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ASSOCIATE ZONING ADMINISTRATORS

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FRANKLIN N. QUON
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October 28, 2019

Debbie Woskow (A)
The Albright Group, LLC
8474 Melrose Place
Los Angeles, CA 90069

Melrose Place 56, LLC (O)
11301 W. Olympic Blvd., Unit 206
Los Angeles, CA 90064

Brett Engstrom (R)
Engstrom Planning
1641 Paloma Street
Pasadena, CA 91104

CASE NO. ZA-2019-0652-CUB-ZV
CONDITIONAL USE, ZONE VARIANCE
8472 West Melrose Place
Hollywood Planning Area
Zone : C4-1XL
D. M. : 141 B 173
C. D. : 5 – Koretz
CEQA : ENV 2019-653-CE
Legal Description: Lot 5, Block 1,
Tract 6072

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 (Class 1a) and Section 15305 (Class 5), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and,

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

a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a private woman's club in the C4-1XL Zone; and,

Pursuant to Los Angeles City Charter Section 562 and LAMC Section 12.27, I hereby DENY:

a Zone Variance to allow a 1,000 square-foot rooftop patio dining area with 50 seats that is not otherwise permitted in the C4 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 submitted with the application and marked Exhibit "A", except as may be revised as a result of this action. If a lower number of seats or a reduced area of use is approved by the Department of Building & Safety and the Los Angeles City Fire Department, the applicant shall submit a revised floor plan to the Development Services Center to be included as part of Exhibit "A".
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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. **Within 30 days of the effective date of this action**, 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 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 3,712 square-foot private women's club including a spa and salon on the ground floor, and a restaurant with multi-purpose event spaces. Subject to the following limitations:
 - a. Indoor seating shall be limited to a maximum of 85 seats on the ground and 2nd floor.
 - b. The hours of operation shall be limited to 7:00 a.m. to 2:00 a.m., daily.

- c. There shall be no after-hours use of the facility, other than for routine cleanup and maintenance, and activities which are issued film permits by the City, and special events approved by Los Angeles Police Department (LAPD).
8. In addition to the private club use including any ancillary use, function and operation, the premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment off foods normally offered in restaurants. Food Service shall be available at all times during normal operating hours.
9. Prior to any clearance of the conditions approved herein, the applicant shall submit the plot plan and floor plans to the Los Angeles Fire Department for review and approval. Said approval shall be noted via a stamp on the plan and submitted to the Development Services Center for inclusion in the file.
10. No variance from the parking requirements has been granted herein. Parking shall be compliant to LAMC.
11. The applicant shall maintain 27 vehicular parking spaces by recorded covenants (Nos. 20140013039 and 20190400107) with the County of Los Angeles, shall be maintained off-site within 750 feet from the subject site and be available for exclusive use of the Allbright Private Women's Club at all times. Termination of any existing vehicular parking covenant(s) requires new vehicular parking covenant(s) to be recorded with the County of Los Angeles prior to the authorization of such termination. New recorded vehicular parking covenant(s) shall be submitted to the Office of Zoning Administration within 30 days of its execution. Any new off-site vehicular parking lot location(s) shall be to the satisfaction of the Zoning Administrator. Failure to maintain active vehicular parking space covenant(s) for the required parking spaces shall be deemed as non-compliant with this requirement and grounds for potential revocation of this grant.
12. The operator shall not allow their covenanted parking spaces to be used as overflow parking for the public or nightclub valet services.
13. The applicant shall ensure that if a valet company is utilized by the business, they shall possess all the required valet business and operator permits. In addition, if off-site parking is used for valet such as street parking or a parking lot not on the business' property, the applicant shall ensure that the required permits are obtained from Los Angeles Department of Transportation and Los Angeles Department of Building and Safety or from the City of West Hollywood. Applicant shall ensure that the valet business has the required permits available for inspection at valet locations.
14. No conditional use for public dancing has been requested or approved herein. Public dancing is prohibited. The applicant shall not accommodate, arrange or endorse any dancing features in any fashion.

15. The applicant shall not sublet the establishment for night club activity. The owner/operator shall at all times retain operational control of the premises and shall not be subcontracted onto other parties.
16. The establishment shall not be operated where an admission is charged openly at the door or other manner similar to a nightclub establishment.
17. The applicant(s) shall not sublet the premises to outside "promoters" for nightclub or concert activity at any time. The premises shall not be used exclusively for private parties in which the general public is excluded. The owner/operator shall at all times retain operational control of the premises.
18. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
19. Live entertainment shall be limited to four musicians similar to a jazz band with the band only playing acoustic type instruments, live speakers, comedians and movie screenings. All types of entertainment should not be amplified to the point where the entertainment can be heard beyond the property line. Petitioner(s) shall contain all noise within the property to avoid disturbing the peace of the surrounding communities.
20. There shall be no coin-operated games or video machines, pool table or billiards table maintained upon the premises at any time.
21. **STAR/LEAD Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department (LAPD) "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. The applicant shall contact the Wilshire Vice Unit of the LAPD and make arrangements for such Training. Upon completion of such training, the applicant shall request LAPD to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2019-652-CUB-ZV from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
22. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages or tobacco product 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.
23. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and no such sales will be made.

24. The applicant shall install and maintain security cameras and a two-month video library that covers all common areas of the business, high-risk areas and entrances or exits, including the indoors and both abutting sidewalks. The tapes shall be made available to Police upon request.
25. All exterior and interior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces, clothing, and objects of persons utilizing the space clearly. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
26. The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground in order to permit surveillance into the facility by Police and private security.
27. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 (Citywide Noise Ordinance) of the LAMC. At any time, a City inspector 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.
28. The establishment shall make an effort to control any unnecessary noise made by the Allbright staff or any employees contracted by Allbright, or any noise associated with the operation or equipment of the establishment.
29. The petitioner(s) shall place legible signs on the exterior walls of the subject property alerting patrons to keep noise to a minimum, and to be respectful of the properties surrounding neighbors.
30. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
31. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and immediate areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

32. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk. The applicant shall ensure that no alcoholic beverages which are purchased within the applicant's establishment are consumed on any property adjacent to the licensed premise that is under the control of the applicant.
33. Staff shall monitor the immediate vicinity, in order to ensure that no public consumption of alcoholic beverages occurs. Staff will also be responsible to constantly monitor and ensure patrons do not take open alcoholic beverages for on-site and off-site consumption beyond the entrance.
34. Operator and its personnel shall maintain a policy of not serving obviously intoxicated patrons and taking preventative measures to help avert intoxication-related problems.
35. A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety, the Department of City Planning, or the State Department of Alcoholic Beverage Control (ABC).
36. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.
37. No employee, while working, shall solicit or accept any alcoholic, non-alcoholic beverage, monetary compensation, or any other thing of value from any customer for the purpose of sitting with or otherwise spending time with customers while on the premises. The licensee shall not provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts companions or guests of and for the customers.
38. All Business permit, insurance information, security, parking lease, any valet parking documentation and any emergency contact phone numbers shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, the Police Department, the Department of Building and Safety or other enforcement agency.
39. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.
40. All guests and operators shall comply with smoking regulations set forth by the State of California and the City of Los Angeles.
41. The operator shall at all times maintain the abutting public access ways free of obstruction, debris or litter.

42. Prior to the utilization of this grant, a telephone number or 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 entries, visible to the public. 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. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.
43. **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.
44. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
45. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of

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

46. 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.
47. 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 (ii).

- (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 (ii).
- (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 includes 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 November 12, 2019, 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 Constituent
 Service Center
 6262 Van Nuys Boulevard,
 Room 251
 Van Nuys, CA 91401
 (818) 374-5050

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

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

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. 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 August 6, 2019, 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 and prerequisites for granting a Conditional Use and a Variance as enumerated in Section 12.24-W of the LAMC, and City Charter Section 562 and Section 12.27 and of the LAMC have been established by the following facts:

BACKGROUND

The subject property consists of one rectangular-shaped lot located on a southeasterly block of the Melrose Place and La Cienega Boulevard intersection. The subject property has a 40 feet frontage along Melrose Place and a lot depth of 105 feet, for a lot area of approximately 4,200 square feet. The lot also has a rear alley frontage of 40 feet and the alley has a 20-foot road width. The project site is designated for Neighborhood Office Commercial land uses in the Hollywood Community Plan and has a corresponding C4-1XL Zone. The proposed project is approximately 5,065 square feet including a 1,353 square-foot rooftop patio area. No on-site parking is available and the applicant provides a total of 27 vehicular parking spaces off-site located at a parking lot directly across the rear alley. All 27 parking spaces are provided via two recorded covenants with 12 parking spaces by one covenant and 15 spaces by another recorded covenant.

The proposed project is a private women's club with a "one-stop shop" concept offering members educational, professional networking, beauty, dining, health, and relaxation services and experience. The applicant applied for a Conditional Use to allow the sales and dispensing of a full-line of alcoholic beverages for on-site consumption between the hours of 7:00 a.m. and 2:00 a.m., daily and a Zone Variance to allow a 1,353 square-foot rooftop patio dining area with 72 seats in conjunction with a 5,065 square-foot women's club, including a 1,064 square-foot spa and salon with 16 seats on the ground floor, 2,648 square-feet on the second floor which includes the 69-seat restaurant with the multi-purpose event space. Alcohol consumption will be permitted throughout the building, including the rooftop sitting area, the ground floor spa, and salon area.

Surrounding properties are characterized by level topography and improved streets and developed with a variety of neighborhood serving commercial, retail, and office uses along Melrose Place and La Cienega Boulevard. The adjacent properties to the north and the east are zoned C4-1XL and are developed with retail shops. The properties to the south are also zoned C4-1XL and are developed with retail uses and a parking lot. The properties to the west are zoned C4-1VL and are developed with one- and two-story commercial uses.

Melrose Place, adjoining the property to the north, is a Modified Avenue I, dedicated to a 104-foot right-of-way width and a 74-foot roadway width and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Previous zoning related actions on the site include:

There are no related cases on-site.

Surrounding Properties within a 500-foot radius:

Case No. ZA-2009-1689-CUB-CUX – On September 30, 2009, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an 8,300 square foot restaurant and lounge with live entertainment in the C4-1XL Zone and a Conditional Use to allow patron dancing in conjunction with the proposed restaurant, located at 650 North La Cienega Boulevard.

Case No. ZA-2003-6064-CUB-CUX-1A – On April 14, 2004, the Central Area Planning Commission overturned the action of the Zoning Administrator and granted a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant in the C4-1XL Zone and a Conditional Use to permit for patron dancing within the hours of 8 p.m. and 2 a.m. in conjunction with an existing restaurant in the C4-1XL Zone that sells and dispenses a full line of alcoholic beverages for on-site consumption, located at 650 North La Cienega Boulevard.

Case No. ZA-2003-6064-CUB-CUX – On December 10, 2003, the Zoning Administrator dismissed a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant in the C4-1XL Zone and denied a Conditional Use to permit for patron dancing between the hours of 8 p.m. and 2 a.m., in conjunction with an existing restaurant in the C4-1XL Zone that sells and dispenses a full line of alcoholic beverages for on-site consumption, located at 650 North La Cienega Boulevard.

Case No. ZA-1994-279-CUB – On June 20, 1994, the Zoning Administrator approved a Conditional Use to permit the sale or dispensing for consideration of alcoholic beverages, including beer and wine for consumption on the premises, in conjunction with a proposed 2,300 square-foot restaurant accommodating approximately 130 persons, on a site within the C4-1XL Zone, located at 8475 Melrose Place.

PUBLIC HEARING

A Notice of Public Hearing was sent to owners and occupants within a 500-foot radius. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. On July 29, 2019, a courtesy corrected hearing notice was sent to owners and occupants within a 500-foot radius correcting the project description. The hearing was held on Tuesday, August 6, 2019 at approximately 9:00 a.m. in Los Angeles City Hall, 200 North Spring Street, Room 1070, Los Angeles CA 90012. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The decision maker considered all the testimony presented at the hearing, written communication received prior to or at the hearing, or subsequent regulations before issuing this Letter of Determination. The decision maker considered all the testimony presented at the hearing, written communication received prior to or at the hearing, or subsequent regulations before issuing this Letter of Determination.

