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MAYOR

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July 30, 2021

Adolfo Suaya (A)(O)
Hollywood Dreams, LLC
6541 Hollywood Boulevard, Suite 111
Los Angeles, CA 90028

Michael Gonzales
Gonzales Law Group, APC
800 Wilshire Boulevard, Suite 860
Los Angeles, CA 90017

Case No. ZA-2020-4966-MPA
MASTER PLAN APPROVAL
Related Case: ZA-2014-2008-MCUP
6525 West Hollywood Boulevard, Suite 2;
1710-1712 North Hudson Avenue
Hollywood Plan Area
Zone: C4-2D-SN
C.D.: 13 – O'Farrell

LETTER OF CLARIFICATION

On December 10, 2020, pursuant to Los Angeles Municipal Code Section 12.24-M, the Zoning Administrator approved a Master Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a proposed bar in the C4-2D-SN zone.

On July 16, 2021, communication was received from the Applicant's Representative, Andrew Svitek, requesting clarification of the address with regards to the ranges of address for the subject site that was included in the Main Conditional Use Permit but was not included in the MPA letter of determination. The address is hereby clarified as: 6525 West Hollywood Boulevard, Suite 2; 1710-1712 North Hudson Avenue, Los Angeles, CA 90028.

All conditions and findings in the Letter of Determination shall remain unchanged. The applicant shall record with the Los Angeles County Recorder's Office, a covenant and agreement to include this Letter of Clarification. A copy of the recorded document(s) shall be submitted to the Development Service Center for inclusion in the case file, prior to the effectuation of the grant.

Inquiries regarding the matter shall be directed to Michelle Carter, Department of City Planning at michelle.carter@lacity.org or (213) 978-1262.

HENRY CHU
Associate Zoning Administrator

HC:MC:bk

cc: Councilmember Mitch O'Farrell
Thirteenth Council District
Adjoining Property Owners

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December 10, 2020

Adolfo Suaya (A)(O)
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6541 Hollywood Boulevard, Suite 111
Los Angeles, CA 90028

Michael Gonzales
Gonzales Law Group, APC
800 Wilshire Boulevard, Suite 860
Los Angeles, CA 90017

Case No. ZA-2020-4966-MPA
Related Case: ZA-2014-2008-MCUP
MASTER PLAN APPROVAL
6525 West Hollywood Boulevard, Suite 2
Hollywood Plan Area
Zone: C4-2D-SN
C.D.: 13 – O'Farrell
D.M.: 148-5A187
CEQA: ENV-2020-2736-CE
Legal Description: Arb 2, Lot 8, HJ Whitley
Tract

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

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 an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Pursuant to Los Angeles Municipal Code Section 12.24-M hereby APPROVE:

Master Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a proposed bar in the C4-2D-SN 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 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 Zoning 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 of and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 1,702 square-foot bar. The bar shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 11:00 a.m. to 2:00 a.m., daily.
 - b. Indoor seating shall be limited to a maximum of 60 seats. The number of seats shall not exceed the maximum number allowable occupant load as determined by the Department of Building and Safety.
 - c. No after-hour 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.
8. **Private Events.** Any use of the bar 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.

9. **Prior to the utilization of this grant**, the applicant shall submit the bar's menu to document that the premises shall be maintained as a bar.
10. No conditional use for dancing has been requested or approved herein. Dancing is prohibited. There shall be no Dance Floor arrangement permitted in the subject premises.
11. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal.
12. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
13. The applicant shall not sublet the premises to outside "promoters" for nightclub activity. The premises shall not be used exclusively for private parties in which the general public is excluded.
14. **STAR/LEAD Training.** Within the first six months of operation or the effectuation of the grant, 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. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training.
15. 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.
16. **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 notifying patrons of the program. The signs/cards 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.
17. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. 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 facility to discourage illegal and criminal activity on the subject premises 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 or truancy occur.

