commission

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

Effective Date/Appeals: The decision of the Central Area Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to LAMC Section 11.5.13 is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) is not further appealable and the decision is final. For other limitations see LAMC Section 11.5.13.

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.

Attachments: Conditions of Approval, Amended Findings, Appeal Filing Procedures (CEQA)

cc: Henry Chu, Associate Zoning Administrator

CONDITIONS OF APPROVAL

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction with 9,988 square feet of restaurant space with outdoor patio, from the effective date of this grant. The grant shall be subject to the following limitations:
 - a. The hours of operation for the restaurant shall be limited to the following:

Monday through Thursday: 11:30 a.m. to 11:00 p.m.;

Friday: 11:30 a.m. to 1:00 a.m.;

Saturday: 10:00 a.m. to 1:00 a.m.; and

Sunday: 10:00 a.m. to 11:00 p.m..

- b. Interior seating shall be limited to a maximum of 186 seats. Maximum occupancy shall be as determined by the Department of Building and Safety and/or Fire Department.
 - c. Outdoor seating shall be limited to a maximum of 44 seats. Maximum occupancy shall be determined by the Department of Building and Safety and/or Fire Department.
 - d. A maximum 150 seats shall be utilized by the restaurant operation until 5 p.m., Monday through Friday.
8. No after-hours use is permitted, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. **PLAN APPROVAL.** The applicant shall file a Plan Approval application within **THREE (3) YEARS** from the date of issuance of the ABC license, and no sooner than 60 days before the three years of operating with an ABC License. The operational date of this determination shall be identified and confirmed by the Planning Department's Conditional Compliance Unit (BESt). The Plan Approval Application should be subject to filing fees (and) shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the terms of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new ones, including adding security to the convenience store operation, as appropriate and require a subsequent Plan Approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement / revocation purposes.
10. The establishment shall be maintained as a bona fide restaurant with an operational kitchen and shall provide a menu containing an assortment of foods normally offered in 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. 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.
12. 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.

13. **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.
14. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
15. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians.
 - b. Customer service desk, front desk or near the cash registers.

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.

16. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
17. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
18. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
19. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject

premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

20. 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, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
21. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
22. Pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
23. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
24. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/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.
25. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
26. There shall be no live entertainment or dancing unless the business has a valid Café Entertainment/Show Permit granted by the City of Los Angeles Police Commission. No conditional use for dancing has been requested or approved herein. Dancing is prohibited. Background music to complement the dining experience is permitted.
27. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
28. There shall be a minimum two (2) security guards on the restaurant premises at all hours of the restaurant business. All security personnel shall be licensed

consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.

29. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10-feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B.2.C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
30. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

31. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
32. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
33. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions

required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

34. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

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

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a

deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

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

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include 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.

FINDINGS

(As Amended by the Central Area Planning Commission at its meeting on December 12, 2023)

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

The subject establishment, as originally filed, was for a proposed 11,120 square-foot restaurant/ brewpub/banquet hall with live entertainment. After the public hearing, the applicant stated in a letter dated August 30, 2022, that they revised the project to remove the brewpub and banquet hall components along with live entertainment. Hours of operation were stated revised by the applicant to be FROM 6:00 a.m. to 2:00 a.m., daily, TO 6:30 a.m. to 11:00 p.m., Monday through Thursday, and 6:30 a.m. to 1:00 a.m., Friday through Sunday.

At the December 12, 2023 Central Los Angeles Area Planning Commission (APC or Commission) meeting, the applicant/appellant presented a modified project involving the subject restaurant with proposed sale and dispensing of alcohol to be further reduced in size and scale. The restaurant would total 9,988 square feet with 186 indoor seats and 44 outdoor seats. The APC considered the reduction in square feet and in the hours proposed, including the reduction of the number of patron seats to 150 seats prior to 5:00 p.m. The Commission further reduced the hours of operation to Monday through Thursday: 11:30 a.m. to 11:00 p.m.; Friday: 11:30 a.m. to 1:00 a.m.; Saturday: 10:00 a.m. to 1:00 a.m.; and Sunday: 10:00 a.m. to 11:00 p.m.