The Applicant made the following comments:

- Allbright is a private women's club that aims to advance women's career and profession success through education, networking and mentorship. The organization has other locations in London. This is the first location in the U.S.
- The organization is restricted to women's membership and the facility is open exclusively for members. Members are able to discuss issues concerning work/life balance.
- The proposed private club is located on a C4 zoned property on Melrose Place. The setup of the club facility includes a spa and salon on the ground floor, a restaurant and meeting/event space on the 2nd floor, and a multi-purpose patio space on the rooftop.
- The rooftop patio space only occupies less than half of the rooftop area. Members may dine, socialize, conduct meetings and take yoga lessons on the rooftop.
- The requested hours for the interior is from 7 a.m. to 2 a.m. and the rooftop patio will close at 10 p.m. on the weekdays and 11 p.m. on the weekends.
- Events for the club include professional seminars, movie screenings, standup comedy, and live music entertainment.
- The project will provide 27 off-site parking spaces via covenants located at the public parking lot located across the alley south of the property. The applicant has performed a parking analysis to show the required parking spaces.
- The applicant has met with LAPD and the Mid-City West Neighborhood Council and have obtained support from the Mid-City West Neighborhood Council.
- The zone variance for the rooftop use is to resolve an ambiguity in the Code regarding rooftop dining in the C4 zone, as ZAI 1808 intended to allow it, but it did not clearly address the use. Similar zone variances are consistently granted in the Hollywood area. The Code causes an unnecessary hardship.

Kristina Kropp, legal counsel for nearby property owners:

- The project presents a parking impact to other nearby properties.
- The 27 spaces provided by the applicant have not been verified, and these parking spaces have been leased multiple times to other businesses as the parking lot owner has continued to issue covenants.

- Variance Findings for rooftop cannot be made. There are no special circumstances or hardships that have existed.
- The applicant has not conducted public outreach to other property owners.
- We request a two week advisement period for us to speak with the applicant.

Jack Simantob, a nearby property owner:

- He is happy to see a new business in the area, but it should not jeopardize other businesses due to a lack of parking spaces.
- No one has checked the legality of the parking spaces provided by the applicant. The mentioned covenanted parking spaces are double and triple leased.
- He submitted photographs of the parking lot where the off-site parking spaces are located. Photos show unpermitted parking spaces located in front of the building entry, stairway, and emergency access.
- The entire parking lot has been re-configured without proper permits (from the City of West Hollywood). Much of the existing landscape was removed for more parking spaces as well. This new parking layout closed the exit to an alley, while redirecting increased traffic to another alley.
- There is so much traffic congestion on Melrose Place that valet services on Melrose Place actually created double lines of parking on the street.

Natacha Hildebrand, General Manager of Allbright, U.S.:

- She supports the cause of the Allbright Foundation. It provides a safe space for women to have conversation.
- Allbright wants to work with the City and the community to enhance women's initiatives.

Christine Clubenger, staff at Alfred Coffee, a nearby business:

- She is excited to see an organization and space for women's advancement.

Jessica Gader, an interested party:

- She is a woman business owner.
- Allbright is a great place to support women who work and great for working mothers with children.
- It is also a good place for professional women to seek business advice and network. It is a unique use in Los Angeles and U.S.
- Most of the people in the area walk, she never had an issue with parking. There are also ride-share services available for personal transportation.
- She supports the project

Kourose Shenassa, a nearby property owner:

- He supports businesses, but there is a historical parking problem in the area.
- Parking spaces provided by the project are leased illegally to multiple businesses.
- This situation hurts all local businesses.

John Alouljian, a nearby property owner:

- He has no objection to Allbright, but the parking issue has not been addressed.

- Parking in the area has been a big problem in the 26 years that he has owned the property.
- Allbright stated that it has about 1,000 members and 7 percent are active at all times. So that is about 70 people in the building, and the parking is not adequate to handle this need.
- Double parking for valet services on Melrose Place is a problem as well.

Azi Koshani, Allbright Administrator:

- She does not find parking to be an issue for the project.
- She looks forward to bringing the business into the area and to bring jobs to the City.
- Allbright provides a shelter for women to spend time on important matters.

The Applicant's final comments:

- The applicant has conducted research on parking. Both LADBS and the City of West Hollywood reviewed the parking analysis and concluded that 27 parking spaces meet the parking requirement per its Code.
- The parking analysis also shows parking location for other buildings.
- The applicant will submit the parking analysis to the file for the Zoning Administrator to review.

The Zoning Administrator stated that he will take the project under advisement for further review, especially to review the applicant's parking analysis and to wait for LAPD's recommended conditions. In the meantime, the Zoning Administrator hopes the applicant will meet with nearby property owners to address any outstanding concerns and hopefully reach an agreement. The Zoning Administrator will also visit the project site to survey the parking situation in the area.

Agency Communications:

Los Angeles Police Department, Wilshire area Vice Unit, has issued a non-opposition letter on August 25, 2019. LAPD has recommended 27 conditions for the project, which are all applicable conditions incorporated into the grant.

Fifth Council District (CD 5) has issued a letter on September 4, 2019, stating the Council Office supports the Conditional Use Permit request of the project and requests the Zoning Administrator to issue the determination as soon as possible.

Mid-City West Neighborhood Council issued a letter of support on June 5, 2019. The Neighborhood Council did not include any recommended conditions of approval.

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.

- There shall be no bar or lounge separate from the dining area upon the licensed premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages.
- The quarterly gross sales of alcohol shall not exceed the quarterly gross sales of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- No self-service of alcoholic beverages is permitted. Any alcoholic beverage sold or dispensed for on-site consumption shall be served at tables or sit-down counters by employees of the restaurant.
- There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area. There shall be no off-site sales of alcoholic beverages. No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- Bottle and/or Table Service involving the distribution of distilled spirits shall be prohibited. "Buckets" of beer and portable bars are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be NO sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- There shall be no sales of wine by the bottle or storage of any bottle for future consumption.
- A "Free Designated Driver Program" shall be implemented in which free non-alcoholic beverages such as water, coffee, tea and soft drinks will be offered to the designated driver of the group.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- 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 at a discounted price "No Happy Hour." The only on-site advertisement indicating the availability of alcoholic beverages shall be the posting on a menu.

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 LAMC. In order for the sale of beer and wine for on-site consumption and incidental off-site sales 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.