18. **Complaint Log.** Prior to the utilization of this grant, a phone number and an email shall be provided for complaints or concerns from the community regarding the operation. The phone number and email shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk, front desk or near the hostess station

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. 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.
20. 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.
21. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A,4(g) and 12.26-E,1(b). No variance from the parking requirements has been granted herein.
22. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
23. **Prior to the utilization of this grant**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
24. Any music, sound or noise including amplified or acoustic music, which is under control of the applicant, shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) 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 live entertainment or amplified music on the premises. There shall be no karaoke, topless entertainment, male or female performers or fashion shows. Entertainment in conjunction with the bar is limited to ambience music to complement the dining experience, and shall be limited to background music at a low volume such that it is not audible beyond the premises. Independent, professional or amateur disc jockeys are not allowed.

26. A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.
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. 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 private security.
30. There shall be no admission or cover charge at any time. There shall not be a requirement to purchase a minimum number of drinks at any time on the premises.
31. 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.
32. The applicant(s) shall install and maintain security cameras and a one-month video library that covers all common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. The videotapes or digital recordings shall be made available to police upon request.
33. The approved conditions shall be retained on the premises at all times and produced upon request of the Police Department, the Department of Building and Safety or City Planning. All licenses, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, a copies of the ABC operating conditions and conditional use permit conditions shall be provided to all employees working in the bar. Bar employees are required to be knowledgeable of the establishment operating conditions and shall sign a document acknowledging that they have read and understood all of the ABC and conditional use permit conditions. Said acknowledgment form(s) shall be maintained at the location by the operator and/or manager who shall present the document(s) to Police Department personnel, ABC Investigators or any other City agency upon request.

34. If valet service is used a copy of the contract with the valet company shall be submitted to the Office of Zoning Administration demonstrating that valet service is made available to customers of the petitioner(s) between the hours of 8:00 p.m. and one half hour after closing. If valet service is implemented the petitioner(s) will additionally be required to provide the Office of Zoning Administration with information pertaining to the valet rates or cost of valet service as it relates to customers utilizing said service. The availability of valet parking/service shall be made known to the public via the bar's menu, a posting of the information on readily visible locations in the bar and on any bar website.
35. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating that California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and that no such sales will be made.
36. The petitioner(s) shall place legible signs on the exterior walls of the subject property alerting patrons to keep noise to a minimum, and to be respectful of the properties surrounding neighbors.

ADMINISTRATIVE CONDITIONS

37. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
38. 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.

39. 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.

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

Applicant shall do all of the following:

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

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

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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 authorization 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 upon you to advise them regarding the conditions of this grant.

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.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **DECEMBER 28, 2020** unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

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.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this 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 public comments received 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 an approval of plans under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The subject property is a level, corner, rectangular-shaped, 16,000 square-foot lot with an approximately 80-foot frontage along the north side of Hollywood Boulevard and an approximately 200-foot frontage along the east side of Hudson Avenue. The subject site is improved with two adjoining commercial structures built in 1930 that occupy the entire site and encompass approximately 15,155 square-feet. The existing structures are built to the property lines. The property is bounded on the west by Hudson Avenue, on the east by existing retail buildings, on the south by Hollywood Boulevard, and on the north by a paved access easement providing vehicle access to a surface parking lot. Just north of the access easement are residential uses. The submitted site plan indicates Suite 2, and for the proposed 1,702 square-foot bar with 60 seats.

The property is zoned C4-2D-SN, which is a commercial zone in the Number 2 Height District and within the Hollywood Signage Supplemental Use District. The C4 zone is generally a high intensity commercial zone, optimal for bars and restaurants. The Property's D limitation, which was imposed by Ordinance 165,659 (the "D Limitation"), restricts project height to 45 feet and project floor area ratio ("FAR") to 2:1. The Suite 2 Plan Approval does not involve new construction. Height and FAR restrictions are not implicated.

The property's Hollywood Community Plan (the "Community Plan") designation is Regional Center. The Regional Center designation is similarly planned for high-intensity commercial. Projects within the Regional Center are typically limited in FAR to 4.5:1 by the Community Plan's Zoning Map Footnote 9.

The property was originally granted a Master Conditional Use Permit pursuant to Case No. ZA-2011-0164-MCUP (the "First Approval"). The First Approval entitled the Property to a full line of alcohol at five separate tenant spaces within a proposed mixed-use development (the "Mixed Use Project"), as well as live entertainment within the bar tenant space. The Mixed-Use Project was designed to include 10,402 square feet of ground floor commercial space, 4,074 square feet of office space, and a four story, 106 space parking lot. Due to a variety of reasons, the Mixed Use Project was never built and the First Approval expired. For the MCUP, the Applicant revised the project to include only three alcohol serving uses, including Suite 2. The MCUP, as a whole, does not include any new construction; only interior renovations are proposed to Existing Structures.

Properties to the north are zoned [Q]R5-2 and consisting of a few non-conforming single family homes and various high density multi-family structures; to the south across Hollywood Boulevard are properties zoned C4-2D-SN consisting of commercial, retail, and restaurant uses; to the east across Hudson Avenue are properties zoned C4-2D-SN consisting of a high density multi-family use (the Hillview Apartments) and commercial, retail, and restaurant uses; to the west are properties zoned C4-2D-SN consisting of commercial, retail, and restaurant uses.

STREETS

Hollywood Boulevard, adjoining the subject property to the south is a designated Avenue I, dedicated to a right-of-way width of 100 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Hudson Avenue, adjoining the subject property to the west is a designated Local Street, dedicated to a right-of-way width of 60 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Previous relevant cases, affidavits and orders on the subject property:

Case No. ZA-2020-4964-MPA – The case was heard concurrently with this case. The applicant requested an approval of plans for the sale and dispensing of a full line of alcoholic beverages in conjunction with a new 2,809 square-foot restaurant with 79 indoor suites, located in Suite 5.

Case No. ZA-2018-4517-MPA – On April 23, 2019, the Zoning Administrator approved plans to permit the sale and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 3,122 square-foot restaurant (Harold's Chicken) with 93 seats and hours of operation from 11 a.m. to 12 a.m., daily. The approval was for Suite 3 on the subject site.

Case No. ZA-2014-2008-MCUP – On June 4, 2015, the Zoning Administrator approved a Master Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption with three proposed establishments consisting of two restaurants and one bar: Suite 2 - "Bar 48" (Type 48 ABC license for public premise)- a 3,465 square foot bar with 163 indoor seats. Hours of operation shall not exceed 11 a.m. to 2 a.m.; Suite 3 - "Farmer's House" (Type 47 ABC license for restaurant) - a 3,122 square foot restaurant with 135 indoor seats. Hours of operation shall not exceed 11 a.m. to 12 midnight; and Suite 5 - "Mexicalia" (Type 47 ABC license for restaurant) - a 3,020 square foot restaurant with 136 indoor seats. Hours of operation shall not exceed 11 a.m. to 12 midnight.

Case No. ZA-2011-0164-CUB – On October 12, 2011, the Zoning Administrator approved a Master Conditional Use Permit for the on-site consumption of a full line of alcoholic beverages for four new restaurants and one bar on the ground floor of a proposed development consisting of approximately 10,402 square feet of ground floor retail and approximately 4,074 square-feet of offices on the second floor and a 4-level parking garage.

Cases on Surrounding Properties:

Cases within 500 feet of the subject property:

There are no relevant cases.

Public Correspondence

No comments were received.

Public Hearing

The public hearing was held telephonically on Monday, October 26, 2020 at 9:30 a.m. in conformance with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The hearing was attended by the applicant's representatives, Mark Levun.

Mr. Levun made the following statements:

- The site is located at the northeast corner of Hollywood Boulevard and Hudson Avenue. It is at the center of Hollywood and has a Regional Center land use designation.
- There was is history on the site where Case No. ZA-2011-0164-CUB was granted but never utilized.
- Case No. ZA-2014-2008-MCUP was granted, and the two cases before you are utilizing two of the three tenant spaces. Condition No. 7 allows these requests.
- The third tenant space, Case No. ZA-2018-4517-MPA was previously granted.
- These two tenant spaces don't have tenants.
- The project will be utilizing these spaces as previously envisioned, but will be slightly smaller.
- Tenant Space 2 (suite 2) is at the north part of Hudson and identified as "Bar 48". The space is smaller than previously envisioned by 50% and will be entirely indoors. This will have 60 indoor seats, no live entertainment and no dancing.
- Tenant Space 5 (suite 5) is the corner space. This will be 2,809 square feet and have 79 seats, and is smaller than previously approved.
- Valet parking will be offered for the patrons of both these operations.
- Plans were sent to LAPD

There were no speakers present at the public hearing

At the conclusion of the public hearing, the Zoning Administrator approved both requests.

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.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale and dispensing of alcoholic beverages and to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

"M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ...".

FINDINGS

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

The Plan Approval authorizes the sale of a full line of alcoholic beverages for on-site consumption at a proposed 1,702 square-foot bar. It is important to note that ZA-2014-2008-MCUP (MCUP) approved the proposed bar space (Suite 2) for the sale and service of a full line of alcohol. The Suite 2 Plan Approval lowers the proposed bar's seat count (60 indoor seats) significantly. The proposed seat count is 60 indoor seats

compared to the approved 163 indoor seats for Suite 2 under the MCUP. The smaller capacity reduces the likelihood for potential impacts to the community. The Suite 2 (Bar 48) Plan Approval enhances the built environment because bars such as the proposed operation help stimulate the area by providing additional gathering and nightlife opportunities for local residents and tourists. The Suite 2 Plan Approval enables the applicant to utilize the MCUP, thereby activating an underutilized section of Hollywood Boulevard in order to help create a burgeoning, tourism-friendly environment.

The addition of the proposed bar, with strict adherence to the imposed conditions and under proper management and supervision, will enhance the environment of the surrounding neighborhood and provide a benefit to the community. The bar will activate a now vacant commercial space and provide a new opportunity that promotes night life and serves the neighborhood. This area has a high volume of patronage, both from residents and tourists, all of whom could benefit from the addition of a new bar. The operation will complement the tenant mix, and give residents, workers, visitors and tourists of the area a viable option to gather and enjoy the night life. Additionally, the City will benefit from the tax revenue generated by the new bar. As conditioned, the approval of this proposed bar will work to enhance the environment of the surrounding neighborhood and provide an essential and beneficial service to the community.

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 subject site is located in the Hollywood Community Plan Area and has a Regional Center Commercial land use designation. The proposed bar is located in the C4-2D-SN Zone and is consistent with the uses permitted in the zone. The proposed bar will be located with an existing space, which has housed a variety of commercial enterprises since the 1930s. Properties to the north are zoned [Q]R5-2 and are improved with two-story apartment buildings. Properties to the east are zoned C4-2D-SN and are improved with small commercial uses, including a restaurant, and a jewelry store, with offices on the second story above, along Hollywood Boulevard, at the rear of the site there is a parking lot and a fast food restaurant. Properties to the south, across Hollywood Boulevard, are zoned C4-2D-SN and are improved with small commercial uses, including a facility of Woodbury University, a gallery, a theater and a costume shop. Properties to the west, across Hudson Avenue, are zoned C4-2D-SN and are improved with apartments over retail space. The majority of adjacent properties along Hollywood Boulevard are commercial uses, including, retail, restaurants, and tourists-attracting entertainment uses. Therefore, the location and operation of the proposed bar (Bar 48) is proper in relation to the adjacent uses and the environment in the surrounding neighborhood. The sale of alcohol will be in a controlled environment that will only serve to those over 21 years of age. The location will provide the community members a safe environment to purchase alcoholic beverages to consume on-site.

The project's location, size, height, and operations were approved through building permits secured through the City of Los Angeles' Department of Building and Safety and remain compatible with adjacent properties and the surrounding neighborhood. There is no construction, alterations or changes in this application's request for the on-site sale of alcoholic beverages, other than what was approved through the building permit process and thus, no reason to conclude the prior approved location, size, height, and operations would not be compatible with the adjacent properties and surrounding uses.

The Plan Approval authorizes the sale of a full line of alcoholic beverages for on-site consumption at a proposed bar. The bar will not be detrimental to the character of the immediate area. Rather the addition of this business at this location will re-enforce the character of the area by occupying a now vacant space. The bar will serve to strengthen the economic vitality of the area. As stated above, the sale of alcohol will be within a controlled environment and will serve as a deterrent to potential criminal activity. Alcohol will not be taken off the premises for consumption off the premises. Additionally, the proposed bar in conjunction with the imposition of a number of conditions from the City will safeguard public welfare and enhance public convenience.

The bar will serve the public convenience and is compatible with the character of the surrounding uses. This neighborhood has been developed to be convenient to residents, shoppers and visitors to the area, and conveniently accessible by vehicle, public transportation and walking. The ability for the bar to sell a full line of alcoholic beverages for on-site consumption will not be detrimental to the immediate neighborhood, but rather be an added convenience. The grant has incorporated a number of conditions, which seek to establish and promote a use, which will remain compatible with other uses in the surrounding community. Nuisances, security, mode and character, training and responsible operation are intended with the with conditions of this grant. As conditioned, the sale of a full line of alcoholic beverages for on-site consumption will not be materially detrimental to the character of the neighborhood.

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

The elements of the General Plan establish 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 the Los Angeles Municipal Code. 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 Regional Center Commercial land uses with corresponding C2, C4, P, PB, RAS3, and RAS4 Zones.

The property is zoned C4-2D-SN. The project is consistent with 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.

The proposed bar serves the neighborhood and offers employment by activating a currently under-utilized retail space with a viable use. The proposed bar will employ a variety of people and new bars such as this is desirable for tourism and night life, whereas under-utilized retail is not an attraction.

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 Suite 2 Plan Approval promotes the economic well-being and public convenience by activating an already-permitted bar within Hollywood's Regional Center, thereby allocating businesses in a part of the City most compatible with commercial uses.

Objective 6: To make provision for a circulation system coordinated with land uses and densities...

The Property is located on Hollywood Boulevard, one of the predominant transit corridors in Los Angeles. Each of the Property's tenant spaces are within walking distance of a number of LA Metro bus routes and the LA Metro Red Line. Therefore, the local circulation system is well equipped to handle the bar's activity.

Additionally, the proposed bar project is consistent with the following objectives of the General Plan Framework:

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

The proposed bar serves this objective by creating additional permanent job opportunities in the Hollywood Regional Center. By converting partially vacant retail tenant spaces into a new bar use, the Suite 2 Plan Approval enables the proposed bar to enhance urban lifestyles by activating Hollywood Boulevard and providing "eyes-on-the-street."

The project is consistent with the following objectives of the Transportation Element:

Policy 3.10: Promote the development of transit alignments and station locations which maximize transit service to activity centers and which permit the concentration of development around transit station.

The subject property is easily accessible to transit because it is located on Hollywood Boulevard. Several bus routes are accessible within a quarter-mile walk from the project. Moreover, the property is within 1,500 feet of both the Hollywood Highland and the Hollywood Vine Red Line Stations. Therefore, the Suite 2 Plan Approval helps align new development with existing transit infrastructure.

The neighborhood has been developed to be convenient to residents, shoppers and visitors to the area, and conveniently accessible by vehicle, public transportation and walking. The sale of alcohol at the proposed bar will not be detrimental to the immediate neighborhood, but rather an added convenience. As a new use activating a currently vacant commercial tenant space, the project will also enhance the appearance of the neighborhood. As conditioned, the sale of a full line of alcoholic beverages for on-site consumption will not be materially detrimental to the character of the neighborhood. The Plan Approval will advance the objectives of the General Plan and the Regional Commercial Center designated Zone by adding employment opportunities and economic vitality to a location. As the proposed bar is consistent with the site's zoning and land use designation, the location can be determined to be in harmony with the various elements and objectives of the General Plan.

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

Conditional authorization for the sale and dispensing of a full line of alcoholic beverages for on-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of alcohol for on-site consumption.

A variety of commercial uses are an intrinsic part of service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of a full line of alcoholic beverages for on-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcohol including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the surrounding residential and sensitive uses. Therefore, with the imposition of such conditions, the sale of a full line of alcoholic beverages for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, two (2) on-sale and one (1) off-sale alcoholic beverage licenses are

allocated to subject Census Tract No. 1902.01. Data provided on the ABC's License Query System indicates that there are currently 29 existing on-site and 4 existing off-site licenses within this Census Tract.

According to statistics provided by the Los Angeles Police Department Central Division, which has jurisdiction over the subject property within Crime Reporting District No. 636, a total of 449 Part I Crimes and 651 Part II arrests were reported in 2019, compared to the citywide average of 170 crimes and arrests and the high crime average of 204 crimes for 2019. In 2019, there were (56) Narcotics, (121) Liquor Law, (9) Public Drunkenness, (1) Disturbing the Peace, (5) Disorderly Conduct, (0) Gambling, and (18) DUI related arrests. 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.

Concentration can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The approval of the request will allow the applicant to provide a convenient amenity to the community. The bar is located within an area where there is a concentration of visitor and local serving uses, therefore an establishment such as the subject site is not uncommon.

Approval of the request will exceed the number of on-sale licenses allocated to the census tract by ABC guidelines. However, approval of the request is not expected to result in any criminal nuisance activity. The site is surrounded by mixed use buildings similar to the subject site. No documented history of criminal or nuisance activity and no complaints concerning the site were received for the record. The site is located in a crime reporting district where the crime rate is above the city average. However, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate.

The bar's emphasis will be serving the community. The bar's mode and character will not result in criminal or nuisance activity. Furthermore, the conditions imposed will ensure that the use is conducted with due regard for surrounding uses and will be beneficial to the community and contribute to the continued development of the area.

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

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

Sensitive uses within 600 feet of the site consist of:

- Single-Family/ Multi-Family Residences
- The Second City Training & Education Center; 6560 West Hollywood Blvd.
- Los Angeles Make-up School; 1624 Wilcox Avenue

Sensitive uses between 600 and 1,000 feet of the site consist of:

- Selma Avenue Elementary School; 6611 Selma Avenue
- Napoleon Perdis Makeup Academy; 6621 West Hollywood Boulevard
- Hollywood Pal; 6411 Hollywood Boulevard
- Iglesia Universal; 6656 Hollywood Boulevard
- Yucca Community Center; 6671 Yucca Street
- Selma Park; 6567 Selma Avenue
- YMCA; 1553 Schrader Boulevard
- Hollywood Regional Branch Library; 1623 Ivar Avenue
- Oasis-Zion Kids Club; 1725-1727 Ivar Avenue

No correspondence or public testimony was given indicating the sale of a full line of alcoholic beverages for the project would impact these sensitive uses. The proposed bar at this location will serve the needs of local residents, workers, and visitors. The surrounding community is attracting more people to the area and consequently generating an expanded local work force. The subject bar and the sale of alcoholic beverages will provide a desired amenity and service to this population, both residents and tourists. The addition of the bar will not detrimentally affect nearby residentially zoned properties, but rather serve as an added convenience and place for social gathering. The use will not conflict with the adjacent uses and it will operate in such a manner so as not to detrimentally affect nearby residentially zoned property.

The surrounding area includes a diversity of uses such as residential, community centers, parks, as well as several establishments that sell alcohol. Since the site is located in a prime commercial area, the variety amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project and not authorized uses of the property, which might create potential nuisances for the surrounding area, which includes residential uses. Such imposition of conditions will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case. Thus, the Plan Approval will not affect nearby sensitive uses.

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 AH Zone - areas of 100-year shallow flooding where depths are between one and three feet; base flood elevations are shown, but no flood hazard factors have been determined.

Inquiries regarding this matter shall be directed to Michelle Carter, Planning Staff for the Department of City Planning at (213) 978-1262.



HENRY CHU
Associate Zoning Administrator

HC:MC:bk

cc: Councilmember Mitch O'Farrell
Thirteenth Council District
Adjoining Property Owners
Interested Persons