The Commission found that the project would be beneficial to the community since alcohol sales and service would be ancillary to food sales in conjunction with a neighborhood serving restaurant. Alcohol would only be for on-site consumption. It would allow for patrons to have the option to purchase alcohol to complement their meals. With the hours of operation, it would allow the restaurant to offer its patrons a weekend brunch with the option of alcohol. In addition, the project would contribute to the number of viable dining options in the area. In addition, off-site consumption is not part of the project operations.

The modifications and the conditions imposed in conjunction with this conditional use would address the concerns of residents and abutting uses, including the elementary school, to ensure it would be compatible with the area. Such conditions address nuisances, promote responsible operations and service of alcohol through training, and require safety and security. The Commission required two security guards be present during all hours of operation. In addition, the applicant would be required to file a Plan Approval within three years of operating with a alcohol license issued by the State Department of Alcohol Beverage Control. These conditions would allow the restaurant to operate in a compatible manner. Therefore, the project would provide a service that would enhance the built environment and enhance a proposed neighborhood serving

use.

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

The project was revised from the originally filed application and will be reducing the intensity, as approved Commission. At the December 12, 2023 APC meeting, the Commission approved a 9,988 square-foot restaurant, where 7,916 square feet would be the interior portion of the restaurant, and 1,226 square-foot for the outdoor patio. Brunch and lunch seating would total a 150 maximum seating capacity, and dinner seating of a total of 230 maximum seats. The applicant submitted final plans ("Exhibit A") showing less seating than what was granted by the APC. "Exhibit A" shows 137 indoor seats, where 93 seats would be inside the restaurant and 44 within the patio. The granted seating for lunch time would not be exceeded. Dinner seating shown on "Exhibit A" totals 221 seats with 177 inside the restaurant and 44 on the patio. Dinner seating does not exceed what was granted by the Commission.

The restaurant will operate from Monday through Thursday: 11:30 a.m. to 11:00 p.m.; Friday: 11:30 a.m. to 1:00 a.m.; Saturday: 10:00 a.m. to 1:00 a.m.; and Sunday: 10:00 a.m. to 11:00 p.m. The hours of operation will be compatible with the adjacent uses. The restaurant will have a lower intensity by limiting the number of seats to its patrons prior to 5:00 p.m. In addition, the approved plans show barriers that would segregate the eating space from the portion of the patio that will be open to patrons of the coffee shop/bakery. According to the applicant, this portion will also be used by residents of the development entering the building from Santa Monica Boulevard. There would be no live entertainment, and the restaurant will not operate as a brewhouse and pub as originally filed. The project will have a lower intensity and operate strictly as a restaurant.

The project will include the presence of two security guards during all business operations. Also, there will be one security guard for the entire development patrolling the premises through all hours of the day and night. In addition, the applicant will be required to file a Plan Approval within three years of operating with an ABC alcohol license for review and to allow for the Zoning Administrator to hear back from the stakeholders of the area regarding any concerns of the operation. The grant includes several conditions that will ensure compatibility with surrounding uses. These conditions address the potential for nuisances such as noise, litter, graffiti, and loitering. The grant ensures the mode and character of the operation will remain a restaurant. In addition, conditions that require training for the sales and service of alcohol as well as safety and security measures are included as part of this grant. With these conditions that address the concerns of the Commission and the issues raised by the stakeholders of the area, the project

is conditioned to ensure it will not adversely affect or further degrade adjacent properties and the surrounding neighborhood.

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

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of code requirements of Los Angeles Municipal Code. In addition to the General Plan elements, specific plans provide an additional layer of regulation. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject site is located within the Hollywood Community Plan, which designates the property for Highway Oriented Commercial land uses with corresponding C1, C2, P, RAS3, RAS4 Zones. The property is zoned C2 and is thus consistent with the land use designation for the site.