FINDINGS

Following is a delineation of the findings and the application of the relevant facts to same:

- 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 project property consists of one (1) rectangular-shaped lot located on the southeasterly block of Melrose Place and La Cienega Boulevard intersection. The block is in a triangular shape bounded by Melrose Place to the north, La Cienega Boulevard to the west, and Melrose Avenue at the southeast. The subject property has 40 feet of frontage along Melrose Place and a lot depth of 105 feet, for a lot area of approximately 4,200 square feet. The lot also has a rear alley frontage of 40 feet and the alley has a 20-foot road width. The project site is designated for Neighborhood Office Commercial land uses in the Hollywood Community Plan and has a corresponding C4-1XL Zone. Record shows that an original building was constructed in 1925, but the property experienced further construction and was renovated in 2014 and 2015, resulting in a two (2)-story building located on the project property. Since no on-site parking space is available on the subject property, the property owner secured 15 vehicular parking spaces off-site at a parking lot located across the rear alley by covenant no. 20140013039 recorded on January 6, 2014, with Los Angeles County. Surrounding properties are characterized by level topography and improved streets and developed with a variety of neighborhood serving commercial, retail, and office uses along Melrose Place and La Cienega Boulevard. The adjacent properties to the north and the east are zoned C4-1XL and are developed with retail shops. The properties to the south are also zoned C4-1XL and are developed with retail uses and a parking lot. The properties to the west are zoned C4-1VL and are developed with one- and two-story commercial uses.

The Applicant, Allbright Collective, proposes a private women's club with a "one-stop shop" concept offering its members educational, professional networking, member support, beauty, dining, health, relaxation services and experiences. The Applicant indicated that Allbright aims to advance women's career and profession success through education, network and mentorship. The organization has two (2) other locations in London. This is the first location in Los Angeles and in the United States. Membership to the organization is restricted to women and the facility is open to members only. Members are able to discuss issues concerning work/life balance. The proposed private club is approximately

5,065 square feet in size including a 1,064 square-foot salon and spa with 16 treatment seats (four (4) are spa beds) on the ground floor, a 2,648 square-foot restaurant and multi-purpose event space with 69 seats, and a 1,353 square-foot rooftop outdoor patio space with 72 seat for group yoga and other outdoor functions. The applicant has revised the rooftop plan and reduced the scope to 1,000 square feet with 50 seats only. Since the project involves a change of use to a restaurant use, additional vehicular parking spaces are required for the use. The applicant provided 12 additional vehicular parking spaces located off-site in the same southerly parking lot across the rear alley with the existing 15 covenanted parking spaces. Covenant No. 20190400107 for 12 parking spaces was recorded with Los Angeles County on May 2, 2019, thus the project provides a total of 27 off-site vehicular parking spaces.

The Applicant submitted a Conditional Use application to allow the sales and dispensing of a full-line of alcoholic beverages for on-site consumption between the hours of 7:00 a.m. and 2:00 a.m. daily, and a Zone Variance to allow a 1,353 square-foot rooftop patio dining area with 72 seats in conjunction with a 5,065 square-foot women's club, including a 1,064 square-foot spa and salon with 16 seats on the ground floor, 2,648 square-feet on the second floor, which includes the 69-seat restaurant with the multi-purpose event space. Alcohol consumption will be permitted throughout the building, including the rooftop sitting area, the ground floor spa and the salon area. Multi-purpose event place on the second floor will allow meetings, business seminars and professional guest speakers. Limited live entertainment consisting of acoustical musicians, live speakers, comedians, and movie screenings will also take place at the multi-purpose event space. Since the project is located in an existing building, no new construction or the expansion of new floor area or building footprint is involved, except for tenant improvement work.

Prior to the August 6, 2019, public hearing, as well as at the hearing, a few surrounding property owners have submitted emails and verbal testimonies that the project will impact other local businesses in the immediate area contending that the project not only provides an inadequate number of vehicular parking spaces and that the applicant's covenanted off-site vehicular parking spaces for exclusive use have been leased multiple times to other businesses. Many of the parking spaces in the designated parking lot, located southerly across the rear alley from the project site, do not comply with the Code. The parking lot property owner also reconfigured the parking lot without a proper City permit, resulting in much of the landscaping removal and an ill entry and exit circulation. The opposing property owners collectively voiced that the parking in this immediate commercial area has worsened. Valet services have often double parked customers' cars in the middle of the streets blocking traffic circulation. The parking problem has further caused their properties difficulties to lease to prospective tenants because interested business operators always asked about the availability of vehicular parking. The Zoning Administrator stated at the August 6, 2019 public hearing that he will visit the project site and the area to observe the parking situation and also requested the applicant to submit a parking analysis of the parking lot in question in order to determine if in fact a double or multiple lease of the designated parking spaces occurs.

The applicant submitted an organized binder detailing the ownership of each parking space with the corresponding official City (West Hollywood) parking determination, lease, or recorded covenants within a week after the public hearing. The Zoning Administrator reviewed the parking analysis and found no evidence of double leasing of parking spaces occurring in this parking lot. The analysis consists of a parking site plan which shows each of the parking spaces and its corresponding documents to an authorized leasee by legal documents. The parking has a total of 108 parking spaces available and 97 spaces are assigned to several addresses/properties by 13 unique covenants or leases. There are 11 parking spaces available without an encumbrance. Although opponents claimed that the parking lot owner has continued issuing covenants resulting in the double leasing of the parking spaces, no evidence such as a collective of covenants or leases was submitted to show that a combined parking spaces number in leasing documents would yield a parking space number exceeding 108 spaces. Therefore, the finding favors the applicant that all 27 covenanted vehicular parking spaces provided are deemed for the exclusive use of the Allbright Women's Club.

In addition, issues with the non-Code-compliant parking spaces shall be addressed by the City of West Hollywood. The project site is located almost at the city border of City of Los Angeles and the City of West Hollywood. Maps further show that the aforementioned parking lot is located primarily in the City of West Hollywood. Only a sliver of the parking lot, with a depth of one parking space, is located within the jurisdiction of the City of Los Angeles. A portion of the parking located in Los Angeles does not seem to have a violation with the LAMC with the regards to parking lot design. However, the opponent is most likely correct that the portion in the City of West Hollywood may violate its Code because a few parking spaces are located in front of the door and stairway exits and the parking lot underwent reconfiguration without proper permits. Nevertheless, these issues reside in the City of West Hollywood, where the City of Los Angeles has no authority and jurisdiction to enforce any possible violation. The City of Los Angeles' role in this situation is to assure that the number of Code complying parking spaces are provided by the project, and which it does.

