

Notice of Public Hearing

Aviso de Audiencia Pública • 공청회통지

Abiso ng Pagdinig sa Publiko • 公開聽證會通知

Հանրային լսումների մասին ծանուցագիր



Traducción

번역 • 翻译

Pagsasalin

Թարգմանություն



The meeting's agenda will be provided no later than 72 hours before the meeting at planning4la.org/hearings. Please note that virtual meeting instructions will be provided on the meeting agenda.

In conformity with the Governor's Executive Order N-29-20 (3/17/20) and as a result of COVID-19, this public hearing will be conducted telephonically and will allow for remote public comment.

Options to Participate:

By phone:

When prompted, enter the Meeting ID:

With a PC, MAC, iPad, iPhone, or Android, click on this URL:

Enter Meeting ID:

and Passcode:

You will be auto-muted when entering the meeting. To comment on an agenda item, click the raise hand icon (Webinar) or press *9 (Phone) to "raise your hand" virtually following staff calling the item.

Project Address

Sitio de Proyecto

프로젝트 주소 • 項目地址

Address ng Proyekto

ծրագրի Հասցե

Proposed Project

Proyecto Propuesto

프로젝트 제안 • 擬議項目

Iminungkahing Proyekto

Առաջարկվող ծրագիր

Actions Requested

Acciones solicitadas • 요청 된 작업 • 所要求の事項 • Humiling ng Mga Pagkilos • Հայցվող գործողությունները

Case Information

Información del caso • 케이스 정보 • 案例資訊 • Impormasyon sa Kaso • Տեղեկություններ գործի վերաբերյալ

Case Number(s):

Appellant:

Related Case Number:

Appellant Representative:

Zone:

Land Use Designation:

Overlays:

Council District:

Environmental Case Number(s):

Applicant:

Community Plan Area:

Applicant Representative:

Assigned Staff Contact Information:

Who's Receiving This Notice

Quién recibe este aviso • 본통지를받은사람들 • 誰會收到此通知

Sino ang Tumatanggap ng Paunawang Ito • Սույն ծանուցագիրը ստացող կողմը

You are receiving this notice either because you live on or own property that is on a site where a project application has been filed with the Department of City Planning, or because you requested to be added to the interested parties list. You are invited to attend this hearing to learn more about the proposed project and offer feedback. If unable to attend, you may contact the planner to provide written comment, obtain additional information, and/or review the project file.

General Information - Visit our website at planning4la.org/hearings for general information about public hearings and the exhaustion of administrative remedies.

File Review - The complete file will be available for public inspection by appointment only. Please email the staff identified on the front page, at least three (3) days in advance, to arrange for an appointment. Files are not available for review the day of or day before the hearing.

Agendas And Reports - Commission Agendas are accessible online at planning.lacity.org, by selecting "Commissions & Hearings", the specific Area or City Planning Commission and "Agendas". Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

Testimony And Correspondence - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

Requirements For Submission Of Materials - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. The case number must be written on all communications, plans and exhibits.

Please see revised submission guidelines below which have been modified in order to accommodate the conduct of the public hearing telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020).

- **Regular Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page.
- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting)**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.
- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation. These must be submitted electronically to the Commission email identified on the front of this page.
- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "File Copy. Non-complying Submission". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at planning.lacity.org by selecting "Commissions & Hearings" and selecting the specific Commission.

Exhaustion Of Administrative Remedies And Judicial Review - If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenzied here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. 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.

Accommodations - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. To request a reasonable accommodation, such as translation or interpretation, please contact the Commission Executive Assistant at _____, the Commission Office Main Line at (213) 978-1300 or by email at _____@lacity.org a minimum of 3 days (72 hours) prior to the public hearing. Be sure to identify the language you need English to be translated into and indicate if the request is for oral interpretation or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

MASTER APPEAL FORM

WITH ATTACHMENTS



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- ☐ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: _____

Project Address: _____

Final Date to Appeal: _____

2. APPELLANT

Appellant Identity:
(check all that apply)

- ☐ Representative ☐ Property Owner
☐ Applicant ☐ Operator of the Use/Site

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

- ☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative ☐ Owner ☐ Aggrieved Party
☐ Applicant ☐ Operator

3. APPELLANT INFORMATION

Appellant's 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. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☐ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☐ The reason for the appeal ☐ How you are aggrieved by the decision
☐ Specifically the points at issue ☐ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: _____

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **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.

- ☐ Appeal Application (form CP-7769)
☐ Justification/Reason for Appeal
☐ Copies of Original Determination Letter

b. 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. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

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

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION
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C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- ☐ **1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

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)

Courtney Shum
Department of City Planning

Jonathan A. Hershey, AICP
Associate Zoning Administrator

Office of Zoning Administration
200 N. Spring Street
Room 763
Los Angeles, CA 90012-4801

March 21, 2021

Re: CASE NO. ZA-2019-6319-CUB CONDITIONAL USE - ALCOHOL 7445 West Sunset Boulevard (7441-7449 West Sunset Boulevard & 1506-1516 North Gardner Street)

In his Letter of Determination dated March 11, 2021, Mr. Hershey, the Associate Zoning Administrator, makes six findings, to which we are opposed. We believe this application is premature, and the six findings listed below are in error.

FINDING:

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 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."*

RESPONSE:

Although the business is on Sunset Boulevard, this stretch of Sunset abutting residential areas is not the commercial core beginning several blocks to the east. We are a low-rise neighborhood-oriented commercial zone. We are already abundantly served with a variety of venues including family-friendly, fast-casual, and fine dining.

The letter of determination acknowledges, "The number of active licenses for on-site sales within the census tract is above the number allocated by ABC guidelines." We already have more than enough permits for on-site alcoholic beverage sales. As we are not a tourist destination, we do not need additional venues for servicing visitors.

The D condition on our commercial corners is designated for low-intensity, neighborhood-serving businesses. D conditions in the 1988 plan were specifically used to ameliorate known environmental conditions, often traffic and parking. Our neighborhood commercial corners have

shallow lot depths, and many blocks, such as where the proposed project is located, have no alleys separating the commercial strip from the school or residential uses. The D condition was designated to insulate and protect the neighborhoods, which are extremely close to the narrow commercial strips, which have very old, narrow streets, limited parking, and where stopping and slowing cars in traffic lanes can create traffic obstacles. The proposed project will cause the adverse impacts for which the D conditions are designed to shelter the neighborhood.

This proposed project with multiple venues serving alcohol is next to an elementary school. This proposed project has rooftop parking with no noise abatement or security measures to protect the elementary school playground, classrooms, and adjoining residential neighborhood. There may be security and safety issues, particularly for pedestrians coming and going from the elementary school, which is in constant active, intense use until 6:00 p.m. We believe this finding is in error.

FINDING:

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."*

"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."

RESPONSE:

We disagree with the finding that it is not unusual to apply for an alcoholic beverage permit before the project has been developed. Applying for the CUP when there are so many unknowns and unresolved questions and concerns about this proposed project is premature. The applicant should present completed, approved plans, a lease, a business plan, and other information that would allow us to understand the project and gauge what impacts it might have and what mitigations might be appropriate, particularly when the proposed project abuts several sensitive uses.

Without any specifics in the building plans or the from an operator, our public review is premature and pointless. We cannot yet look at conditions that might fit the specific conditions to protect health and safety. We don't know if might need planting and screening to protect the school playground and classrooms from the rooftop parking. We don't know if we might need to shield all project lights from the residential sides. We don't know if we should ask for limited hours for loading from Sunset Boulevard, or for trash removal, or for security, or for safety protections at the project driveways or access points. Without any specifics, how can neighbors or a hearing officer know what conditions are appropriate?

Each of us has lived in this neighborhood for decades and have supported many applications for alcoholic beverage permits. We are happy to support the applications of

businesses who make themselves known to us, who attend neighborhood meetings, who present finished projects and business plans, or who operate for years as good neighbors. Approving permits for projects that only offer suggestions and contemplations, particularly in areas with sensitive uses including a church, an elementary school whose playground will be overlooked by the rooftop parking lot, and the abutting residences does not offer neighbors the opportunity to assess the potential impacts, ask questions, express concerns, and ask for mitigations if appropriate.

The operator of the proposed project has not appeared before the council to answer questions or explain how this three-in-one concept will operate. We do not understand how this is planned to work. How will on-site employee parking be enforced, particularly if the proposed project charges fees for parking? How will employee and customer parking be kept out of the residential neighborhood? How will lights and noise be contained and not become nuisances to the school or the residential neighborhood it adjoins? The Zoom meeting protocols had not been agreed to between Ms. Taylor and our neighborhood council, so we were unable to have our concerns addressed by the applicant.

The applicant's representative offered her personal Zoom account for a meeting that would require participants to sign in to her account, giving her access to our personal information. This did not follow protocols for neighborhood council meetings. Ms. Taylor is new to our community. We had not worked with her previously.

The applicant's representative states that the plans for the site are being "contemplated." Since the proposed business abuts an elementary school and residences, we expect that any business of this size, with three locations offering alcoholic beverages, will have some impacts that will need to be assessed, understood, and mitigated. Neighborhood residents and school staff testified that they do not understand, based on the information presented, how the business is proposed to operate and thus gauge its impacts. We believe this finding is premature.

Michael, a long-time neighbor living close to the project site, testified that the application is premature.

Karen Hollis, the principal of Gardner Street Elementary, testified to her concerns about student and family safety.

Julia testified about concerns about the unknown operator.

Cheryl Holland, president of the Sunset Square Neighborhood Association, testified that she is unable, from these incomplete plans, to understand the project, and that the application is premature.

Barbara Witkin testified that there should not be a business with multiple restaurants serving alcohol next to a school.

Rebecca Arce, neighborhood resident, Gardner Elementary School parent, and member of its school board, testified about her safety concerns and her questions about how the proposed

project would operate and that she needs more information in order to be able to gauge its possible impacts.

Lincoln Williamson, the Area 7 chair of the Hollywood Hills West Neighborhood Council, testified that the siting of the businesses and the buffering is not adequate, and that the application is premature.

The neighborhood council unanimously opposed this request.

Emma Howard, the Planning Deputy for Council District 4, testified the site borders the neighborhood school. Plan check may change in substantial ways to modify the project layout and provide modifications during parts of the process. There is a lack of context between the project and buildings. Most importantly, she testified that the project is premature before the building plans are solidified.