The Community Plan text is silent with regards to the sale of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following objectives of the Hollywood Community Plan:

- Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.
- Objective 4: To promote economic well-being and public convenience through:
 - a. Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The project fulfills the intent of the Hollywood Community Plan provisions regarding encouraging uses which strengthen the economic well-being and promote development of Hollywood as a major center of population, employment, retail service and entertainment. The grant will increase longevity of the neighborhood serving restaurant, which in turn will continue to support the vibrancy of the commercial corridor along Santa Monica Boulevard. The project as revised, would serve residents, employees, and visitors and has been sensitive to the issues raised by the public. The restaurant will provide visitors, neighboring residents, and the local workforce with a convenient dining option located nearby

entertainment attractions. The sale of alcoholic beverages will augment the desirability of the subject establishment and will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

The project was revised to address issues of the immediate area and compatibility with surrounding uses. Hours have been conditioned to ensure there are no conflicts with the neighboring elementary school and with any residential uses near the site. The number of seating will be reduced until 5:00 p.m. Conditions of the grant deter public nuisances, including those stated by the Los Angeles Police Department and the residents and stakeholders of this area. The project provides a presence in this part of the neighborhood where there have been issues of public defecation, urination, homeless activity and public drunkenness. Security presence will deter these activities and will allow the subject neighborhood serving restaurant to operate in a compatible manner. Also, there will be no off-site sales of alcohol, and the operation's intensity has been significantly reduced from what was originally proposed. The applicant has stated they have recently worked to address other issues such as the transformer and rooftop shower (see public hearing testimony), and would be required to continue to work with their neighbors to ensure compatibility with surrounding uses.

Moreover, the project does not propose any physical expansion to the building in which the restaurant will occupy. The project's physical layout and operations allow for the sale and dispensing of alcoholic beverages for on-site consumption. Given the numerous conditions of approval, the proposed project can be deemed to be in harmony with the General Plan.

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

The proposed restaurant is a use allowed in the C2 Zone. The project will not physically alter the subject building's location, size, or height. Appropriate operational conditions imposed on the project will help to ensure that the alcohol service, in conjunction with the restaurant will not adversely affect the neighborhood, including surrounding residences and businesses.

Negative impacts commonly associated with the sale of alcoholic beverages, include criminal activity, public drunkenness, and loitering, and can be mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees would undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program. In addition, the State Department of Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to.

The Commission determined that with the modified project that a reduced intensity and the set of conditions imposed on the project would not adversely affect the welfare of the pertinent community. The project would not include any off-site sales of alcohol, and the conditions would be sensitive to the abutting school and surrounding area. The Commission required two security guards during all hours of operation of the restaurant to address the presence and operation of the school. The Commission also required the applicant file a Plan Approval within three years of operating with an ABC alcohol license. In addition, the conditions ensure the mode and character remain, and this will not be a brewhouse, night club or karaoke establishment. No live entertainment has been granted. Surveillance and security will be required. Nuisances will be addressed, and the applicant will be required to comply with the City's Noise Ordinance. Employees will be required to undergo alcohol sales training. In addition, the Zoning Administrator will allow for documented evidence to be submitted in consideration of whether to require the filing of a Plan Approval application to review compliance of the conditions of this grant, as set forth in the Conditions of Approval. This condition is in addition to a mandatory three-year plan approval that was imposed by the Commission. Conditions may be added or modified. Any continued issues that cannot be resolved may eventually lead to revocation in accordance to the procedures of the Code. Thus, the proposed use will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including full line of alcoholic beverages, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject Census Tract Number 1911.20, based on a population of 3,801. There are currently 2 active licenses within this census tract: 0 active on-site licenses; and 2 active off-site licenses.

Within 600 feet of the subject site, there are currently three establishments that have an ABC license:

Alcohol Establishment	License Type	Address
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El Nuevo San Salvador Establishment	On-site, beer and wine	5230 Santa Monica Boulevard
Jon's Market	Off-site, full-line	5311 Santa Monica Boulevard
Villalobos Market	Off-site, beer and wine	5244 Santa Monica Boulevard

Between 600 and 1,000 feet of the subject site, there are currently two establishments that have an ABC license:

Alcohol Establishment	License Type	Address
Day 'N Nite Mini Market	Off-site, beer and wine	5101 Santa Monica Boulevard
J&J Grocery & Liquor	Off-site, full-line	5100 Santa Monica Boulevard

According to statistics provided by the Los Angeles Police Department's Hollywood Division Vice Unit, within Crime Reporting District No. 669, which has jurisdiction over the subject property, a total of 181 crimes were reported in 2021 (65 Part I and 116 Part II crimes), compared to the Citywide Average of 149 crimes and the High Crime Reporting District Average of 179 crimes. Part II Crimes reported include (3) Narcotics, (1) Liquor Laws, (1) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (1) Gambling, (10) DUI related, and (11) other offenses. 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 higher than the citywide average, however, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site.