The Zoning Administrator visited the project area and the site on Saturday, September 21, 2019, in the afternoon during a time from 3:30 p.m. to 5:00 p.m. The Zoning Administrator was able to find several open on-street parking spaces located on Melrose Avenue, directly south of the project site without much hassle. He parked his car and then proceeded to walk and survey the project surrounding area. It was observed that the section of Melrose Avenue and Melrose Place between La Cienega Boulevard and Orlando Avenue are tenanted mostly by fashion retail, restaurants, cafés, and home furnishing/improvement businesses, with a small number of other types of retail and service businesses. A beauty product shop (Glossier) on Melrose Place and a newly opened jewelry shop (Mejuri) on Melrose Avenue had long lines of customers forming outside on the sidewalks, but this bustling activity did not render a parking shortage on Melrose Avenue. The Zoning Administrator then stopped by a coffee shop on Melrose Avenue and sat and walked outside on the sidewalk for 30 minutes observing the

traffic pattern, which revealed lesser open on-street parking spaces available, but many businesses offer valet services and frequent ride-share passenger drop-offs occur on Melrose Place. The busiest business on Melrose Place is the said coffee shop. The other fashion retailers, consisting of a few luxury name brands, do not have many customers visiting to cause much on-street impact.

The Zoning Administrator also visited the project building to observe the interior floor plan and the rooftop. The establishment is still undergoing interior tenant improvement, but is open for business as members were seen utilizing the spa service on the ground floor and socializing on the 2nd floor. The Zoning Administrator observed that the rooftop was far from and isolated from nearby residential uses and would seem unlikely to cause significant noise or light impacts. The overall mode and the character of the establishment is not similar to public restaurants or venues that invites either large or rowdy crowds. The Zoning Administrator proceeded to observe the parking lot in the rear of the building and saw that many spaces were available. No frequent traffic in the rear alley was occurring.

Although the parking situation may be an ongoing issue in the area as nearby property owners have contended, there was not enough convincing evidence to assert that the project would worsen the situation. As observed on the site visit, on-street parking spaces were easily obtained, despite many shoppers were congregating in the general area. Ride-share services were also seen to be frequently used on Melrose Place. Problematic parking issue is commonly seen in the City particularly in popular destinations and high density communities, such as Hollywood, Venice, the Original Farmers Market, Downtown Los Angeles, Ventura Boulevard corridor, parts of Koreatown, and many more, but the parking problem in any of the mentioned area should not be attributed to one single business in lieu of the collection of businesses. The applicant has provided Code required parking spaces via covenants already without using an inferior parking lease-in-lieu method.

In addition, one of the clues that the Zoning Administrator always looks for regarding to the parking issue has always been complaints from the local residents, since they often are the individuals voicing neighborly problems. For instance, the Zoning Administrator processed Case No. ZA-2017-3265-CUB, issued February 2, 2018. The project was a combination of a restaurant, a leather goods retail and a flower shop all contained in a 2,486 square-foot one-story building, which is located directly across Melrose Place from the Allbright Women's Club. However, no complaints on parking were ever received for this proposed project, not from the local residents nor from surrounding property owners. Similarly, no residents submitted any concerns on parking regards to Allbright project. Therefore, the Zoning Administrator further discerned that the Allbright would not create a parking impact, and further ascertained that the parking dispute that brought forth to the discussion is a dismay mostly aimed at the arrangement and the operation of the designated parking lot that provides parking spaces to the surrounding commercial property owners. This must be resolved among the property owners and the parking lot owner as a private matter and as a City permit matter with the City of West Hollywood.

The applicant has attempted to work with the involved opposing property owners in further reducing the rooftop area and the number of seats while proposing to add another 10 parking spaces via a lease. However, parties were not able to reach an agreement since the opponents' requested the parking spaces be covenanted. The Zoning Administrator did not grant the rooftop use variance, which is addressed in the Variance Findings. However, a grant of the Conditional Use request will allow for an enhanced service that will be beneficial to the community. The area is easily accessible by cars, foot, and ride-share services. The subject site is located within an area that is established as a retail commercial area that shares a similar massing, scale and intensity of use. The retail and service businesses in the immediate area have morphed into a chic and stylish environment with amenities that cater to women's needs, which is a logical and ideal location for a women's club.

More importantly, the proposed project provides a service that is beneficial to the women workforce and residents citywide. The Allbright Women's Club offers a rare place where women can enjoy alcoholic beverages utmost comfortably and free from unwanted distraction, advancement, or common sexual crimes from male patrons as seen in conventional hospitality establishments. Therefore, in conjunction with the imposition of operational conditions, the request should result in a use which is compatible with and an asset to the local neighborhood and the community at large. In many locations within the City, the availability of alcoholic beverages in a restaurant is a highly desired amenity. Furthermore, conditions relative to alcohol sales have been recommended to the State Department of Alcoholic Beverage Control (ABC) to be included as a part of the license to discourage the possibility of nuisance activities. Therefore, authorizing the sale, dispensing, and consumption of a full line of alcoholic beverages in conjunction with the restaurant operations and live entertainment will serve as a public convenience.

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 applicant is seeking a Conditional Use to permit the on-site sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a private women's club with a rooftop use. The parcels within the vicinity of the project are zoned C4 with the majority of the properties along Melrose Avenue being characterized by neighborhood retail commercial businesses. The surrounding Melrose Place/Avenue neighborhood is a well-known and established destination for pedestrian activity, shopping, and dining. No residential use is located immediate to or abutting the subject project site. The project only involves a change of use within an existing two (2)-story building, where no new construction occurs besides interior tenant improvement. The proposed women's club contains a spa and salon on the ground floor and a restaurant with a multi-event space on the second floor which most uses are typical of and compliant to in the C4 Zone.

All proposed uses will take place within an enclosed building, including professional seminars, dining, consumption of alcoholic beverages, and the occasional ancillary live entertainment that would draw a larger member attendance. The grant imposed a set of conditions that the operator must comply, including standard Zoning Administrator, Los Angeles Police Department (LAPD) and Alcoholic Beverage Control (ABC) conditions, such as the sales and handling of alcoholic beverages, security, the operation of the premises, noise control, training of the on-site staff and managers' supervision. The Zoning Administrator also reserves the right to require the filing of a Plan Approval application in the event of a change in operator or a record of non-compliance with any of the conditions. Alcohol-related conditions, which the City is not authorized to impose, are noted in the Background section of this grant and include conditions which the Police Department also submitted and which the applicant indicated were acceptable. These conditions are recommended for consideration to the ABC in its issuance of the alcohol license.

As detailed explained in Finding No. 1, although several nearby property owners have raised complaints on the parking issue with the project, the Zoning Administrator has determined that the parking matter is an area wide issue, particularly within the designated parking lot located within the jurisdiction of the City of West Hollywood. The fact that no nearby local residents submitted concerns or complaints about the parking is a strong indication that the proposed establishment would not cause a parking problem. In addition, the Fifth Council District and the Mid-City West Neighborhood Council have issued formal letters supporting the project without reservation. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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 Hollywood Community Plan designates the property for Neighborhood Office Commercial land uses with the corresponding zones of C1, C2, C4, P, RAS3, and RAS4 and Height District 1. The project site is zoned C4-1XL and is consistent with the Plan. Restaurants are permitted in the C4 Zone, however, the proposed rooftop dining and on-site sale of a full line of alcoholic beverages must be permitted through a variance and a conditional use process and all requests are subject to specific findings. Neither the rooftop dining and the sale of alcoholic beverages are specifically addressed in the General Plan and the Community Plan, but they are permitted subject to specific findings as noted herein. The existing and proposed use of the subject site is consistent with and advances the following policies and objectives identified in the Hollywood Community Plan and the General Plan.

Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4: *To promote economic well-being and public convenience through:*

- a. *Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.*

The request is also consistent with General Plan Framework Element objectives:

Objective 7.2: *Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

Objective 7.3: *Maintain and enhance the existing businesses in the City.*

Policy 7.3.2: *Retain existing neighborhood commercial activities within walking distance of residential area*

As such, the Community Plan's purpose is to "promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community." The proposed project would provide a community-wide serving use consistent with this vision, thereby meeting the objective of the Community Plan.

ALCOHOLIC BEVERAGE FINDINGS

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

The property is designated for Neighborhood Office Commercial with a corresponding C4 Zone within the Hollywood Community Plan. The property will be utilized for a private women's club with a restaurant component including the sales and dispensing of a full line of alcoholic beverages for on-site consumption. The availability of a full line of alcoholic beverages at restaurants is a typical request in conjunction with restaurant uses and will positively contribute to the economic base of the community by creating more job and dining opportunities. No dancing or adult entertainment is proposed or permitted, and the conditions of this grant will ensure that the development will not adversely affect the community, thus the approval of the Conditional Use to permit the sale of alcoholic beverages will not adversely affect the welfare of the community. The proposed sale of alcoholic beverages will only be an added amenity provided to the members of the private women's club.

Both LAPD recommended conditions and the requirements of the ABC are imposed as a part of the grant which are intended to protect the public health, welfare and safety of the community, therefore serving as protective measures on behalf of the residents, businesses, and visitors to the area and clearly defining the operation parameters for the use of the site. Through the regulation of alcohol

sales and oversight from the California Department of ABC and the incorporation of a number of conditions with this grant, the project will continue to be compatible with the character of the immediate neighborhood. All employees must also undergo the STAR training provided by the LAPD.

In addition, although several nearby property owners voiced concerns about the parking situation, there was nothing said about the sales, dispensing, or consumption of the alcoholic beverages itself. The project was reviewed by the Fifth Council District and the Mid-City West Neighborhood Council. Both Offices are in support of the project and recommended an approval. The Zoning Administrator also imposed several security and operational conditions in the grant to ensure a strict age verification practice and to assure that the safety and the welfare of the immediate community will be met. Therefore, the request for a full-line alcohol service is not anticipated to be materially detrimental to the public welfare, injurious to other property in the same zone and vicinity, or adversely affect the welfare of the pertinent community.

5. **The proposed use 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 of California Department of ABC licensing criteria, there are three (3) on-sale and two (2) off-sale licenses authorized for subject Census Tract 1944.02 There are currently 14 on-sale (including the subject site) and one (1) off-sale license in this census tract.

Within 600-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

Type 21 Off-Sale General	1 establishment
Type 41 On-Sale Beer & Wine Eating Place	1 establishment
Type 47 On-Sale General Eating Place	10 establishments

When factoring in the proposed project, the number of on-sale licenses is above the number currently allocated, however, no evidence was submitted for the record establishing any link between the subject property and crime rates in the community. The location is within a predominantly commercial corridor, where a concentration of restaurants exists. The project has been reviewed closely by LAPD, which did not oppose the request and have submitted conditions of approval, which have been incorporated into the grant.

According to statistics provided by the Los Angeles Police Department, which has jurisdiction over the subject property, within Crime Reporting District No. 701, 300 crimes and 32 arrests (332 "total crimes") were reported in 2018, while the citywide average number of crimes was 185 and the high crime reporting district average of 222 crimes for the same period.

In 2018, there were 4 Narcotics, 0 Liquor Law, 0 Public Drunkenness, 0 Disturbing the Peace, 0 Disorderly Conduct, and 4 Driving Under the Influence (DUI) related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The crime rates are approximately 55.7 percent higher than the rates identified for the citywide average and approximately 66.9 percent higher than the high crime reporting district average, but approximately 1.1 percent of the 332 total crimes reported in 2018 are related, as identified above. Nonetheless, conditions of approval have been imposed to mitigate any adverse impacts on the area, including a requirement for surveillance cameras, prohibiting loitering, limited signs on exterior windows and glass doors to permit surveillance into the establishment, and limited hours of operation. As noted, LAPD has also recommended 27 conditions to be considered by the Zoning Administrator and the State ABC, which are all imposed for the issuance of the alcohol license.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such licenses benefits the public welfare and convenience. In active commercial areas where there is a demand for licenses beyond the allocated number, State ABC has recognized that high-activity retail and commercial centers are supported by a significant and growing employee, visitor, and resident population 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 rights by residents. Therefore, the request is anticipated to not adversely affect the welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages after giving consideration to the State laws and to the ABC's guidelines for undue concentration and crime rates in the area.

Additional conditions have also been recommended for consideration by the ABC that regulate the sales of alcohol to prevent potentially negative impacts to the neighborhood. Therefore, based on the information herein and in conjunction with the operational conditions, the proposed use will not adversely affect the welfare of the pertinent community.