FINDING:

3. *“The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.
“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 CASE NO. ZA-2019-6319-CUB Page 24 of 27 to the purpose, intent, and provisions of the General Plan and Hollywood Community Plan.”*

RESPONSE:

We do not agree that the project will “incorporate seamlessly” into our neighborhood. We do not believe that the associate zoning administrator should approve three venues in an area over-saturated with venues serving alcohol. This finding does not mention the elementary school next door, the church across the street, or the residences abutting the property, all of which need to be insulated from what is already an over-saturation of liquor licenses in the immediate area. This finding demonstrates an incomplete understanding of where the proposed project is located and its relation to sensitive uses next to it. Emma Howard, the Planning Deputy for Council District 4, testified to the lack of context for the project.

D condition limitations for this commercial corner are designed for low-intensity, neighborhood-serving commercial uses. We are not part of the Hollywood commercial core. We are a low-rise neighborhood with a narrow commercial zone along Sunset Boulevard, with residential uses immediately behind it. The commercial buildings along Sunset Boulevard across Gardner Street to the west have residences above the businesses.

FINDING:

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

“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.”

RESPONSE:

This finding is premature. Numerous neighbors testified that the proposed project may have adverse impacts on the neighborhood, or may need mitigations that are as yet unknown because of the incomplete status of the project.

We are presently well served with a variety of businesses serving alcohol. Within a block or two are fast-casual, family-friendly, and fine dining cafés and restaurants. Families, neighbors, and guests have abundant choices of where to enjoy a meal or a visit or drink. We do not agree that we need additional venues serving alcohol in order to enjoy a “vibrant neighborhood.”

The applicant claims that they will be “respectful.” According to information the applicant has presented, the venue’s operator has not been confirmed. The applicant’s representative has not presented a signed lease, so we have no way of confirming whether this yet-to-be determined operator will be respectful. He does not know us. We do not know him.

The operator of the proposed project has not appeared before the council to answer questions or explain how this three-in-one concept will operate. We do not understand how this is planned to work. How will employee parking be enforced? How will lights and noise be contained and not become nuisances to the school or the residential neighborhood it adjoins?

As Cheryl Holland and Lincoln Williamson testified, the irregular Zoom meeting protocols Ms. Taylor offered were not accepted by our neighborhood council. The applicant’s representative offered her personal Zoom account that would require participants to sign in to her account, giving her access to our personal information. Our neighborhood council members had questions about privacy protections for neighbors who might wish to participate. Using an applicant’s representative’s personal Zoom account did not follow protocols for neighborhood council meetings. So, we could not have our concerns addressed directly by the applicant.

For previous projects requesting alcoholic beverage permits, we have either been able to meet the operators and get a sense of what kind of business we would be living with, or we have supported applications of businesses who have been good neighbors for many years. These are businesses who are well-known to us, and whom we wish to retain as part of our community. We do not have the same trust for an operator who has not been identified.

The applicant’s representative states that the plans for the site are being “contemplated.” Since the proposed business abuts an elementary school and residences, we expect that any

business of this size, with three locations offering alcoholic beverages, will have some impacts that will need to be assessed, understood, and mitigated.

From the information presented, we cannot assess and/or mitigate the possible adverse impacts from lights, noise, traffic, security, or safety issues arising from three venues serving alcohol at one location in a sensitive area already over-saturated with venues serving alcohol, and in an area with higher than average crime rate.

Cherilyn Smith, local resident, testified that she is opposed to the request and asked a number of questions about possible adverse impacts from traffic, exhaust, noise, lighting, ride share operations, trash and delivery operations, restrooms, and, most importantly, safety for children and family on their way to and from Gardner Street Elementary School.

The applicant's representative offers to "work with" LAUSD, but since there is no approved plan and no way to gauge adverse impacts of lights, noise, security from the venue and the rooftop parking above the school playground, and the operation of three venues serving alcohol next to the school, we cannot know what mitigations the applicant might need to mitigate. We cannot know whether they will agree about which mitigations LAUSD may think are necessary.

Rebecca Arce, neighborhood resident, Gardner Elementary parent and school board member, testified that Ms. Hollis, the school principal, and the school board had no sense of how the restaurants would operate. They too agree that the impacts could not be gauged. They felt a four-story parking structure abutting the playground would have an adverse impact, especially to the students.

Valorie Keegan testified as to possible adverse impacts to the neighborhood. There are no approved plans for the project. The demolition will be delicate because this is a historic site. The building has been for sale for some time while the Conditional Use had been filed. The area is a quiet residential area. A full line of alcohol is excessive for the area. If parking access is changed, parking for the site will be redirected to impact the neighborhood. We do not support Happy Hour next to a school. There is too little information on the entire development. The Conditional Use request is premature – especially asking for a full line of alcohol.

Lincoln Williamson, Area 7 Chair of Hollywood Hills West Neighborhood Council, testified that representation was miscast. Information from the applicant was very slow in forthcoming. We had difficulty with the Zoom meeting that didn't comply with our new rules for our Neighborhood Council. As a result, we do not know the plan. Our only understanding is that there are 8 restaurants and the applicant will occupy 3 spaces. The application is nonsense with outdoor dining that will be buffered along with no such shopping center that hasn't been approved.

Barbara Witkin, a neighborhood resident, testified that serving alcohol next to a school is wrong, particularly with three different venues. The sales will be impactful. The neighborhood does not know which business will operate there. She is concerned with potential vehicle and pedestrian conflicts.

Emma Howard, Planning Deputy for Council District 4 testified that the site borders the neighborhood school; that plans may change during plan check in substantial ways to modify the project layout; that there is a lack of context between the project and buildings; and that it is premature to ask for a CPU before the building plans are solidified.

FINDING:

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...”*

RESPONSE:

We ask that city planners protect our neighborhood and school from projects that adversely impact fragile and sensitive uses.

The letter of determination states, “The number of active licenses for on-site sales within the census tract is above the number allocated by ABC guidelines.”

The associate zoning administrator claims that there have not been problems with the existing business, which is much smaller than the proposed project, and that the neighborhood will be supported by “a significant employee population.” In fact, we do not know how many employees will be present, nor during which hours. It is impossible to verify this finding. We also do not agree that the neighborhood will benefit from yet three more restaurants serving alcohol. We have more than enough already. These findings are not findings of fact, but are unverifiable opinions and are being contested by the neighbors, by the neighborhood council, by the principal of the elementary school next door, and by the planning deputy for the local council office.

The operational conditions imposed may or may not be effective in mitigating the proposed project’s impact. It may be impossible to mitigate the adverse impact of too many alcoholic beverage permits in a small commercial strip next to three sensitive uses – an elementary school, a church, and a residential neighborhood. It may be that there could be mitigations that would be useful, but we can’t know until the building plans are finalized, and we have met the operator and heard his business concept.

Our small and fragile residential neighborhood is not part of the Hollywood commercial core. The letter of determination acknowledges that crime rates in our neighborhood are significantly higher than other areas of the city. WHY would we want to bring in additional businesses serving alcohol in a location where school children and families pass by all day long and into the night, in an area next to homes and apartments?

Why add additional alcoholic beverage permits in an already saturated and crime-involved neighborhood bordering a school playground? We are not in desperate need of additional venues to buy alcohol; as acknowledged in the letter of determination, there are plenty. This application is contrary to our right to safe and crime-free neighborhood for ourselves and the students and families using our elementary school. The operator has not appeared at a neighborhood meeting or hearing to address concerns or answer questions, and we do not

understand how this proposed three-in-one venue would be different than having three separately permitted venues at the site.

FINDING:

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.”*

RESPONSE

Given the excessive number of permits in the area of the proposed project, the high crime rate, and the siting of the proposed venues adjacent to residential uses and an elementary school, we do not agree that the proposed use will not detrimentally affect the neighborhood. Three venues crammed into this location shoehorned next to an elementary school and across a narrow street from residential use is too intensive. It may not be possible to control for the noise, traffic, lights, and adverse impacts on the school playground and classrooms, sidewalks, pedestrian routes to the school, apartments and homes directly across the street, and impacts to security and safety. There are too many unknowns because the proposed project is still in “contemplation” rather than a state at which findings could be made.

The Planning Deputy for Council District 4, the school principal, and multiple school parents and neighbors expressed concerns about how the school would be sheltered from the businesses’ adverse impacts. The Hollywood Hills West Neighborhood Council voted unanimously to oppose the application. Emma Howard, the planning deputy, noted there was no context for the proposed project, and the application was premature. Michael noted that there was no buffering and no protection from traffic impacts to school families and students. The school principal testified about her safety concerns. Rebecca Arce, Cheryl Holland, Lincoln Williamson, Julia, Valorie Keegan, and Barbara Witkin testified that from the information we have about the proposed project, we cannot understand it or gauge its impact. Michael, Ms. Hollis, Julia, and Cheryllyn testified to concerns about pedestrian safety for the school families and students on Gardner Street.

We appreciate the many operating conditions imposed on this proposed project, but we appeal the findings in the Letter of Determination and the approval of this Conditional Use Permit for the reasons stated above.

Thank you.

Julia Mason

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DETERMINATION LETTER

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

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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

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March 11, 2021

Michael Towles (A)
Gaggle's Inc.
8656 Utica Avenue
Rancho Cucamonga, CA 91730

Sunset & Gardner Investors, LLC (O)
26400 South Fiddlers Green Circle #1820
Greenwood Village, CO 80111

Margaret Taylor (R)
Apex LA
11301 West Olympic Boulevard
Los Angeles, CA 90064

CASE NO. ZA-2019-6319-CUB
CONDITIONAL USE - ALCOHOL
7445 West Sunset Boulevard
(7441-7449 West Sunset Boulevard &
1506-1516 North Gardner Street)
Hollywood Community Plan
Zone: C4-1D
C.D: 4
D.M.: 147B181
CEQA: ENV-2019-6320-CE
Legal Description: Arbs 1 and 2, Lot
LT2, A. Gardner's West of Hollywood
Subdivision Tract; Arbs 1-3 and 6, Lot
PT SEC 9 T1S R14W; Arbs 1, Lot 1,
Block 1, A. Gardner Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15305, Class 5 (Minor Alterations in Land Use Limitations), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24W.1, I hereby APPROVE:

a conditional use to permit the continued 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,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial

physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **MARCH 26, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

West Los Angeles
West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on June 22, 2020, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

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 project site is located within the Hollywood Community Plan, which designates the site 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 existing land use designation. 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 surrounding area is characterized by relatively level topography and improved streets. The northern adjoining property is zoned PF-1XL and developed with the Gardner Street Elementary School. The northeastern property, fronting on Vista Street, is zoned C4-1D and R3-1 and developed with a three-unit residential condominium. The eastern adjoining

properties, fronting on Sunset Boulevard, are zoned C4-1D and developed with commercial buildings occupied by the Sunset Grill and Guitar Center. The southern adjoining properties, across Sunset Boulevard, are zoned C4-1D and developed with one- and two-story commercial buildings. The western adjoining properties, across Gardner Street, are zoned C4-1D and 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, all divided between three venues:

Tenant 6A would occupy 872 square feet with a 253 square-foot patio and an additional 197 square-foot basement storage area, having 46 seats interior and 23 seats on the patio;

Tenant 6B would occupy 865 square feet with a 243 square-foot patio and an additional 197 square-foot basement storage area, having 44 seats interior and 26 seats on the patio; and

Tenant 6C would occupy 831 square feet with a 235 square-foot patio and an additional 208 square-foot basement storage area, having 38 seats interior and 22 seats on the patio.

