

David Wheatley  
2988 Avenel Terrace  
Los Angeles CA 90039  
freshwater@prodigy.net

January 30, 2022

Regarding 2894 West Rowena Avenue (2896) Los Angeles CA 90039  
City Council File 21-1271  
ENV-2021-1635-CE-1A  
ZA-2021-1634-CUB-1A

Hearing Date: Tuesday, February 1, 2022, at 2:00pm

Planning and Land Use Management Committee  
City of Los Angeles  
200 North Spring Street  
Los Angeles, CA 90012

Dear Members of the PLUM Committee,

Thank you for the opportunity to present my appeal.

This project intends to serve beer across the street from an elementary school. They plan to start serving at 7am.

There are several problems with this project. Each problem is significant enough to justify a pause in or the abandonment of all or part of the project.

Below are headings and details:

**1. The public has not been properly invited to participate in the project. This is a procedural violation of CEQA.**

The School was left off the Notice of Public Hearing Map for September 22, 2021. This misled the Public as to the location and the importance of the project. The distance to the edge of the school is 38 feet. It appears on the map that there is no school at all. It also shows the project is far away from the street when it is actually on the street. Requests to City Planning for information about these errors have not been properly answered. The Masonic Lodge located 344 feet away was also left off. The Iglesia Catolica at 632 feet away was also left off. Two rest homes on Rowena could have been included on the map but were not. Camelot Kids Pre-School is 105 feet away. The hearing map shows it much further away.

**2. Information pertaining to the project has been difficult or impossible to obtain from the city. This is a procedural violation of CEQA.**

The project file at City Planning is only available for viewing by appointment during workdays. The file must be requested often from another building across the city. Copies and scans may not be made on site but must be ordered after inspection. The planner's offices are closed to the public which interferes with the exchange. Even if the file is emailed, it is not properly organized for ease of reading and is not indexed.

**3. Bias. This is a procedural problem.**

The President of the East Los Angeles Area Planning Commission instructed a representative of the City Planning department to assist the Applicant with their power point presentation. When the Appellant asked for similar help the President denied the request. This unfairly favored the applicant and disfavored the appellant.

**4. The adjacent streets are walked by young students. This is a factual problem under CEQA.**

Many elementary school students and their parents walk along Herkimer and Rowena and West Silver Lake Blvd going to and from Ivanhoe Elementary School. This bar is in the middle of the block of pedestrian traffic and poses a danger. The driveway to the bar also exits on Rowena in the middle of pedestrian traffic onto a traffic-jammed street.

**5. The project is does not fit into the neighborhood.**

There are no other cafes or bars serving alcohol across from elementary schools during the same hours as this one.

**6. The property is presently a blight on the neighborhood.**

The storefront window is papered over, and the alcohol hearing notice has been there for six (6) months and has become materially illegible.

**7. The proposed construction will adversely affect the neighborhood.**

The construction tools will most likely enter the sidewalk area and interfere with pedestrian traffic.

**8. Alcohol including beer is still a restricted substance and is often abused.**

Alcohol is considered restricted because not everyone is allowed to buy it or to drink it. It cannot be served to just anyone regardless of their capacity to handle it.

The applicant cannot predict how much a person will drink before they arrive and how much they will drink while on the premises.

**9. This is not a restaurant.**

There is no kitchen. The applicant is promoting this as a café. The ABC classifies this type of establishment 40 as a bar or tavern; therefore, this is a bar and not a cafe.

**10. This application is premature. The alcohol license application is still pending.**

**11. The proposed project as is will damage the environment throughout its life.**

Page 3 January 30, 2022 City Council File 21-1271

The City Planning Department has the executive function for land use in the city. Every other department now and in the future will follow the planning instructions of this department. City Planning ensures the success of any approved project no matter how it unfolds. Therefore, the city must be absolutely certain that all of the other departments will have sufficient budget, staffing and organizational capabilities to follow through. If this is not true, the project must be stopped until it is true. The city planning department pulls this all together.

Definitions:

40-on-sale beer ([abc.ca.gov/licensing/license-types/](http://abc.ca.gov/licensing/license-types/))

(bar, tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises. Source: Alcoholic Beverage Control License Types

Thank you for considering my appeal.

Please let me know if you have any comments or questions.

Thank you very much.

Sincerely,

David Wheatley

323-821-0203