

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
ZA-2019-6319-CUB-1A	ENV-2019-6320-CE-1A	4 - Raman
PROJECT ADDRESS:		
7445 West Sunset boulevard (7441-7449 West Sunset Boulevard & 1506-1516 North Gardner Street)		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Michael Towles, Gaggle's Inc.	(909) 941-6868 x 108	kparker@overeasyinc.com
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Margaret Taylor, Apex LA	(213) 330-0335	Margaret@Apex-LA.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Julia Mason	None provided.	deedub111@aol.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Kevin Golden	(213) 978-1396	kevin.golden@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
CEQA		

FINAL ENTITLEMENTS NOT ADVANCING:

CUB

ITEMS APPEALED:

Categorical Exemption

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☒ Other

- ☐
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- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):**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:
May 25, 2021	3-0
LAST DAY TO APPEAL:	APPEALED:
Last day to appeal CEQA: June 24, 2021	CEQA appealed: June 24, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez	October 1, 2021



CENTRAL LOS ANGELES 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: JUN 09 2021

Case No. ZA-2019-6319-CUB-1A

CEQA: ENV-2019-6320-CE

Plan Area: Hollywood

Council District: 4 – Raman

Project Site: 7445 West Sunset Boulevard (7441-7449 West Sunset Boulevard & 1506-1516 North Gardner Street)

Applicant: Michael Towles, Gaggle's Inc.
Representative: Margaret Taylor, Apex LA

Appellant: Julia Mason

At its meeting of **May 25, 2021**, the Central Los Angeles 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 proposed 3,171 square-foot restaurant, inclusive of 602 square feet of basement storage area, with a total of 128 indoor seats and 731 square feet of on-site uncovered outdoor patio space with 71 outdoor seats, all divided between three venues. The proposed hours of operation are: 7:00 am to 11:00 pm, daily.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305 (Class 5), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination dated March 11, 2021;
3. **Approved**, pursuant to Section 12.24 W.1 of the Los Angeles Municipal Code, a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed restaurant in the C4-1D Zone;
4. **Adopted** the attached Conditions of Approval and;
5. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: DelGado
Second: Lindgren
Ayes: Gold
Absent: Chung-Kim, Lawrence

Vote: 3 - 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
Central Los Angeles 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 Los Angeles Area Planning Commission is not further appealable and shall become final upon the mailing of this determination letter.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) 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.**

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, Findings, Interim Appeal Procedures

c: Jonathan Hershey, Associate Zoning Administrator
Kevin Golden, City Planner

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. Within 30 days of the effective date 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 3,171 square-foot restaurant, inclusive of 602 square feet of basement storage area, and an additional 731 square feet of uncovered on-site outdoor patio, all divided between three venues. Subject to the following limitations:
 - a. The restaurant's hours of operation shall be limited from 7:00 a.m. to 11 p.m., daily.

- b. Tenant 6A (872 square feet and 253 square-foot patio; 197 square-foot basement storage): Indoor seating shall be limited to a maximum of 46 seats. Outdoor seating on-site shall be limited to a maximum of 23 seats.
 - c. Tenant 6B (865 square feet and 243 square-foot patio; 197 square-foot basement storage): Indoor seating shall be limited to a maximum of 44 seats. Outdoor seating on-site shall be limited to a maximum of 26 seats.
 - d. Tenant 6C (831 square feet and 235 square-foot patio; 208 square-foot basement storage): Indoor seating shall be limited to a maximum of 38 seats. Outdoor seating on-site shall be limited to a maximum of 22 seats.
 - e. Maximum occupancy shall be determined by the Department of Building and Safety and/or Fire Department. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures.
8. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. The three venues (Tenants 6A, 6B, and 6C) authorized herein shall be operated and managed together as a single restaurant, with one business owner and operator.
10. 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.
11. **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.
12. **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.

13. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
14. Prior to the utilization of this grant, the applicant shall establish a "Free Designated Driver Program" which may include, but it is not limited to, free non-alcoholic beverages, such as water, coffee, tea or soft drinks offered to the designated driver of a group. The availability of this program shall be made known to the restaurant patrons either via signs/cards notifying patrons of the program, or printed on the menu. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas, such as tables, entrance(s), host station, waiting area, bars, or bathrooms.
15. 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.
16. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
17. All employees arriving by private vehicle shall park on-site and not in the surrounding neighborhood.
18. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience and shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
19. Ambient music is permitted in the outdoor dining area until 10 p.m. daily.
20. There shall be no live entertainment on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
21. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
22. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
23. **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.

24. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
25. Prior to the utilization of this grant, the applicant shall submit a Security Plan, reviewed and approved by the Los Angeles Police Department, for the presence of security guards on the premises in accordance with the restaurant's operational needs. The operator shall determine, as needed, when such a presence is necessary giving special consideration to weekday and weekend evenings and other dates when a large attendance of patrons is anticipated. A copy of this plan shall be submitted to the Department of City Planning's Development Services Center for retention in the administrative case file and a copy shall be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
26. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
27. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
28. 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.
29. The business operator shall attend periodic meetings with the LAPD, the Council Office, and community members to discuss ongoing operations and recent complaints in order to address issues. Records of each meeting shall be retained and provided at the request of a Building and Safety inspector or Planning Department staff person.

30. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
31. Prior to the utilization of this grant, the applicant shall submit the restaurant's menu(s) to document that the premises shall be maintained as a bona fide restaurant.
32. At no time shall any portion of the restaurant maintain any window, public doorway, or seating upon or fronting on Gardner Street.
33. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
34. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
35. 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.
36. 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.
37. 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

38. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 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
39. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
40. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, 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.
41. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**
Applicant shall do all of the following:

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

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may

withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

- The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sale of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Alcohol may only be served to patrons who are seated at a table and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.
- The sale of alcohol shall be incidental to the sale of food.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The off-site sale of alcoholic beverages as a secondary use (i.e., “take out”) is not permitted.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- No “Happy Hour” type of reduced-price alcoholic beverage or “2 for 1” promotion shall be allowed at any time. Discounted food promotions are encouraged.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

- No cocktail lounge shall be maintained on the premises separate from the dining area.
- There shall be no table-sized alcohol dispensers, mini kegs, buckets of beer, or other large volume containers.

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 subject property is an irregularly-shaped corner parcel comprised of approximately 32,435 square feet of area. The site has 121 feet of frontage along Sunset Boulevard and 203 feet of frontage along Gardner Street.

The site is improved with five one- and two-story commercial buildings totaling 22,808 square feet, which are proposed to be demolished and replaced with a two-story, 22,260 square-foot mini-shopping center with basement storage and attached four-level plus rooftop 92-space parking garage.

The surrounding area is characterized by relatively level topography and improved streets. The northern adjoining property is developed with the Gardner Street Elementary School. The northeastern property, fronting on Vista Street, is developed with a three-unit residential condominium. The eastern adjoining properties, fronting on Sunset Boulevard, are developed with commercial buildings occupied by the Sunset Grill and Guitar Center. The southern adjoining properties, across Sunset Boulevard, are developed with one- and two-story commercial buildings. The western adjoining properties, across Gardner Street, are developed with two-story, mixed-use, commercial and residential buildings.

The applicant requests a Conditional Use application for the on-site sale and consumption of a full line of alcoholic beverages in conjunction with three venues operating as one restaurant, with hours of operation from 7 a.m. to 2 a.m. daily. The proposed restaurant will be located within the proposed new mini-shopping center and occupy portions of the ground floor and basement, consist of a total of 3,171 square feet, inclusive of 602 square feet of basement storage area, and an additional 731 square feet of uncovered on-site outdoor patio, accommodating a total of 128 seats interior and 71 seats outdoors, all divided between three venues. All three venues would be located toward the center of the mini-shopping center, and have no frontage on either Sunset Boulevard or Gardner Street.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The proposed restaurant use, in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues, will assure that the service of alcohol will not be disruptive to the community. The availability of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant will offer an amenity that is often expected with food and restaurant service that caters to the local community, local

employees, patrons of adjacent commercial uses, and the residents in the neighborhood.