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.**

There are residential uses in the vicinity as well as other locations which sell alcohol. The area includes a wide variety of commercial uses, including sensitive uses. However, being located in a commercial area, the diversity and proximity to sensitive uses is not uncommon. The following sensitive uses are located within a 600-foot radius of the project site:

Residences

14 Single-Family Dwellings
31 Multi-Family Dwellings
5 Condominiums

Educational Facilities

Rosewood Avenue Elementary School	503 N. Croft Avenue
Center for Early Education	550 N. La Cienega Boulevard

To ensure that the nearby sensitive uses are adequately buffered from any potential adverse impacts of this project, conditions of approval have been imposed to ensure that nearby sensitive uses are adequately buffered from any potential adverse impacts of this project. These include prohibition of any adult entertainment, and pool or billiard tables on the premises. Additionally, any music, sound or noise shall not be audible beyond the subject premises. The applicant is also responsible for maintaining the premises and areas adjacent to the premises, over which the applicant has the control, free of litter and loitering. In the event the community needs to file a complaint, the applicant is required to provide a contact for complaints regarding the operation of the private club. As such, the establishment will be within a contained environment where monitoring is facilitated through the enforcement of numerous conditions that will minimize the potential to create nuisances for the surrounding sensitive uses. Therefore, as conditioned, the proposed use will not detrimentally affect the nearby residentially zoned communities or sensitive uses in the neighborhood.

VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 7. The strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The governing authority on the outdoor and rooftop dining has been ZAI 1808, and Ordinance No. 165,403, but there has been continuous debate on what is required to permit both outdoor and rooftop dining and drinking in the various commercial zones. Often the logic introduced by applicants is that the C4 Zone is structured differently from other Zones where typically more permissive Zones are inclusive of uses of the more restrictive Zones such as C2 includes uses of C1 and C1.5 Zones, however, the C4 Zone is structured in allowing those uses

permitted in the C2 Zone with a certain use exception and thus the C4 Zone should be allowed the same C2 Zone limitation allowance. This is actually flawed.

ZAI 1808, adopted in 1961 was issued to address outdoor dining questions from the Building Department. The ZAI permitted rooftop dining and outdoor dining and dining terraces in the C2, C5, CM and M zones with no limitation on size except that all other activities such as entertainment, dancing and incidental storage had to take place within an enclosed building. In 1990, Ordinance No. 165,403 was passed and included a definition for "outdoor eating area," which limited outdoor eating areas to the ground floor of the site and limited them to no more than 50% of the dining area of the indoor restaurant. This Ordinance's legislative intent by City Council was to encourage pedestrian activities on the ground floor areas and sidewalks. In the very first paragraph of ZAI 1808, the ruling to address the outdoor dining is aimed at "the C2 or less restrictive zone precisely. It had no intent to grant the interpretation privileges to the lesser restrictive zones, including the C4 Zone. Therefore, variances are required to permit outdoor eating areas above the ground floor in the other C zones such as C1, C1.5 and C4 Zones.

The proposed project is a private women's club containing a total of 157 seats, with 16 seats on the first floor, 69 seats on the second floor, and 72 seats on the rooftop patio. The applicant is applying for a Zone Variance to allow a 1,353 square-foot rooftop patio dining area with 72 seats that is not otherwise permitted in the C4 zone. The applicant has subsequently offered to reduce the rooftop floor area to 1,000 square-feet and the seating number down to 50 seats. The applicant has also proposed to provide ten (10) additional parking spaces at 1 space for every 100 square feet of rooftop floor area which exceeds the Code requirement.

The Zoning Administrator conducted a site visit and observed that the rooftop was far from and isolated from nearby residential uses and would seem unlikely to cause significant noise or light impacts. It is also opined that the building is at a good location to utilize the rooftop for activities since the project building is located away from residential uses. Public streets, a rear alley, a parking lot, and surrounding commercial buildings are all excellent buffers to shield any typical light and noise impacts that are typically associated with rooftop uses. The intent of the zoning regulations on prohibiting certain uses in the C4 Zone is to ensure that the general welfare is preserved and no substantial negative externalities will create substantial impacts to surrounding properties and uses. No statements relating to the potential impacts that may result from the alcoholic beverage service, and the light and noise while rooftop activities take place were ever raised or submitted. It is anticipated that the rooftop use will not create any light and noise nuisance. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties for the project not being able to utilize the rooftop for dining and other activity uses.

However, the applicant did not present any existing hardship for the variance request. The desire to utilize a rooftop for dining and other outdoor activities represents a self-imposed hardship that is not aligned with the C4 Zone

restriction. Charter Section 562 states that a variance shall not be used to grant a special privilege or to permit a use substantially inconsistent with the limitation on other properties in the same zone. A variance is an appropriate means to seek relief from a condition that is not self-imposed and to remedy a disparity of privileges. In this case, a grant of the variance request would be akin to the granting of a special privilege which is otherwise not provided to other property owners who abide by the applicable zoning provisions. The C4 Zone provisions of the LAMC prohibits the requested rooftop uses. A denial of the variance would be consistent with the zoning regulations.

8. **There are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The project property consists of one rectangular-shaped lot located on a southeasterly block of Melrose Place and La Cienega Boulevard intersection. The project site is designated for Neighborhood Office Commercial land uses in the Hollywood Community Plan and has a corresponding C4-1XL Zone. Similar to surrounding commercial lots, the subject property has 40 feet of frontage along Melrose Place and a lot depth of 105 feet, for a lot area of approximately 4,200 square feet. Surrounding properties are characterized by level topography and improved streets, and developed with a variety of neighborhood serving commercial, retail, and office uses along Melrose Place and La Cienega Boulevard. The adjacent properties to the north and the east are zoned C4-1XL and are developed with retail shops. The properties to the south are also zoned C4-1XL and are developed with retail uses and a parking lot. The properties to the west are zoned C4-1VL and are developed with one- and two-story commercial uses. The project property has been developed and in fact it is one of the newer building in the area. No other building in the immediate area with a rooftop use has been documented, nor is the subject property prohibited from the same uses currently be conducted on other immediate properties. Therefore, there is no special circumstances found to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

9. **That such variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The variance is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity. No grandfathered rooftop use or similar variances have been granted for the rooftop uses in conjunction with other primary uses in the C4 Zone in the immediate Melrose Place neighborhood. All surrounding properties were improved with commercial retail or restaurants uses similar to the proposed project. Therefore, there is no other property within the same zone and vicinity that possess the property right of having outdoor dining above the ground floor or

on the rooftop. In addition, no substantial evidence exists that hardships stand if the rooftop dining is being prohibited in the C4 Zone would deny the property right to the property in question. Denial of the requested variance would not create a special hardship on the applicant or compromising the viability of the proposed project and its goal of providing useable spaces for club's members to dine or to social at the project's location.

10. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The proposed project is a private women's club offering its members educational and professional networking, member support, beauty, dining, health, and relaxation services and experience. The proposed private club is approximately 5,065 square feet in size including a 1,064 square-foot salon and spa with 16 treatment seats (4 are spa beds) on the ground floor, a 2,648 square-foot restaurant and multi-purpose event space with 69 seats, and a 1,353 square-foot rooftop outdoor patio space with 72 seat for group yoga and other outdoor functions. It is envisioned that a rooftop outdoor dining to a private women's club complements the use of the facility and would add additional space to accommodate various types of social and health activities. The property is located within a commercial area with no adjacent residentially zoned properties with the nearest residential properties located along Alfred Street, across Melrose Place and behind a row of commercial buildings over 200 feet north of the project. The adjacent properties are all zoned C4-1XL and consist mainly of retail and parking uses.

As aforementioned in Finding No. 1, the Zoning Administrator has visited the project site and surveyed the rooftop and finds that the building is at a good location to utilize the rooftop for activities, since the project building is located away from residential uses. Public streets, a rear alley, a parking lot, and surrounding commercial buildings are all excellent buffers to shield any typical light and noise impacts that are typically associated with rooftop uses. The complaints raised by opponents of the project are purely parking related, no statements relating to the potential impacts that may result from the alcoholic beverage service and light and noise while rooftop activities take place were ever raised. It is also anticipated that the rooftop use will not create any light and noise nuisance.

The applicant has attempted to work with the involved opposing property owners to further reduce the rooftop area and the number of seats, while proposing to add another ten (10) parking spaces via a lease. However, parties were not able to reach an agreement due to the reason that the opponents requested the parking spaces be covenanted. With the addition of ten (10) parking spaces by lease, the applicant will provide parking spaces that exceed the Code requirement to assure the project does not harm the surrounding properties. The project has gained support from the Fifth Council District and the Mid-City West Neighborhood Council and are subject to numerous conditions of approval, including noise control and addressing any potential complaints. Therefore, the request for

rooftop outdoor dining at a private women's club is not anticipated to be materially detrimental to the public welfare or injurious to other property in the same zone and vicinity.

11. **The granting of the variance will not adversely affect any element of the General Plan.**

The General Plan sets forth goals, objectives, and programs that serve as the foundation for all land use decisions. The City of Los Angeles' General Plan consists of the Framework Element, seven State-mandated Elements, including Land Use, Mobility, Housing, Conservation, Noise, Safety, and Open Space, and optional Elements including Air Quality, Service Systems and Plan for a Healthy Los Angeles. The Land Use Element is comprised of 35 community plans that establish parameters for land use decisions within those communities of the City.

Framework Element

The Framework Element for the General Plan (Framework Element) was adopted by the Los Angeles City Council on December 11, 1996 and re-adopted on August 8, 2001. The Framework Element of the General Plan establishes general policies for the City of Los Angeles based on projected population growth. Land use, housing, urban form and neighborhood design, open space, economic development, transportation, infrastructure, and public services are all addressed in the context of accommodating future City-wide population increases. The proposed project is consistent with the Framework Element as follows:

GOAL 3F: Mixed-use Centers that provide jobs, entertainment, culture, and serve the region.

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

The Framework Element establishes land use categories whose locations are depicted on the Long-Range Land Use Diagram. These categories are broadly described by ranges of intensity, density, height, and use. The project site is located in a Regional Center, which encourages the development of sites and structures integrating housing with commercial uses in concert with supporting services, recreational uses, open spaces and amenities. The Framework Element encourages mixed-use centers that provide entertainment and serve the region, and a broad range of uses that are compatible with adjacent land uses and developed to enhance urban lifestyles. The proposed project will provide jobs and dining experience to meet the Goal.

Land Use Element – Hollywood Community Plan

The Hollywood Community Plan was adopted by the City Council on December 13, 1988. The Hollywood Community Plan designates the property for Neighborhood Office Commercial land uses with corresponding zones of C1, C2, C4, P, RAS3, and RAS4 and Height District 1. The project site is zoned C4-1XL

and is consistent with the Plan. Restaurants are permitted in the C4 Zone, however, the proposed rooftop dining and on-site sale of a full line of alcoholic beverages must be permitted through a variance and a conditional use process and all requests are subject to specific findings. Both the rooftop dining and the sale of alcoholic beverages are specifically addressed in the General Plan and the Community Plan, but they are permitted subject to specific findings as noted herein. The existing and proposed use of the subject site is consistent with and advances the following policies and objectives identified in the Hollywood Community Plan and the General Plan. The proposed project is consistent with the Hollywood Community Plan as follows:

Objective 1: *To further the development of Hollywood as a major center of population, employment, retail services, and entertainment.*

The Community Plan encourages the development of Hollywood as a major center of population. As a part of the Hollywood community, the proposed use is in line with the vision of creating a sense of place that is welcoming to pedestrians and the surrounding residential community; the site is located within walking distance to many residents and is located right off Melrose Place, Melrose Avenue and La Cienega Boulevard. The granting of the variance will permit the operation of a private women's club with outdoor dining located within walking distance of other retail businesses as well as the surrounding residential areas. Additionally, providing outdoor dining at the property allows the proposed operation to better attract commercial activity to the local area. In light of the above, the granting of the variance for a private women's club with outdoor dining will not adversely affect any element of the General Plan and the Hollywood Community Plan.

ADDITIONAL MANDATORY FINDINGS

12. 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 not located in a Flood Zone.

Inquiries regarding this matter shall be directed to Tina Vacharkulksemsuk, Planning Staff for the Central Project Planning Division at tina.vacharkulksemsuk@lacity.org.



JACK CHIANG
Associate Zoning Administrator

JC:CTL:TV

cc: Councilmember Koretz
Fifth District
Adjoining Property Owners