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.

No entitlements are required or requested for the mini-shopping center development.

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”).

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

Gardner Street, adjoining the subject property to the west, is a Modified Local Street, dedicated to a right-of-way width of 50 feet along the project’s street frontage and improved with curb, gutter, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Case No. ZA-2016-950-CU-CUB-SPR – On December 26, 2017, the Central Area Planning Commission granted an appeal in part and sustained the action of the Zoning Administrator, resulting in the approval of a conditional use authorizing the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a new grocery store, a conditional use to authorize deviations from commercial corner/mini-shopping center development standards, and Site Plan Review.

Previous Cases on Surrounding Properties

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. The following relevant cases were identified to be within 600 feet of the subject property and filed within the last five years.

Case No. ZA-2016-4013-CUB – On October 4, 2017, the Central Area Planning Commission denied an appeal and sustained the action of the Zoning Administrator, resulting in the approval of a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the C4-1D Zone, at 7439 West Sunset Boulevard.

Case No. ZA-2015-3130-ZV-CUB – On February 29, 2016, the Zoning Administrator approved a Conditional Use Permit to allow the upgrade from existing on-site sales of beer and wine to on-site sales of a full line of alcoholic beverages in conjunction with an existing restaurant and a Zone Variance allowing the continued use of a minimum of 12 parking spaces to be provided off-site by lease agreement in lieu of the required recorded covenant, in the C4-1D Zone at 7533 West Sunset Boulevard.

PUBLIC CORRESPONDENCE

Cherilyn Smith, local resident – In an email dated June 19, 2020, Ms. Smith states that she is opposed to the request and asks the following questions: Since they are looking at the site as a “possible location” why are they requesting now, for a full line of alcoholic beverages? How will exhaust from the cars be mitigated so as not to affect the playground at the Gardner Street School next door? How will lighting for the parking be mitigated so as not to encroach on the apartment buildings and houses across the street? Will employees park inside the facility? Where will trash be collected? Where will the Uber, Lyft or taxis drop off? Where is the entrance and exit? Has it been taken into account that the sidewalk on Gardner is used between 8a and 6p by children and families going to and from Gardner Street school? Where will suppliers park when making deliveries? For the number of restaurants and retail that is being proposed at this location, why is there just one man’s and one woman’s bathroom for the whole proposed complex? Must keep in mind that Gardner is the main street used by Station 41 for access to the hills.

Anastasia Mann, President, Hollywood Hills West Neighborhood Council – In a letter dated June 18, 2020, it is indicated that the Neighborhood Council voted unanimously (16 to 0) to oppose the request.

Alek Friedman, Beatification Team Committee Member, Central Hollywood Neighborhood Council – In an email dated March 7, 2020, Mr. Friedman stated support for the proposed restaurant, but requested that the building be painted a vibrant and lighter color to improve the overall appeal and aesthetics of the building.

Karen Hollis, Principal, Gardner Street Elementary School - On March 2, 2020, staff received a telephone call from Ms. Hollis expressing concerns about the project and the request to sell alcohol near an elementary school.

On February 25, 2020, staff received a telephone call from a nearby resident expressing concerns about the project.

Taimour Tanavoli, Department of Transportation – In an email dated January 16, 2020, the Department of Transportation states that the project does not meet or exceed VMT thresholds for requiring a traffic study.

PUBLIC HEARING

The public hearing was held on June 22, 2020 at approximately 11:30 a.m. In conformity with the Governor’s Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the hearing was conducted entirely telephonically. 16 individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

Margaret Taylor of Apex Consulting representative for Michael Towles of Gaggle’s Inc., the applicant, indicated that the applicant was present and made the following comments:

- Ms. Taylor laid out a PowerPoint presentation demonstrating the project as being similar to a food court concept involving 3 different locations having 3 different types of food concepts as a single operator. Ms. Taylor only represents the conditional use applicant and not the development project.
- Ms. Taylor understands the project is a by-right development and no other entitlement requests are involved.
- The applicant wants to expand their existing numbers of restaurants. They intend to provide food and accessory alcohol service.
- The shopping center has not filed for Commercial Corner/Mini-Shopping Center hours relief.
- The proposed shopping center retail area is 2 stories high and the parking garage will be equivalent to 4 stories high. The project is based on a maximum of 49 feet high for the parking building and 33 feet high for retail.
- No bar or cocktail lounge is proposed.
- The venue will provide a broad variety of food services and cuisines.
- Site Plan Review is not required due to the net increase of development is below the threshold. The current property owners feel that the only viable development strategy will be by-right and fully compliant with the City Codes.
- The parking will meet the LAMC.
- Shows buffering of restaurant by the 4-story parking area to the adjacent school.
- Storage area is in the basement that could store alcohol.
- Ms. Taylor identified Slides 12 and 13 which shows the alcohol service areas.
- Slides 14-16 show the kitchen and layout with alcohol services areas as well.
- The restaurant company is surviving Covid-19 with no outdoor dining areas.
- Slides 21-23 show the elevation drawings of the buildings.
- The applicant's letter of intent was intact and moving forward with the project. We did contact the Area 7 Chairperson and offered to do a Zoom outreach meeting.
- We attempted outreach to the school without any reply.
- Because the Neighborhood Council didn't reply due to the spec building proposal, their June 17 meeting response resulted in a denial recommendation. This may have been due to the case being heard later at 10:30 p.m. They were concerned about the 2 a.m. closure, alcohol being served until 2 a.m., and they wanted to update the Council Office.
- Slide no. 24 provided several question and answers.

Michael who resides on Vista Street expressed the following:

- There many concerned members of the community including the school.
- This is a backward process where the conditional use for alcohol comes before the building finalization.
- There should be adequate buffering. The elementary is abutting the project that brings unwanted eyes to the school children.
- Plans call for all exit/entrances from Gardner Street which serves residential. We have been stressing all year that the Gardner is used for residential access and will impact residents and students.
- This is a commercial corner that should be done by 11 p.m.

- The applicant well intended but the process is backward.

Karen Hollis, the principal of Gardener Street Elementary School expressed the following:

- The project representative sounds thoughtful, but cars will enter and exit on Gardner Street where children use to access the school.
- She asked if the applicant contact their (LAUSD) development office. Ms. Hollis is concerned with school safety.

Julia, a long-time resident of the neighborhood expressed the following points:

- The application should be denied. This is only a letter of intent.
- There are safety issues.
- It's not existing development that operates until 2 am.
- Gardner is a small street that will not support the project's traffic.
- There are multiple venues with one operator. We are unfamiliar with the operator.
- The project should not advance.

Sheryl Holland, president of Sunset Square Homeowners Association noted the following:

- She cannot understand the project yet.
- The neighborhood is opposed.
- We participated in the Neighborhood Council process and the project is miscast by Margaret Taylor because of COVID-19.
- The project does not comply with the Mini Shopping Center requirement of no later than 11 pm.

Rebecca Arsay, a resident and school board member of Gardner Elementary School, expressed the following points:

- We spoke to Ms. Hollis, the principal, through the process, but didn't have a clear idea of what the restaurant will be. Therefore, the impacts couldn't be gaged.
- The sizeable parking garage of 4 stories is frightening especially with the rooftop parking deck that would be terrifying to students.

Valery Kegan, a resident of the neighborhood expressed the following:

- There are no approved plans for the project. The demolition will be delicate because this is a historic site. The building has been for sale for some time while the Conditional Use had been filed.
- The area is a quiet residential area.
- A full line of alcohol is excessive for the area.
- The developer doesn't own Sunset Grill. This would add new full line license until 2 a.m. – too late for the neighborhood.
- If parking access is changed, parking for the site will be redirected to impact the neighborhood.
- We do not support Happy Hour next to a school.
- There is too little information on the entire development. The Conditional use request is premature – especially to ask for a full line of alcohol.

- The request should be denied.

Sherry Smith, a resident one-half block from the site, respectfully requested that the application be denied.

Lincoln Williamson, the Area 7 Chair of Hollywood West Neighborhood Council noted the following points:

- The representation was miscast. Information was very slow forthcoming.
- We had difficulty with the Zoom Meeting that didn't comply with our new rules of their Neighborhood Council. As a result, we do not know the plan. Our only understanding is that there are 8 restaurants and the applicant will occupy 3 spaces.
- The application is nonsense with outdoor dining that will be buffered along with no such shopping center that hasn't been approved.
- We also feel the 20 hours a day operation is excessive for this project.

Barbara Witsen, a resident of the area noted the following:

- The existing restaurant has been problematic with serving liquor at the wrong hours.
- Serving alcohol next to a school is wrong.
- There are 3 different venues with liquor across from the existing school. Alcohol sales hours will be impactful.
- We don't know what is going to be there.
- Concerned with potential vehicle/pedestrian conflicts that have been discussed with other neighbors.

Emma Howard of Council District No.4 representing Councilperson Ryu

- The shopping center development project is by-right.
- The conditional use is the issue at hand.
- The site borders the neighborhood school.
- Plan check may change in substantial ways to modify the project layout and provide modifications during parts of the process.
- There is a lack of context between the project and buildings.
- The project is premature before the building plans are solidified.
- Regarding the building, it is again by right and not be subject to the Zoning Administrator action.
- The previous entitlement doesn't ever guarantee project will be built.
- Our office supports the Mini-Shopping Center/Commercial Corner restrictions.

Margaret Taylor responded with the following:

- The project only represents restaurant uses.
- This is a backward timing the usual progression, however there will be no building permit before the entitlements take effect. It is not so unusual. By right project was

preferred because the property owner didn't want to exceed the code requirements.

- Selling the lot with entitlements isn't a reason for delaying the case filing.
- Many cited that "no plans", but there are plans that are being contemplated.
- The limits to the 11 p.m. operation hours by the Commercial Corner Ordinance is recognized.
- The kitchen will be open during all hours of operation to provide food service.
- We appreciate Council District No. 5 bring the proposed parking building in context as the buffer between the restaurant and the adjacent school parcel.
- We feel one tenant/boss/operator is the case to properly operate the restaurant.
- Zoom meeting was done as similar to the Department of City Planning. We followed the protocols of the Hollywood Hills West Neighborhood Council. Scheduling the event subject to COVID was challenging. We were concerned with the Area 7 Chairman with only voice access and wanted to protect the Chair's position. People could have provided bogus names to not compromise.
- We understood the frustration, but wanted to be transparent by offering my personal Zoom account and presenting the PowerPoint with anyone electing to sign in.
- We will work with the LAUSD.
- ZA can restrict the hours of operation to Mini-Shopping Center standards.
- The LAPD had no response but we agree to the standard condition for security.
- As far as the alignment of the garage access that is jogged from the alley, this is due to the subterranean garage design.
- The plans for building are in the construction drawing phase, with engineering and structural being completed.
- Rideshare activities (pick-up and drop-off) would be prioritized at the first floor garage.

The Zoning Administrator closed the public hearing and stated that there is no immediate disposition on the matter. The case will be held on advisement for a period of 2 weeks pending the receipt of LAPD's letter.

It should be noted that the Zoning Administrator who conducted the public hearing has since retired, and this determination is based upon the contents of the administrative record, written communications received, and a summary of the verbal testimony provided at the hearing.

COMMUNICATIONS RECEIVED AFTER THE PUBLIC HEARING

Captain Scot M. Williams, Commanding Officer, Hollywood Patrol Division, Los Angeles Police Department – In a letter dated July 29, 2020, it was indicated that the LAPD did not oppose the request, subject to a list of recommended conditions.

Valorie Keegan – In an email dated June 22, 2020, Ms. Keegan wanted to clarify that Gardner Street, north of Sunset Boulevard, is a narrow Local Street, not a Collector Street as stated by Zoning Administrator Frank Quon at the public hearing. Further, that the

Collector Street is south of Sunset Boulevard where LAFD 41 is located, not along the project site, the elementary school, or the residential homes.

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

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

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

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- 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.

BASIS FOR CONDITIONAL USE PERMITS

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

CONDITIONAL USE 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.

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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 floor plain.

Inquiries regarding this matter shall be directed to Courtney Shum, Planning Staff for the Department of City Planning at (213) 978-1916.



JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH:CS:bk

cc: Councilmember David E. Ryu
Fourth Council District
Adjoining Property Owners
Interested Parties

**DEPARTMENT OF
CITY PLANNING
APPLICATION**



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

ZA-2019-6319

Case Number

Env. Case Number

ENV. 2019.6320.GE

Application Type

Alcoholic Beverages

Case Filed With (Print Name)

Prong Giron

Date Filed

10.23.19.

Application includes letter requesting:

☐ Waived hearing☐ Concurrent hearing☐ Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

Detailed filing instructions are found on form CP-7810

1. PROJECT LOCATION

Street Address¹ 7445 W. Sunset Blvd.*

Unit/Space Number 6

Legal Description² (Lot, Block, Tract) See attached

Assessor Parcel Number See attached

Total Lot Area 32,435 sq. ft. (0.744 acres)

[7445 W. Sunset Boulevard and 1502-1504 N. Gardner Street, inclusive]*

2. PROJECT DESCRIPTION

Present Use Mixed Use Commercial

Proposed Use Shopping center with subject tenant premise

Project Name (if applicable) Sunset Cafe

Describe in detail the characteristics, scope and/or operation of the proposed project See attached.

Additional information attached

☒ YES☐ NO

Complete and check all that apply:

Existing Site Conditions☐ Site is undeveloped or unimproved (i.e. vacant)☐ Site is located within 500 feet of a freeway or railroad☒ Site has existing buildings (provide copies of building permits)☒ Site is located within 500 feet of a sensitive use (e.g. school, park)¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

☐ Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)

☐ Site has special designation (e.g. National Historic Register, Survey LA)

Proposed Project Information

(Check all that apply or could apply)

- ☒ Demolition of existing buildings/structures
- ☐ Relocation of existing buildings/structures
- ☐ Interior tenant improvement
- ☐ Additions to existing buildings
- ☐ Grading
- ☐ Removal of any on-site tree
- ☐ Removal of any street tree

- ☐ Removal of protected trees on site or in the public right of way
- ☒ New construction: 22,260 square feet
- ☐ Accessory use (fence, sign, wireless, carport, etc.)
- ☐ Exterior renovation or alteration
- ☐ Change of use and/or hours of operation
- ☐ Haul Route
- ☐ Uses or structures in public right-of-way
- ☐ Phased project

Housing Component Information

Number of Residential Units: Existing 0 – Demolish(ed)³ 0 + Adding 0 = Total 0
Number of Affordable Units⁴ Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0
Number of Market Rate Units Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0
Mixed Use Projects, Amount of Non-Residential Floor Area: N/A square feet

Public Right-of-Way Information

Have you submitted the Planning Case Referral Form to BOE? (required) ☒ YES ☐ NO

Is your project required to dedicate land to the public right-of-way? ☐ YES ☒ NO

If so, what is/are your dedication requirement(s)? N/A ft.

If you have dedication requirements on multiple streets, please indicate: Corner Cut 15' x 15' corner Sunset/Gardner

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? ☐ YES ☒ NO

Authorizing Code Section See attached

Code Section from which relief is requested (if any): See attached

Action Requested, Narrative: See attached

Authorizing Code Section N/A

Code Section from which relief is requested (if any): N/A

Action Requested, Narrative: N/A

Additional Requests Attached ☐ YES ☒ NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? ☒ YES ☐ NO

If YES, list all case number(s) ZA-2016-950-CU-CUB-SPR (Unrelated to this case)

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. N/A

Ordinance No.: N/A

☐ Condition compliance review

☐ Clarification of Q (Qualified) classification

☐ Modification of conditions

☐ Clarification of D (Development Limitations) classification

☐ Revision of approved plans

☐ Amendment to T (Tentative) classification

☐ Renewal of entitlement

☐ Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project?

☐ YES ☒ NO

Have you filed, or is there intent to file, a Subdivision with this project?

☐ YES ☒ NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

N/A

5. RELATED DOCUMENTS / REFERRALS

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

a. Specialized Requirement Form Supplemental Alcohol Questionnaire

b. Geographic Project Planning Referral N/A

c. Citywide Urban Design Guidelines Checklist Provided

d. Affordable Housing Referral Form N/A

e. Mello Form N/A

f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form N/A

g. HPOZ Authorization Form N/A

h. Management Team Authorization Case Management # CM2019-0330

i. Expedite Fee Agreement N/A

j. Department of Transportation (DOT) Referral Form Not required since CUB case only

k. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) Provided

l. Order to Comply N/A

m. Building Permits and Certificates of Occupancy N/A

n. Hillside Referral Form N/A

o. Low Impact Development (LID) Referral Form (Storm water Mitigation) N/A

p. Proof of Filing with the Housing and Community Investment Department N/A

q. Are there any recorded Covenants, affidavits or easements on this property?

☐ YES (provide copy) ☒ NO

PROJECT SUMMARY SHEET

Site address: 7445 W. Sunset Boulevard, Unit 6

“Sunset Café”

Assessor’s Parcel Numbers: 5550-013-001, 5550-013-014, 5550-013-015, 5550-013-019, 5550-013-020, 5550-013-021 and 5550-013-022

Legal Description:

Arbs 1 and 2, Lot LT 2, A. Gardner's West of Hollywood Subdivision Tract; Arbs 1-3 and 6, Lot PT SEC 9 T1S R14W; Arb 1, Lot 1, Block 1, A. Gardner Tract

Project:

Demolition of 22,808 square-feet comprised of five multiple-story commercial buildings and construction of a new 4-story, 22,260 square-foot shopping center with basement storage and 92-parking spaces. No entitlements are required or requested for the shopping center development. The only entitlement request is the subject Conditional Use Permit request for the sale of a full line of alcoholic beverages for single applicant restaurant tenant, “Sunset Café”.

Request:

As allowed under Section 12.24 W 1 of the Los Angeles Municipal Code, the applicant is requesting the sale of a full line of alcoholic beverages in conjunction with the operation of a new 3,199 square-foot, 199-seat restaurant tenant with 2,468 square-feet and 128 seats indoors, and 731 square-feet and 71 seats outdoors on private property. Hours of operation from 7:00 am – 2:00 am, daily in the C4-1D Zone.

Said restaurant operation will include 3 separate menu concepts under a single operator and a single Type 47 ABC license.

PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name Michael Towles

Company/Firm Gaggle's Inc.

Address: 8656 Utica Avenue Unit/Space Number 150

City Rancho Cucamonga State CA Zip Code: 91730

Telephone 909-941-6868 x 108 E-mail: kparker@overeasyinc.com

Are you in escrow to purchase the subject property? ☐ YES ☒ NO

Property Owner of Record ☐ Same as applicant ☒ Different from applicant

Name (if different from applicant) Sunset & Gardner Investors, LLC

Address 6400 S. Fiddlers Green Circle Unit/Space Number 1820

City Greenwood Village State CO Zip Code: 80111

Telephone (650) 387-9023 E-mail: wrjr@cadencecap.com

Agent/Representative name Margaret Taylor

Company/Firm Apex LA

Address: 11301 W. Olympic Boulevard Unit/Space Number 700

City Los Angeles State CA Zip: 90064

Telephone (213) 330-0335 E-mail: Margaret@Apex-LA.com

Other (Specify Architect, Engineer, CEQA Consultant etc.) N/A

Name _____

Company/Firm _____

Address: _____ Unit/Space Number _____

City _____ State _____ Zip Code: _____

Telephone _____ E-mail: _____

Primary Contact for Project Information
(select only one)

☐ Owner

☐ Applicant

☒ Agent/Representative

☐ Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

⁵ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

PROPERTY OWNER

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
 - **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
 - **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
 - **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.
- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature 

Date 9-4-19

Print Name Dave Runberg, CFO for Sunset & Gardner Investors LLC

Signature _____

Date _____

Print Name _____

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Colorado
~~California~~

County of Arapahoe

On September 4, 2019 before me, Susan Sanders, Office Manager
(Insert Name of Notary Public and Title)

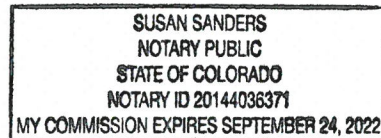
personally appeared Dave Runberg, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Susan Sanders
Signature

(Seal)



APPLICANT

8. **APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
- b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
- c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
- d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
- e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
- f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- g. I understand that if this application is denied, there is no refund of fees paid.
- i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
- i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: _____

Date: _____

Print Name: _____

ENVIRONMENTAL REPORT

COUNTY CLERK'S USE

CITY OF LOS ANGELESOFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012**CALIFORNIA ENVIRONMENTAL QUALITY ACT****NOTICE OF EXEMPTION**

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

ZA-2019-6319-CUB / Conditional Use – Alcoholic Beverages

LEAD CITY AGENCY**City of Los Angeles (Department of City Planning)****CASE NUMBER**

ENV-2019-6320-CE

PROJECT TITLE

Conditional Use Permit – Alcoholic Beverages

COUNCIL DISTRICT

4

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)**7445 West Sunset Boulevard**☐ Map attached.**PROJECT DESCRIPTION:**

Sale of a full line of alcohol for on-site consumption in a restaurant under 200 seats

☐ Additional page(s) attached.**NAME OF APPLICANT / OWNER:****APEX LA****CONTACT PERSON** (If different from Applicant/Owner above)**Margaret Taylor****(AREA CODE) TELEPHONE NUMBER****(818) 398-2740****EXT.****EXEMPT STATUS:** (Check all boxes, and include all exemptions, that apply and provide relevant citations.)**STATE CEQA STATUTE & GUIDELINES**☐ **STATUTORY EXEMPTION(S)**

Public Resources Code Section(s) _____

☒ **CATEGORICAL EXEMPTION(S)** (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class(es) **15305, CLASS 5**☐ **OTHER BASIS FOR EXEMPTION** (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))**JUSTIFICATION FOR PROJECT EXEMPTION:**☐ Additional page(s) attached

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☒ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:**CITY STAFF NAME AND SIGNATURE**

Courtney Shum

STAFF TITLE

City Planner

ENTITLEMENTS APPROVED

Conditional Use

FEE:

\$373.00

RECEIPT NO.

0104107927

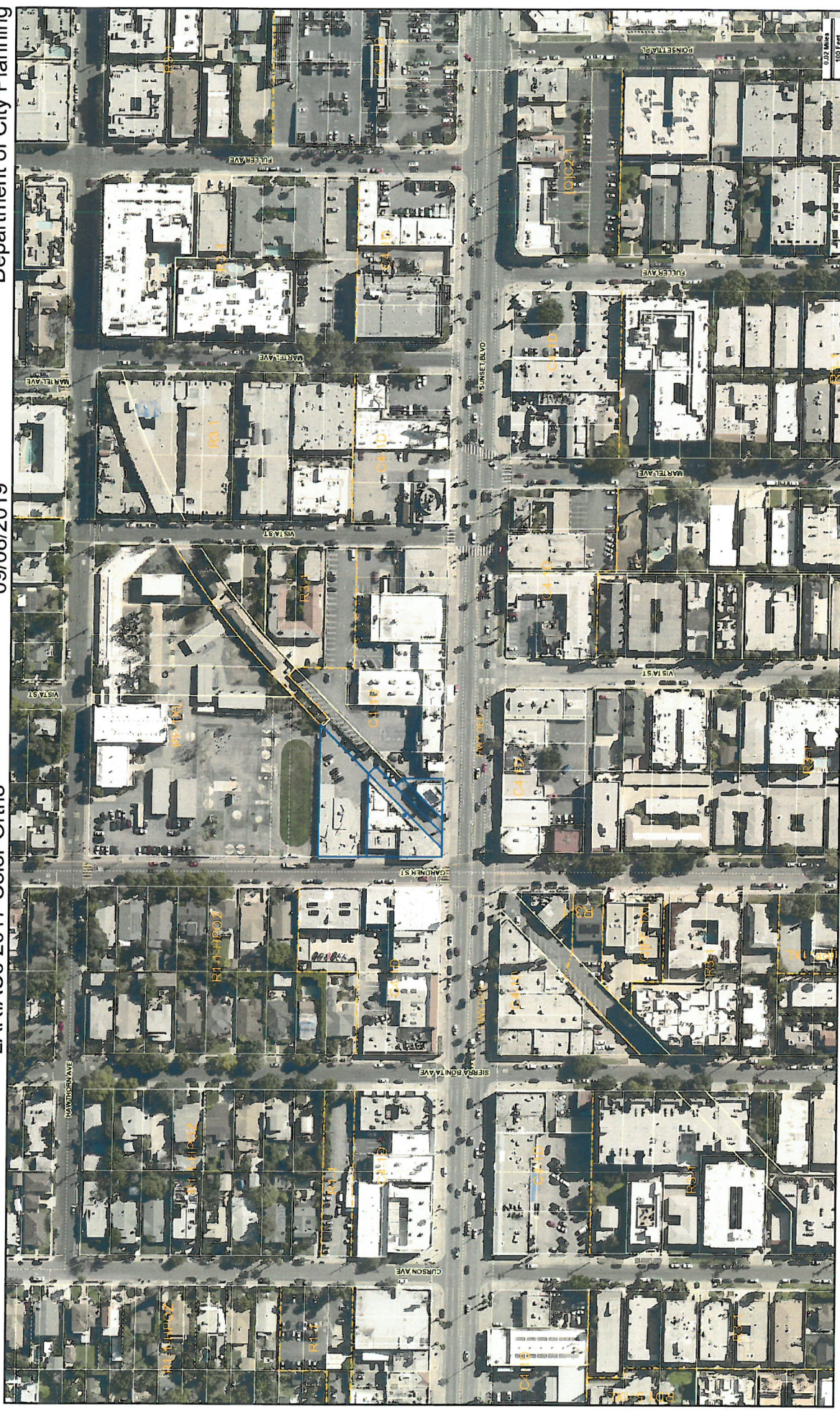
REC'D. BY (DCP DSC STAFF NAME)

Rony Giron

DISTRIBUTION: County Clerk, Agency Record

RADIUS MAP

09/08/2019



Address: 7445 W SUNSET BLVD

APN: 5550013015

PIN #: 147B181 632

Tract: A. GARDNER'S WEST OF
HOLLYWOOD SUBDIVISION

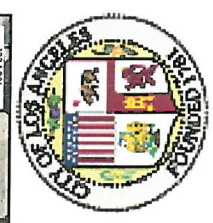
Block: None

Lot: LT 2

Arb: 1

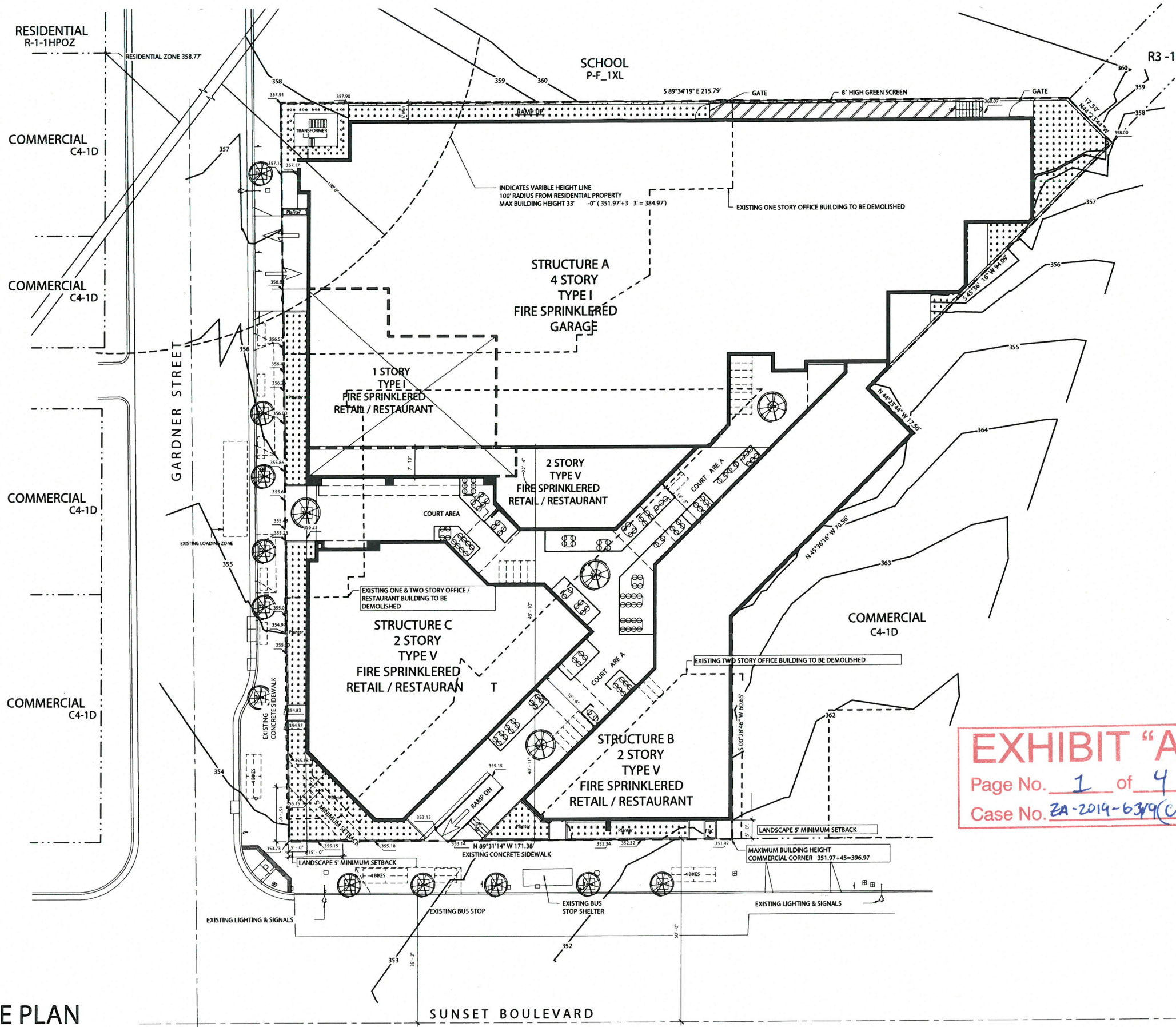
Zoning: C4-1D

General Plan: Neighborhood Office Commercial



ZA-2019-6319

PLOT PLANS



REQUEST FOR ABC TYPE 47 LICENSE PROPOSED SUNSET GARDNER UNIT 6 :

SITE SUMMARY

ZONING: C4-1D

APN: 5550-013-001, 5550-013-014, 5550-013-015, 5550-013-019, 5550-013-020, 5550-013-021 and 5550-013-022

LEGAL DESCRIPTION: Arbs 1 and 2, Lot LT 2, A. Gardner's West of Hollywood Subdivision Tract; Arbs 1-3 and 6, Lot PT SEC 9 T15 R14W; Arb 1, Lot 1, Block 1, A. Gardner Tract

SITE AREA: 32,435 SQ FT (0.744 ACRES)

ALLOWABLE F.A.R. 1:1:32,435 SQ FT

PROVIDED FAR FLOOR AREA

BASEMENT:	2,378 SQ FT
UPPER LEVELS:	19,882 SQ FT
TOTAL:	22,260 SQ FT < 32,435 SQ FT ALLOWABLE

SITE COVERAGE:

LANDSCAPING AREA:	2,341 SQ FT	7%
PAVING/HARDSCAPE AREA:	5,797 SQ FT	18%
BUILDING FOOTPRINT:	24,297 SQ FT	75%

SCOPE OF WORK:

DEMOLITION OF 22,808 SQUARE-FOOT COMPRISED OF FIVE MULTIPLE-STORY COMMERCIAL BUILDINGS AND CONSTRUCT A NEW 4-STORY, 22,260 SQUARE-FOOT SHOPPING CENTER WITH BASEMENT STORAGE AND 112-PARKING SPACES. NO ENTITLEMENTS ARE REQUIRED OR REQUESTED FOR THE OVERALL SHOPPING CENTER DEVELOPMENT. CONDITIONAL USE PERMIT REQUEST FOR THE SALE OF A FULL LINE OF ALCOHOLIC BEVERAGES FOR A SINGLE APPLICANT RESTAURANT TENANT, "SUNSET CAFE".

PROJECT DESCRIPTION:

NEW 2,568 SQUARE-FOOT, 199-SEAT RESTAURANT TENANT WITH 1,521 SQUARE-FOOT AND 128 SEATS INDOORS AND 731 SQUARE-FOOT AND 71 SEATS OUTDOORS ON PRIVATE PROPERTY. 3-MENU CONCEPTS UNDER 1 TENANT OPERATOR.

PROJECT INFORMATION:

FOOD USE "A"	BASEMENT STORAGE POD	226 SQ FT (not part of FAR)
	FIRST FLOOR CAFÉ SPACE	872 SQ FT
	TOTAL	1,098 SQ FT
	IN-DOOR DINING AREA	506 SQ FT
	NUMBER OF SEATS	46
	OUT-DOOR DINING AREA	253 SQ FT
FOOD USE "B"	BASEMENT STORAGE POD	197 SQ FT (not part of FAR)
	FIRST FLOOR CAFÉ SPACE	865 SQ FT
	TOTAL	1,062 SQ FT
	IN-DOOR DINING AREA	545 SQ FT
	NUMBER OF SEATS	44
	OUT-DOOR DINING AREA	243 SQ FT
FOOD USE "C"	BASEMENT STORAGE POD	208 SQ FT (not part of FAR)
	FIRST FLOOR CAFÉ SPACE	831 SQ FT
	TOTAL	1,039 SQ FT
	IN-DOOR DINING AREA	470 SQ FT
	NUMBER OF SEATS	38
	OUT-DOOR DINING AREA	235 SQ FT

PARKING REQUIRED	PARKING SHORTAGE
CAFÉ: 29 STALLS	96 STALLS-92 STALLS= 4 STALLS
RETAIL: 67 STALLS	BIKE SUBSTITUTION
TOTAL: 96 STALLS	4 STALLS X 4= 16 BIKES MINIMUM

PARKING PROVIDED	
COMPACT	35 STALLS
STANDARD	52 STALLS
ADA	5 STALLS
20 STALLS SUBSTITUTED BY 80 BIKES	20 STALLS
TOTAL	112 STALLS

PARKING PROVIDED IN GARAGE LEVELS				
	COMPACT	ADA	STANDARD	Total
First Floor	2	5	10	17
Second Floor	4	0	18	22
Third Floor	5	0	18	23
Fourth Floor	24	0	6	30
TOTAL	35	5	52	92

BICYCLE PARKING REQUIRED	SHORT TERM	LONG TERM
	40	40
TOTAL AND BICYCLE PARKING PROVIDED	40	40

EXHIBIT "A"

Page No. 1 of 4

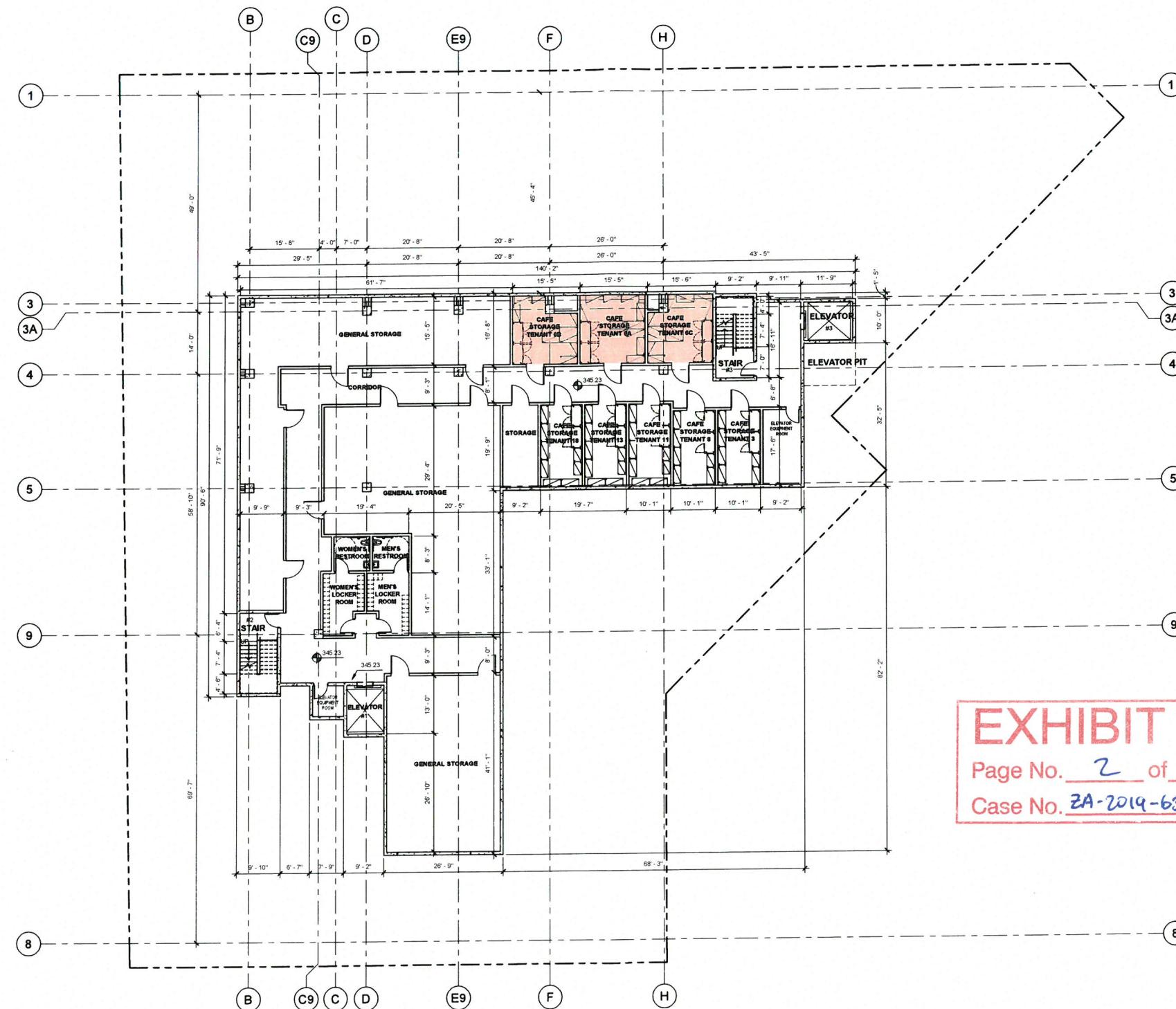
Case No. 2A-2019-6399(CWB)

GAGGLE'S INC, DBA "SUNSET CAFE"

8656 UTICA AVENUE, #150
RANCHO CUCAMONGA, CA 91730
T: 909-941-6868 X 108

SUNSET CAFE

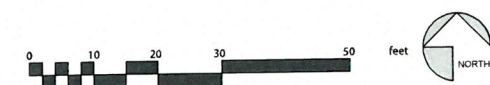
7445 SUNSET BOULEVARD, UNIT 6 A,B and C LOS ANGELES, CALIFORNIA 90046



BASEMENT PLAN 3/32" = 1'-0"

GAGGLE'S INC, DBA "SUNSET CAFE"
8656 UTICA AVENUE, #150
RANCHO CUCAMONGA, CA 91730
T: 909-941-6868 X 108

SUNSET CAFE
7445 SUNSET BOULEVARD, UNIT 6 A,B and C LOS ANGELES, CALIFORNIA 90046



CONCEPTUAL SUBJECT TO CHANGE

	BASEMENT PLAN	
	10.21.2019	15278MMA
	A100	

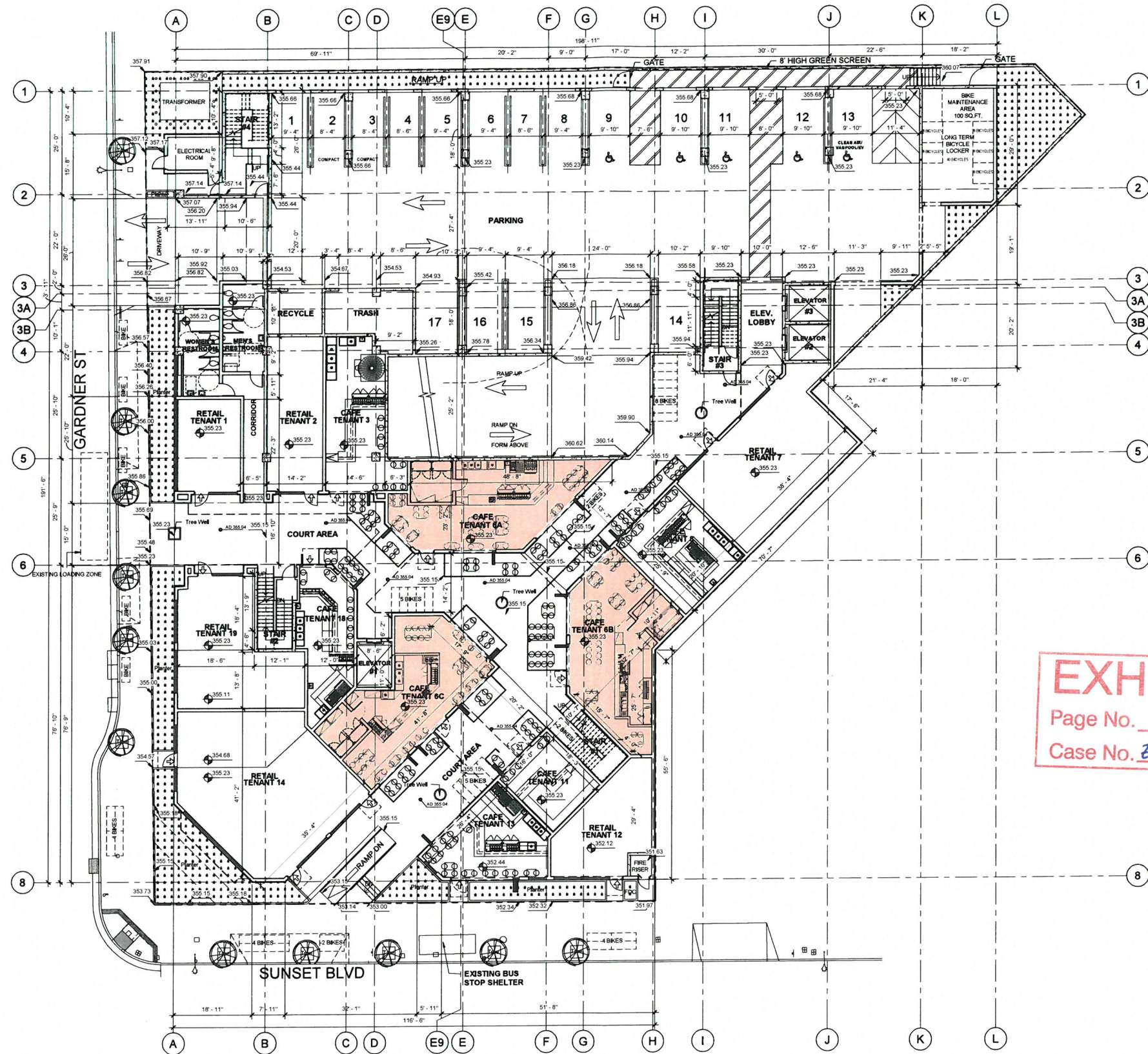


EXHIBIT "A"
 Page No. 3 of 4
 Case No. 2A-2019-6319(CUB)

FIRST FLOOR PLAN
 3/32" = 1'-0"



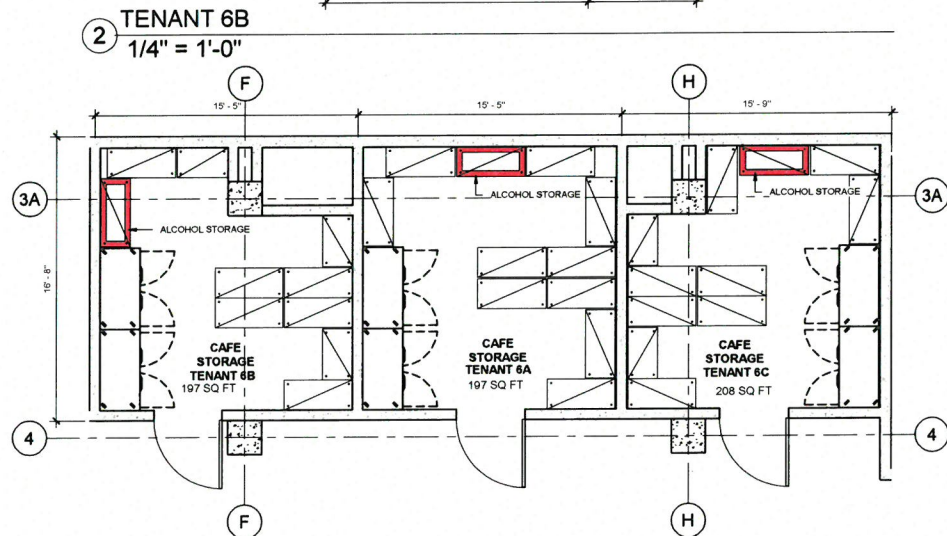
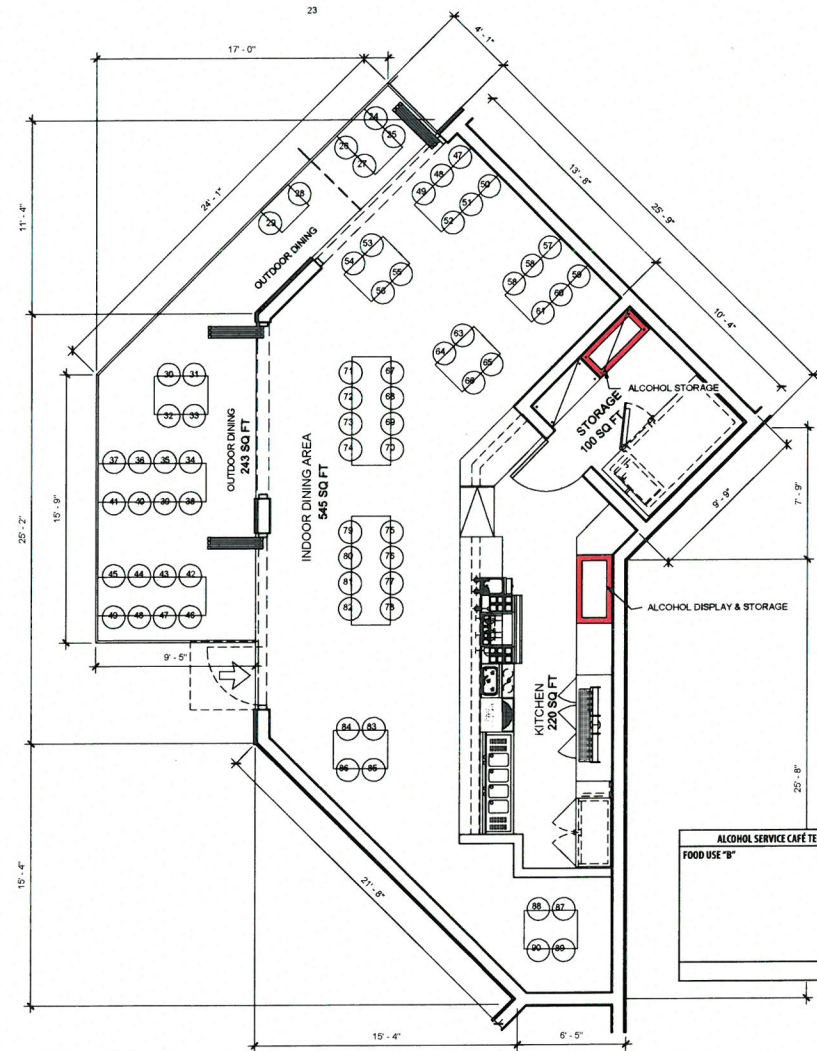
CONCEPTUAL SUBJECT TO CHANGE

GAGGLE'S INC, DBA "SUNSET CAFE"
 8656 UTICA AVENUE, #150
 RANCHO CUCAMONGA, CA 91730
 T: 909-941-6868 X 108

SUNSET CAFE
 7445 SUNSET BOULEVARD, UNIT 6 A,B and C LOS ANGELES, CALIFORNIA 90046



FIRST LEVEL PLAN
 10.21.2019 15278MMA
A101



④ BASEMENT STORAGE FOR TENANT 6A, 6B, 6C
1/4" = 1'-0"

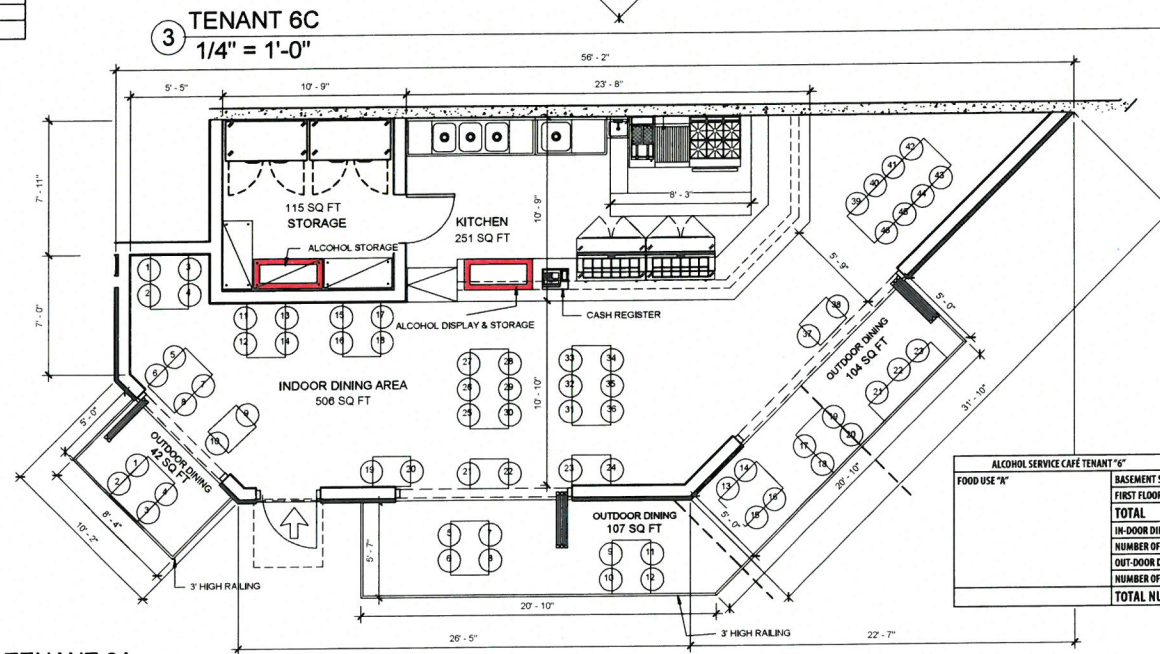
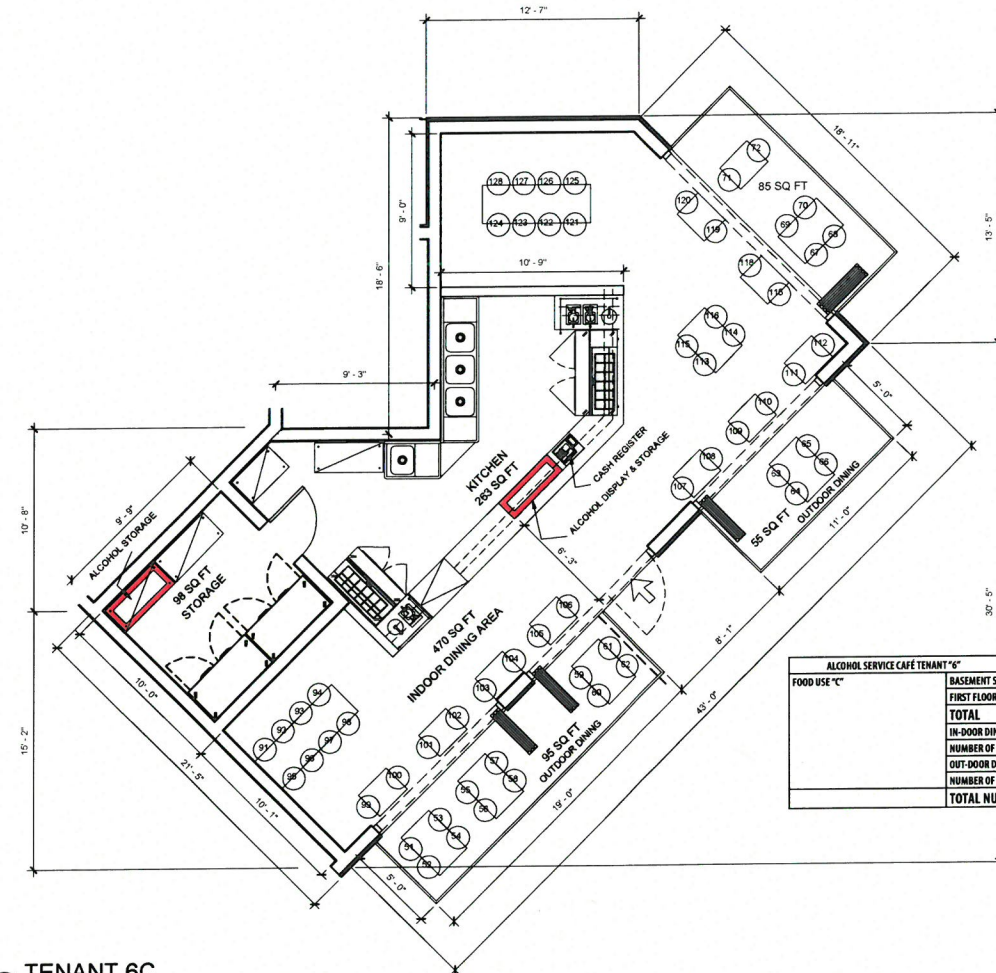


EXHIBIT "A"
Page No. 4 of 4
Case No. 2A-2019-6319(CUP)

ENLARGED RESTAURANT PLANS (TENANT 6A, 6B & 6C)



CONCEPTUAL SUBJECT TO CHANGE

GAGGLE'S INC, DBA "SUNSET CAFE"

8656 UTICA AVENUE, #150
RANCHO CUCAMONGA, CA 91730
T: 909-941-6868 X 108

SUNSET CAFE

7445 SUNSET BOULEVARD, UNIT 6 A,B and C LOS ANGELES, CALIFORNIA 90046



ENLARGED PLANS

10.21.2019 15278MMA

A106

CORRESPONDENCE



Courtney Shum <courtney.shum@lacity.org>

RE: Proposed project - 7445 W Sunset Blvd, Los Angeles

1 message

Alek <alek3773@gmail.com>
Reply-To: Alek <alek3773@gmail.com>
To: courtney.shum@lacity.org

Sat, Mar 7, 2020 at 4:07 PM

Dear Courtney,

I saw a poster today -- in regards to the redevelopment of the building at:
7445 W Sunset Blvd (7441 - 7449 W Sunset Blvd), Los Angeles CA 90046.

Case #ZA-2019-6319-CUB
CEQA #ENV-2019-6320-CE

I am a nearby resident, and **support** the proposed idea to turn this location into a restaurant.

I do have one suggestion: the entire building has to be repainted. It appears, the building has been recently applied a depressing dark-gray color.

Unfortunately, Los Angeles is getting inundated with some developments that have gray, dark-gray, or even black color of the building's exterior - which goes against common principles of Urban Design. Gray-colored (and especially black!) buildings are never a good idea in an urban environment; it looks too utilitarian, industrial, repulsive, and even depressing, and is **aesthetically incorrect**.

Developers are encouraged to use other, more vibrant and lighter colors (white / beige color, orange, light-blue, etc.), but never dark-gray!

Please encourage the new property owner to amend the color / building design, to improve the overall appeal and aesthetics of the building.

Thank you for your attention and consideration.
Sincerely,

--
Alek Friedman
Urban Development / Smart Growth
Beautification Team Committee Member,
Central Hollywood Neighborhood Council
323 . 465 . 8511 Home/Office
213 . 999 . 1273 Cellular
www.ProgrammingAndImaging.com

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Frank Quon <frank.quon@lacity.org>

Fwd: 7445 Sunset Blvd. Case No. ZA-2019-6319-CUB

1 message

Courtney Shum <courtney.shum@lacity.org>

Fri, Jun 19, 2020 at 4:00 PM

To: Frank Quon <frank.quon@lacity.org>

Hi Frank,

An additional comment letter for ZA-2019-6319-CUB on Sunset. Thanks.

Courtney

—— Forwarded message ——

From: **Cherilyn Smith** <cheriks@ca.rr.com>

Date: Fri, Jun 19, 2020 at 3:45 PM

Subject: 7445 Sunset Blvd. Case No. ZA-2019-6319-CUB

To: <courtney.shum@lacity.org>

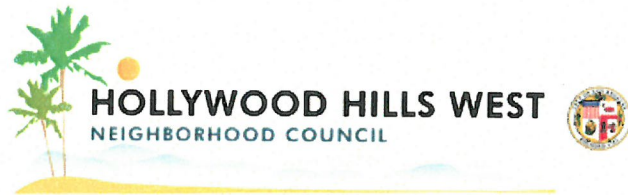
Dear Ms. Shum,

I am a resident within 500 feet of this location. I am opposed to the sale and on-site consumption of a full line of alcohol as referenced in the subject line above.

1. Since they are looking at the site as a "possible location" why are they requesting now, for a full line of alcoholic beverages?
2. How will the exhaust from the cars be mitigated so as not to affect the playground at the Gardner Street School right next door?
3. How will the lighting for the parking be mitigated so as not to encroach on the apartment buildings and houses across the street?
4. Will employees park inside the facility?
5. Where will the trash be collected?
6. Where will the Uber, Lyft or taxis drop off?
7. Where is the entrance and exit?
8. Has it been taken into account that the sidewalk on Gardner is used between 8a and 6p by children and families going to and from the Gardner Street school?
9. Where will suppliers park when making deliveries?
10. For the number of restaurants and retail that is being proposed at this location, why is there just one man's and one woman's bathroom for the whole proposed complex!

11. Must keep in mind that Gardner is the main street used by Station 41 for access to the hills.

Thank you for letting me comment and submit.



June 18, 2020

Ms. Courtney Shum,
City Planner
Los Angeles City Planning
City of Los Angeles
200 North Spring Street, Room 763
Los Angeles, CA 90012-2601

Re: 7445 West Sunset Boulevard
Your Case No. ZA-2019-6319-CUB

Dear Ms. Shum:

The Hollywood Hills West Neighborhood Council (HHWNC) is one of the certified neighborhood councils in the City of Los Angeles. The site related to the above-referenced Case is located within HHWNC's boundaries.

At a meeting of HHWNC's Board on June 18, 2020, HHWNC's Board voted (16 to 0) to oppose the sale and on-site consumption of a full line of alcoholic beverages as referenced in application ZA-2019-6319-CUB.

On behalf of Hollywood Hills West Neighborhood Council, the above information is respectfully submitted.

Very truly yours,

Anastasia Mann
President, Hollywood Hills West Neighborhood Council

cc: Ms. Emma Howard, Council District 4, emma.howard@lacity.org
Mr. Orrin Feldman, vicepresident@hhwnc.org
Mr. Lincoln Williamson, area7chair@hhwnc.org
Mr. Oren Katz, businesschair@hhwnc.org



Frank Quon <frank.quon@lacity.org>

Fwd: 7445 W Sunset Blvd. ZA-2019-6319-CUB HHWNC

Courtney Shum <courtney.shum@lacity.org>
To: Frank Quon <frank.quon@lacity.org>

Thu, Jun 18, 2020 at 10:01 AM

Hi Frank,

Just received a letter from the Hollywood Hills West Neighborhood Council for Item #5 on 6/22. This is for Case No. ZA-2019-6319-CUB. Thanks.

Courtney

----- Forwarded message -----

From: **Mark Miller** <mark@corniche.com>
Date: Thu, Jun 18, 2020 at 9:47 AM
Subject: 7445 W Sunset Blvd. ZA-2019-6319-CUB HHWNC
To: courtney.shum@lacity.org <courtney.shum@lacity.org>, Emma Howard <emma.howard@lacity.org>, Orrin Feldman <vicepresident@hhwnc.org>, Lincoln Williamson <area7chair@hhwnc.org>, Oren Katz <businesschair@hhwnc.org>, Anastasia Mann <president@hhwnc.org>

Please see the attached letter from Hollywood Hills West Neighborhood Council President Anastasia Mann.

Kind regards
Mark

Mark Miller
Executive Assistant to HHWNC President - Anastasia Mann



7095 Hollywood Blvd., Suite #1004
Hollywood, CA 90028

310.854.6000
mark@corniche.com
HHWNC.ORG

—
Courtney Shum
City Planner
Los Angeles City Planning
200 N. Spring St., Room 763