The public hearing included comments of a transformer in front of school property that has been a source of loitering and criminal activity. In a letter by the Los Angeles Police Department dated July 2, 2022, there is a transformer near the site that has attracted criminal activity and has brought in safety and biohazard issues. In addition, the LAPD stated the operating hours would negatively interfere with the quiet learning environment of the abutting school. In addition, their letter stated the subject premises has proven to be problematic to the school's daily operations. The letter also mentioned a history of disruptive incidences in the area and the subject premises. Some of the disruptive incidences identified in the hearing were related to cigarette butts thrown onto school property, a shower at the rooftop of the building exposing people showering to children, public defecation and vomiting and homeless activity. The applicant has worked to address the issue of workers throwing cigarette butts onto school property covered the shower's clear glass wall

with covered artwork so no one can see people showering. In addition, homelessness has become an issue throughout the City, and it leads public defecation, urination and vomiting, in addition to litter and trash.

Complaints that were under the control of the applicant appear to be addressed. Those not under control of the applicant are not on the subject premises. Such include the transformer, which appears to attract criminal activity and nuisances. Public defecation and other nuisances appear to occur at the transformer, which fronts the school.

The LAPD has identified possible outlets that have led to public drunkenness. These are reflected in their letter which identifies two liquor stores and a Jon's Market within a two-block radius that contribute negatively to the quality of life in this neighborhood. Their letter also stated that crimes are generated as a result of these alcohol establishments, including robbery, aggravated assaults, burglaries and thefts.

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 number of active on-site ABC licenses within the census tract where the subject site is located, is below ABC guidelines. The project will not adversely affect the community welfare because the restaurant is a desirable use in an area designated for commercial uses. The subject site is designated for Highway Oriented Commercial uses and has frontage along Santa Monica Boulevard, a major commercial thoroughfare. The neighborhood is characterized by low-rise commercial buildings, some of which include restaurants, auto uses, a school, and residential uses. The area is supported by a significant employee population, and visitors in addition to the resident population base in the area, accounting for a demand for ABC licenses beyond the allocated number. The project will support a proposed restaurant, which in turn will continue to support the vibrancy and longevity of the commercial corridor along Santa Monica Boulevard as well as the surrounding neighborhood. The proposed restaurant as modified will provide neighboring residents and the local workforce with a convenient dining option that will bolster pedestrian activity in the neighborhood, thus increasing public safety. The sale of alcoholic beverages for on-site consumption in conjunction will augment the desirability of the subject establishment which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

Furthermore, the sale of alcoholic beverages 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. Additional conditions related to reduced operating hours and

security guards will provide additional measures to protect the area from further criminal activity. These conditions will deter or prevent nuisance or criminal activity such as loitering or public drinking and will improve public safety. Therefore, 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.

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

The project site is zoned for commercial uses and will be utilized as a neighborhood serving commercial use with the proposed restaurant. The following sensitive uses are located within a 1,000-foot radius of the site:

Residential	
Multi-Family Residences	
Schools/Day Care	
Kingsley Elementary School	5200 Virginia Avenue
Religious Institutions	
Iglesia Jesús Cristo Es El Camino	5173 Santa Monica Boulevard
Iglesia Adventista Del Séptimo Día	1055 Normandie Avenue
Hospitals	
N/A	N/A
Recreation	
N/A	N/A

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. Kingsley Elementary School is the nearest sensitive use as it abuts the subject building site. While there were numerous issues raised from residents and the abutting Kingsley Elementary School, as well as concerns raised by the Los Angeles Police Department, the Planning Commission determined that this grant would not adversely impact the school and abutting uses. The Conditions of Approval imposed address mode and character, safety and security and responsible operation. The Commission also required the presence of two security guards during all hours of operation of the restaurant. This would allow for any interaction of patrons and students playing in the field to be quickly addressed as well as any other potential issues. There would be no sales of alcohol for off-site consumption. In addition, the applicant will be required to come back to the Department of City Planning for a Plan Approval to allow for any testimony from the public to be considered for the continued use. The conditions are sensitive to the presence of children and the school use next to the site and will not be detrimental to nearby residential uses and other sensitive uses.

in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas outside of a flood zone.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is 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.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

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 Los Angeles Municipal Code provisions.

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 that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing