



## APPLICATIONS:

# APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

**Related Code Section:** The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

**Purpose:** *The Appeal* - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

### General Information

Appealable CEQA documents:

- |   |                              |
|---|------------------------------|
| - Certified Environmental Impact Report (EIR)             | - Negative Declaration (ND)  |
| - Sustainable Communities Environmental Assessment (SCEA) | - Categorical Exemption (CE) |
| - Mitigated Negative Declaration (MND)                    | - Sustainable Exemption (SE) |

#### NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

### 1. Case Information

Environmental Case Number: \_\_\_\_\_

Related Entitlement Case Number(s): \_\_\_\_\_

Project Address: \_\_\_\_\_

Date of Final Entitlement Determination: \_\_\_\_\_

The CEQA Clearance being appealed is a(n):

☐ EIR      ☐ SCEA      ☐ MND      ☐ ND      ☐ CE      ☐ SE

### 2. Appellant Identity (check all that apply)

- |   |   |                                       |
|---|---|---------------------------------------|
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner           | <input type="checkbox"/> Other Person |
| <input type="checkbox"/> Applicant      | <input type="checkbox"/> Operator of the Use/Site |                                       |

### 3. Appellant Information

Appellant Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self      ☐ Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?      ☐ Yes      ☐ No

#### 4. Representative/Agent Information

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### 5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

#### 6. Applicant's Affidavit

I certify that the statements contained in this application are complete and true:

Appellant Signature: Julia Mason Date: 06/23/2021

### ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

- 1. Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)  
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☐ Environmental Appeal Application (form CP-7840)
- ☐ Justification/Reason for Appeal
- ☐ Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

**2. Electronic Copy**

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

**3. Appeal Fee**

- ☐ Original Applicant - A fee equal to 85% of the original application fee of the Environmental case; provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- ☐ Other Persons - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

RE: Case number: ZA-2019-6319-CUB-1A Council District: 4 – Raman **CEQA: ENV-2019-6320-CE**

June 21, 2021

We, the undersigned individuals, are filing an appeal of the determination by an unelected body, the Central Los Angeles Area Planning Commission, for the Project at 7445 West Sunset Boulevard (7441-7449 West Sunset Boulevard & 1506-1516 North Gardner Street, hereinafter the “Project”).

The associate zoning administrator, Mr. Jonathan Hershey, made the determination “based on the whole of the administrative record, 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.”

The Planning Commissioners upheld this determination. We disagree and file this appeal to highlight the specific facts within the record that show that the project is not exempt under CEQA guidelines.

The Project calls for demolishing “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 Project would demolish five commercial buildings totaling approximately 22,808 square feet for the purpose of building a 3,171 square-foot mini-shopping center with basement storage and attached four-level plus rooftop parking garage with 92-individual spaces.

As detailed below, a review of record as a whole leads demonstrates that determination the project is categorically exempt is incorrect.

### **1. Negative Impacts to Safety Public Safety**

During the hearing for the Conditional Use Permit (“CUP”) for the sale of alcohol and the appeal hearing, the applicant failed to provide *a single public comment of support for the project*. In stark contrast, neighbors and stakeholders from Gardner Street Elementary, the thriving Title 1 elementary school with several hundred students adjoining the project, provided extensive public testimony, with additional written comments, that the public safety hazards posed by this project and its location could not be mitigated through any combination of conditions.

There are continuously students present at Gardner Elementary during normal working hours, including on the playground and in outdoor classrooms which adjoin the north of

the project site. The students are also present in the same space for events and programs into the evening after 6:00 p.m. Many families cross Sunset Boulevard and walk along Gardner Street as the main pedestrian route to school.

The Project's single driveway crosses the sidewalk at Gardner within a few feet of the school playground. The record reflects that all of the ingress and egress need for the Project will be through this driveway, which does not provide anywhere near the visibility provided by the current buildings' multiple driveways and open spaces. Many of the several hundred Gardner Street Elementary school children and families, sometimes with strollers and bicycles, will be walking crossing the driveway multiple times a day and into the evening. We are concerned that, inevitably, a small child crossing that driveway, perhaps on the way to or from the school, will be hit by a car.

The present buildings were developed as part of the Pacific Electric Red Car line. The irregular triangular-shaped buildings accommodated the train tracks at Gardner Junction, on this lot and the lot across Sunset Boulevard on the southwest corner. The irregular footprint of the current buildings and open spaces allow generous sight lines across the sidewalks where driveways cross. The current occupants, which are small businesses and offices, generate a very small number of daily trips as compared with the multiple restaurants proposed at the Project.

Gardner Street is also the main route into the Hollywood Hills neighborhood and residences for Fire Station 41 just south of Sunset Boulevard.

A letter of May 10, 2021 to the Central Area Planning Commission from Mashael Majid, Planning Director for Council District 4, refers to "a high level of engagement among various stakeholders tracking this case." This engagement is because not a single member of the neighborhood believes that the proposed traffic plan is safe, which was exemplified during the CUP hearing's public testimony and comments. Dozens of stakeholders offered spoken and written comments at every stage of hearings for this project. When a previous project was proposed for this site, also using a driveway on Gardner Street, 100's of stakeholders attended hearings and sent letters to oppose siting a busy driveway where it would pose safety hazards to school children. Residents and school families understand that a busy commercial driveway with limited visibility, crossing a sidewalk where children walk to school will never make sense.

Gardner Street is a small street with a single lane of traffic in each direction and a single lane of parking on each side of the street used throughout the day by residents, business customers, employees, and the Gardener school's families and staff. The street is simply not wide enough for large trucks required for construction to safely enter and exit the Project's single driveway. The street is already busy throughout the day. Once the project is open, additional vehicles in addition to the large vans and trucks servicing the restaurant and maneuvering to enter the driveway from the narrow street will cause traffic

to backup. Trucks and delivery vehicles trying to enter the driveway will cause congestion on Gardner that will make the street dangerous for pedestrians and local vehicles. Vehicles exiting the site, including the large vans and trucks, must either make a left turn south towards Sunset, or make a right turn to drive past the school and through the residential neighborhood. Virtually every public comment, spoken or written, addressed the safety hazards the Project will create. For this reason alone, there should not have been a categorical CEQA exemption, because these backups will be in front of or next to local residents and the families of Gardner Street Elementary. Gardner Street is far too narrow to safely allow commercial traffic on this scale.

The project site was developed early in the twentieth century. The Sunset Square Historic Preservation Overlay Zone, with 348 houses, adjoining the site to the north and west was developed at the turn of the twentieth century as Streetcar Suburban, long before the advent of automobiles. The infrastructure in the area is fragile, with many T-intersections, including one on the north side of the project's block, at Vista and Hawthorn, and two blocks to the west at Hawthorn and Curson. Hawthorn and other neighborhood streets prohibit heavy loads. As pointed out by numerous stakeholders, residents, Gardner School families, principal and staff - Gardner Street cannot support customer and employee traffic into and out of the project, deliveries, trash hauling, ride sharing, and all other vehicle and truck operations. Large cars, vans, and delivery and trash hauling trucks queuing to turn into the driveway will block the narrow street and block visibility as bicyclists, pedestrians, families and their children traverse to and from Gardner School. The negative impacts to public safety will be immense. Numerous stakeholders commented and testified that, due to the restrictions of the site and the sensitive uses adjoining it, these impacts cannot be mitigated.

Neighbors and stakeholders have been consistently clear that the dangers and hazards to public safety. Unanimous public stakeholder comments demonstrate that under Class 5, because of the Project's location adjoining sensitive uses and along a street that is too small to safely support truck, commercial, and vehicle traffic, "[t]he project site is environmentally sensitive as defined by the project's location. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant." The new design of the site will offer far less safety to pedestrians because of the driveway's design and location. Because of the tremendous increase in trip generation from the project's busy, multiple sit-down restaurants as compared to the site's current low-intensity uses from the small businesses and offices, the risks to pedestrians will be greater. Rather than being distributed among two driveways with plenty of open space around them, as the project site provides now, all ingress and egress will be through the one very busy driveway, used by all customer, employee, and rideshare vehicles, as well as service vans and delivery trucks, that crosses the sidewalk along the route to school. This is the formula for an accident. A project that might be cause insignificant effects somewhere else is in a sensitive environment here, with the potential for causing the worst possible public safety hazards.

The project also poses negative impact from the resulting noise and glare. Directly across Gardner Street to the west are apartments and R1 homes that, in addition to the school, need to be shielded from noise from auto and truck traffic, parking operations, ridesharing, etc. Operations of the intensive uses from restaurants at the proposed Project site from deliveries, trash hauling, ride sharing, etc., as well as rooftop parking in such close proximity to the sensitive uses of residences and an elementary school require a more robust evaluation.

## **2. Negative Impacts to Historic Resources**

Significant documentation of the existing buildings on the site, their patterns, orientation, and other remaining features that are of historic significance to the existing environment of Hollywood. The Project site is adjacent to the Sunset Square Historic Preservation Overlay Zone and two blocks from the Spaulding Square Historic Preservation Overlay Zone. The footprint of the roads, open spaces, and buildings at the project site remain to show how the Sunset Square tract was developed and defined in the early twentieth century as “Streetcar Suburban.”

The historic preservation organization, Hollywood Heritage, provided a letter to the planning commission supporting this appeal on the basis that the Project’s impact on the built environment should have required an Environmental Impact Report. Relevant excerpts from the letter below:

“Hollywood Heritage has had a number of concerns related to the proposed project’s impact on the historic built environment surrounding the project site. This site is one of the last remnants in the city of a major historic transportation feature – the Pacific Electric line...

### **Concern 1: The proposed project is adjacent to two Historic Preservation Overlay Zones (HPOZs)**

The proposed project site is located less than half a block southeast of the Sunset Square HPOZ and less than two blocks northeast of the Spaulding Square HPOZ. Both of these HPOZs are neighborhoods comprised of one-story... homes, many of which antedate 1925... The history of both historic neighborhoods is intrinsically tied to Gardner Junction. The Pacific Electric route was instrumental in their development, as it provided convenient transportation to the rest of the city and downtown Hollywood.

### **Concern 2: The proposed project is located at the historic Gardner Junction**

The proposed project site lies directly on Gardner Junction, a significant component of the historic Pacific Electric Red Car Trolley line through Hollywood. Gardner Junction, where Sunset Boulevard and N. Gardner meet, was one of the major points along the Red Car Trolley line's diagonal journey southwest... In fact, one of the character-defining features of the Spaulding Square HOPZ is the continued orientation of some of its structures along this diagonal route. SurveyLA has developed a context for understanding the significance of Pacific Electric and related suburban growth. Further analysis is needed to assess the role of Gardner Junction and Pacific Electric in Hollywood. *See attached photographs for context of this historic landscape feature.*

A major intersection along this historic route, the immediate vicinity of Gardner Junction retains significant and character-defining physical features associated with its significance. AS a first example, the project site itself is where the Railway Realty and Investment Company of Los Angeles relocated in 1914. The original structures occupying this site may be the only intact references to Hollywood's portion of the Red Car Trolley network, which shaped the growth of the Los Angeles region over the first half of the 20<sup>th</sup> century. These buildings, while altered, have served the neighborhood for decades. The pattern in which they are situated on the block preserves their context and historic feeling. The Gardner Junction site is pivotal to the understanding of the entire community (school, adjacent apartments, residential neighborhoods, and commercial on Sunset Boulevard).

As a second example, the sidewalk extension for Gardner Junction's original "Tot Tunnel" (a pedestrian underpass) also remains adjacent to the proposed project site. This sidewalk extension is a clear reference to Gardner Junction's historic significance as an intersection along the trolley line. It also provides needed space for pedestrians in the area, which the proposed project would unquestionably reduce.

### **Concern 3: The proposed project ignores the successful adaptive reuse of other structure around historic Gardner Junction**

Many of the buildings lying along the western portion of Sunset Boulevard are still original one and two-story structures, reused to fit evolving needs but still preserving the historic context of the built environment. Current uses on the proposed project site are themselves examples of adaptive reuse, having housed a number of small businesses over the previous decades. Adaptive reuse of historic structure is not just economically and environmentally sensible; it helps preserve the historic context of Gardner Junction. The proposed project would eliminate all character-defining features at 7445 Sunset Boulevard (including significant street and right of way patterns). In addition, its design in no way integrates well with

surrounding original structures, violating the Secretary of the Interior Standards for infill development in historic neighborhoods...

Hollywood Heritage strongly believes the above facts warrant a more robust environmental review for the proposed project... violates CEQA. Hollywood Heritage therefore requests an Environmental Impact Report so that the proposed project's impact on the surrounding built environment's historic context is clear...

Brian Curran  
President, Hollywood Heritage, Inc.”

### **Conclusion**

Dozens of neighbors and members of school community attended the CUP hearing in unanimity and testified as to their experiences in the neighborhood and each of their undisputed concerns. Not a single public comment was provided in support of the Project, how could be made safe for this particular site, and how the negative impacts and public safety hazards could be mitigated. The answer is that there is no defensible position for this Project that does not greatly impact and endanger the neighborhood. This Project is not designed to consider the sensitive uses surrounding it. It might be suited for a different location, exactly as described as a “particularly sensitive” environment in the list of Class 5 exemptions. Nor does it acknowledge the “adverse change” to the “historic resource” of the Gardner Junction site and buildings.

The Project should be required to complete a robust evaluation of our requested CEQA review that would protect the safety of our neighbors and school families.

Thank you,

Cheryl Holland,  
Julia Mason,  
Lincoln Williamson,  
Michael Konik





# CENTRAL LOS ANGELES AREA PLANNING COMMISSION

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

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

## LETTER OF DETERMINATION

MAILING DATE: JUN 09 2021

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

Council District: 4 – Raman

CEQA: ENV-2019-6320-CE

Plan Area: Hollywood

**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](https://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

**Applicant Copy**  
Office: Downtown  
Application Invoice No: 73264

City of Los Angeles  
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



## City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

**Receipt Number:240621ED2-7F49A541-E6B5-4401-99E6-6319D4B9CBFD, Amount:\$109.47, Paid Date:06/24/2021**

Applicant: N/A - MASON, JULIA ( 323-8777496 )
Representative: SAME AS ABOVE
Project Address: 1502 N GARDNER ST, 90046

**NOTES: CEQA APPEAL BY AN AGGRIEVED PARTY FOLLOWING FINAL DETERMINATION OF ZA-2019-6319-CUB-1A**

ENV-2019-6320-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

Council District: 4  
Plan Area: Hollywood  
Processed by NGUYEN, MINDY on 06/24/2021

Signature: \_\_\_\_\_



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



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If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:240621ED2-7F49A541-E6B5-4401-99E6-6319D4B9CBFD, Amount:\$109.47, Paid Date:06/24/2021

Applicant: N/A - MASON, JULIA ( 323-8777496 )
Representative: SAME AS ABOVE
Project Address: 1502 N GARDNER ST, 90046

**NOTES:** CEQA APPEAL BY AN AGGRIEVED PARTY FOLLOWING FINAL DETERMINATION OF ZA-2019-6319-CUB-1A

ENV-2019-6320-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$2.67</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$5.34</b>
<b>Operating Surcharge (7%)</b>	<b>\$6.23</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$6.23</b>
<b>Grand Total</b>	<b>\$109.47</b>
<b>Total Invoice</b>	<b>\$109.47</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$109.47</b>

Council District: 4  
Plan Area: Hollywood  
Processed by NGUYEN, MINDY on 06/24/2021

Signature: \_\_\_\_\_