Moreover, the subject site and surrounding properties were planned, zoned, and subsequently developed for commercial uses such as the subject restaurant. Said restaurant will be a convenience to the general public, as are the offices, housing, and other restaurants along and around Sunset Boulevard, a well-travelled thoroughfare for residents and visitors alike. The subject property is also proposed to be developed in a manner similar to surrounding properties – with retail uses, restaurant uses, and office buildings that serve a diverse population within the City of Los Angeles. As such, the restaurant with alcohol service will offer a convenient location for a unique dining experience for local residents, local workers, and visitors and will perform a function and provide a service that is beneficial to the surrounding 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 property is an irregularly-shaped corner parcel comprised of approximately 32,435 square feet of area. The site has 121 feet of frontage along Sunset Boulevard and 203 feet of frontage along Gardner Street. The site is improved with five one- and two-story commercial buildings totaling 22,808 square feet, which are all proposed to be demolished and replaced with a two-story, 22,260 square-foot mini-shopping center with basement storage and attached four-level plus rooftop 92-space parking garage. The parking garage would be developed along the rear of the property, adjacent to the elementary school. Vehicle ingress and egress would be via a driveway accessing Gardner Street. Pedestrian access would be through an open-air walk beginning on Sunset Boulevard and ending on Gardner Street.

The surrounding area is characterized by relatively level topography and improved streets. The northern adjoining property is developed with the Gardner Street Elementary School. The northeastern property, fronting on Vista Street, is developed with a three-unit residential condominium. The eastern adjoining properties, fronting on Sunset Boulevard, are developed with commercial buildings occupied by the Sunset Grill and Guitar Center. The southern adjoining properties, across Sunset Boulevard, are developed with one- and two-story commercial buildings. The western adjoining properties, across Gardner Street, are developed with two-story, mixed-use, commercial and residential buildings.

The applicant requests a Conditional Use application for the on-site sale and consumption of a full line of alcoholic beverages in conjunction with three venues operating as one restaurant, with hours of operation from 7 a.m. to 2 a.m. daily.

The proposed restaurant will be located within the proposed new mini-shopping center and occupy portions of the ground floor and basement, consist of a total of 3,171 square feet, inclusive of 602 square feet of basement storage area, and an additional 731 square feet of uncovered on-site outdoor patio, accommodating a total of 128 seats interior and 71 seats outdoors, all divided between three venues. All three venues would be located toward the center of the mini-shopping center, and have no frontage on either Sunset Boulevard or Gardner Street.

According to information submitted by the applicant,

The restaurant operator knows how to run successful, viable restaurant operations. They have been chosen to provide the single point of alcohol sales within the shopping center for guests who are coming to the location. They have a self-interest in maintaining a wholesome, neighborhood-enhancing experience. Therefore, they will enforce alcohol sales procedures to ensure there are no problems resulting in incidents or activities which affect the environment for their core clientele.

They want to focus on customers who care about a unique space and can enjoy the environment respectfully. This respect will, naturally, extend into the neighborhood.

... All three of the patio dining areas are surrounded by perimeter railings and do not exceed 50% of the interior dining area, as required for first floor restaurants in the C4 Zone. They retain easy visibility from the restaurant staff, such that they can ensure consumption controls as required by the Alcohol Beverage Control Board.

According to supplemental application materials, there will not be any entertainment such as piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc., offered; there will not be a minimum age for entering the venues; no "fortified" wine (greater than 16% alcohol) be sold; no alcohol will be consumed on any adjacent property under the control of the applicant; there will be no signs visible from the exterior that advertise the availability of alcohol; a kitchen will be maintained on-site; alcohol would be occasionally sold without a food order, but no bar is proposed; the sale of alcohol will not exceed the sale of food items on a quarterly basis; no bar or cocktail lounge would be maintained incidental to the restaurant; and it had not been determined whether to offer discounted alcoholic drinks ("Happy Hour").

The Hollywood Hills West Neighborhood Council opposed the request. The local Police Department did not oppose the request.

Based on written and verbal testimony, it is clear that there is a great deal of concern regarding the proposed new construction of the mini-shopping center as well as the proposed restaurant and sale of alcoholic beverages. Relatedly, there

is skepticism about the appropriateness of the conditional use in light of statements made regarding the future ownership of the property and project. As proposed, the construction, use and maintenance of the mini-shopping center is being pursued as a by-right development project, for which no deviations from the zoning code is being requested. There is nothing atypical for a developer to seek and secure development rights, including for the sale of alcoholic beverages, prior to physical development of the property. Further, there is nothing atypical for a developer or property owner to secure a conditional use, such as being requested, in order to enhance the value of a property prior to sale. If a conditional use is granted, it falls to the Zoning Administrator to appropriately apply conditions to ensure that regardless of the owner or operator, the proposed use can compatibly coexist within the community.

Based on the circumstances for the request, the Zoning Administrator has tailored conditions to ensure that the proposed restaurant will be developed and operated in the manner proposed, and compatibly with the surrounding community. The development and use of the restaurant can only be in conformance with the adopted Exhibit "A", and additional conditions have been applied, such as no frontage or seating on Gardner Street, limited hours of operation, and operation as one restaurant under one owner, to address some of the unique circumstances of this request. A substantial change in the development of the restaurant, its mode and/or character will require that the business owner return to the Zoning Administrator to review the changes and possibly set the matter for another public hearing.

The restaurant's emphasis will be on food service in general, in conjunction with the sale and on-site consumption of a full line of alcohol, which would be offered as an incidental amenity, is reasonable given the restaurant's location in a commercially zoned area. The operations of the restaurant will be fully interior of the proposed mini-shopping center. Furthermore, the project is not requesting any karaoke, live entertainment, or patron dancing, and such activities have been prohibited.

Many additional conditions have been imposed to respond to and minimize more common issues surrounding the availability of alcoholic beverages, crime, noise, littering, loitering, and responsible management. Further, conditions have been recommended to the State Department of Alcoholic Beverage Control to impose as a part of their discretionary licensing process.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. In addition, the project's location within a commercial-use zone, as part of a proposed mini-shopping center, minimizes potential impacts on nearby residential uses. Thus, as conditioned, the project's location, size, height, operations and other significant features will be

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

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Hollywood Community Plan area. The Community Plan Area Map designates the property for Neighborhood Office Commercial land uses corresponding to the C1, C2, C4, P, RAS3, and RAS4 Zones; the property is zoned C4-1D, and is thus consistent with the General Plan's land use designation for the site. The property is subject to a Development "D" Limitation established in 1989 under Ordinance No. 164,711 restricting the maximum Floor Area Ratio on the subject site and surrounding commercial properties on Sunset Boulevard to 1:1. It is not located within any specific plans, overlays, or interim control ordinance.

The project is consistent with the following goal, objective, and policy of the Community Plan:

Objective No. 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 No. 4: To promote economic well-being and public convenience through... Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The proposed project will provide a neighborhood restaurant, with alcoholic beverage service, that incorporates seamlessly into the shopping, dining, and commercial atmosphere of Sunset Boulevard. Further, the project will contribute to a flow of pedestrian activity, enhancing the neighborhood's viability as a walkable, transit-accessible area. Therefore, granting a Conditional Use Permit for

the sale of a full line of alcoholic beverages for a restaurant can be deemed to substantially conform to the purpose, intent, and provisions of the General Plan and Hollywood Community Plan.

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

The applicant requests a Conditional Use application for the on-site sale and consumption of a full line of alcoholic beverages in conjunction with three venues operating as one restaurant, with hours of operation from 7 a.m. to 2 a.m. daily. The proposed restaurant will be located within the proposed new mini-shopping center and occupy portions of the ground floor and basement, consist of a total of 3,171 square feet, inclusive of 602 square feet of basement storage area, and an additional 731 square feet of uncovered on-site outdoor patio, accommodating a total of 128 seats interior and 71 seats outdoors, all divided between three venues. All three venues would be located toward the center of the mini-shopping center, and have no frontage on either Sunset Boulevard or Gardner Street.

According to supplemental application materials, there will not be any entertainment such as piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc., offered; there will not be a minimum age for entering the venues; no "fortified" wine (greater than 16% alcohol) be sold; no alcohol will be consumed on any adjacent property under the control of the applicant; there will be no signs visible from the exterior that advertise the availability of alcohol; a kitchen will be maintained on-site; alcohol would be occasionally sold without a food order, but no bar is proposed; the sale of alcohol will not exceed the sale of food items on a quarterly basis; no bar or cocktail lounge would be maintained incidental to the restaurant; and it had not been determined whether to offer discounted alcoholic drinks ("Happy Hour").

Comments were expressed highlighting issues about employee parking, conflict with school children, restaurant frontage along Gardner Street, proposed hours of operation, and traffic generation. The Hollywood Hills West Neighborhood Council opposed the request.

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 a full line of alcoholic beverages for on-site consumption.

In addition to conditions addressing the proposed use as a restaurant and the availability of alcoholic beverages, conditions have been adopted to require employees parking on-site and prohibit such parking in the neighborhood; to prevent the restaurant from having a frontage, doorway, window, or patio area along Gardner Street; and the hours of operation have been limited from the

proposed 7 a.m. to 2 a.m. daily, to those that align with the restriction on mini-shopping center – 7 a.m. to 11 p.m. daily. Based on a review by the Department of Building and Safety, the project does not result in any significant Vehicle Miles Traveled impacts that would warrant further analysis or mitigation.

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 in conjunction with the proposed restaurant 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 community. Conditions specific to the location and operation of the restaurant have been imposed to ensure the restaurant's physical location within the mini-shopping center will not conflict with either the adjacent school or residential neighborhood.

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 State Department of Alcoholic Beverage Control (ABC), there are two on-site licenses and one off-site license allocated to Census Tract No. 1899.05. There are seven existing on-site licenses and one off-site license.

According to statistics provided by the Los Angeles Police Department's Hollywood Division Vice Unit, within Crime Reporting District No. 643, which has jurisdiction over the subject property, a total of 378 crimes were reported in 2019 (263 Part I

and 115 Part II crimes), compared to the Citywide average of 170 crimes and the High Crime Reporting District average of 204 crimes. Alcohol related Part II Crimes reported include Narcotics (13), Liquor Laws (3), Public Drunkenness (7), Disturbing the Peace (0), Disorderly Conduct (2), Gambling (0), DUI related (3), and other offenses (37). 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.

Undue concentration can occur 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 a license benefits the public welfare and convenience. The number of active licenses for o-site sales within the census tract is above the number allocated by ABC guidelines. However, approval of the request is not expected to result in any criminal nuisance activity. The site is surrounded by commercial 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. In these active commercial areas where there is a demand for licenses beyond the allocated number and where an undue-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness.

The site is also located in a district where the crime rate is substantially 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 Los Angeles Police Department submitted a letter stating no opposition to the request. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area.

The project will not adversely affect community welfare because the restaurant is a desirable use in an area designated for commercial uses. The proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

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

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

- Gardner Street Elementary School, 7450 Hawthorn Avenue
- West Hollywood United Church of Christ, 7350 Sunset Boulevard
- Residential Uses

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

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 X, areas determined to be outside 500-year flood plain.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

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

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

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment