

**BACKGROUND AND FINDINGS**  
**7445 W. Sunset Boulevard, Unit 6A, B and C**

**“Sunset Café”**

**REQUEST**

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

Said restaurant operation will include 3 separate menu concepts under a single operator.

<b>FOOD USE “A”</b>	<b>BASEMENT STORAGE POD</b>	226 SQ FT (not part of FAR)
	<b>FIRST FLOOR CAFÉ SPACE</b>	872 SQ FT
	<b>TOTAL</b>	<b>1,098 SQ FT</b>
	<b>IN-DOOR DINING AREA</b>	506 SQ FT
	<b>NUMBER OF SEATS</b>	46
	<b>OUT-DOOR DINING AREA</b>	253 SQ FT
	<b>NUMBER OF SEATS</b>	23
	<b>TOTAL NUMBER OF SEATS</b>	<b>69 SEATS</b>

<b>FOOD USE “B”</b>	<b>BASEMENT STORAGE POD</b>	197 SQ FT (not part of FAR)
	<b>FIRST FLOOR CAFÉ SPACE</b>	865 SQ FT
	<b>TOTAL</b>	<b>1,062 SQ FT</b>
	<b>IN-DOOR DINING AREA</b>	545 SQ FT
	<b>NUMBER OF SEATS</b>	44
	<b>OUT-DOOR DINING AREA</b>	243 SQ FT
	<b>NUMBER OF SEATS</b>	26
	<b>TOTAL NUMBER OF SEATS</b>	<b>70 SEATS</b>

<b>FOOD USE “C”</b>	<b>BASEMENT STORAGE POD</b>	208 SQ FT (not part of FAR)
	<b>FIRST FLOOR CAFÉ SPACE</b>	831 SQ FT
	<b>TOTAL</b>	<b>1,039 SQ FT</b>
	<b>IN-DOOR DINING AREA</b>	470 SQ FT
	<b>NUMBER OF SEATS</b>	38
	<b>OUT-DOOR DINING AREA</b>	235 SQ FT
	<b>NUMBER OF SEATS</b>	22
	<b>TOTAL NUMBER OF SEATS</b>	<b>60 SEATS</b>

**Findings of Fact CONDITIONAL USE PERMIT:**

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.*

The subject site is a 32,435 square-foot irregular-shaped, corner, level parcel of land with a frontage of 171.38 feet on the north side of Sunset Boulevard and a frontage of 202.90 feet on the east side of Gardner Street. The property is presently improved with 22,808 square-feet spread over five separate older multiple-story commercial buildings constructed between 1914 and 1947, including medical offices, retail, restaurants, and a fitness/health center use. The existing buildings and site improvements will be demolished to allow the construction of a new 4-story, 22,260 square-foot shopping center with basement and 92-parking spaces. No entitlements are required for the shopping center. The only entitlement request is the subject Conditional Use Permit request for the sale of a full line of alcoholic beverages for the applicant restaurant tenant, "Sunset Café".

The subject site is zoned C4-1 D and is located within the Hollywood Community Plan with a General Plan Land Use Designation of Neighborhood Office Commercial. The 'D' limitation on the subject site was established by Ordinance No. 164,711 in 1989 and restricts maximum FAR to 1 :1 on the subject site and on surrounding commercial properties on Sunset Boulevard. The site is located within a Transit Priority zone.

The northern adjoining property is zoned PF-1XL and is developed with the Gardner Street Elementary School.

The eastern adjoining properties are zoned R3-1 and C4-1D and are developed with multi-family residential in the R3 zone and retail "Guitar Center" commercial uses in the C4 zones, respectively.

The southern adjoining properties (across Sunset Boulevard) are zoned C4-1D and are developed with single-story commercial buildings.

The western adjoining properties (cross Gardner Street) are zoned C4-1D and are developed with two-story commercial and residential buildings.

The applicant is requesting a Conditional Use Permit in conjunction with the operation of a new 3,199 square-foot, 199-seat first-floor restaurant tenant with 2,468 square-feet and 128 seats indoors, and 731 square-feet and 71 seats outdoors on private property. Hours of operation from 7:00 am – 2:00 am, daily in the C4-1D Zone.

Sunset Boulevard, adjoining the subject property to the south, is a designated Modified Avenue III, dedicated to a width of 100 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Gardner Street, adjoining the subject property to the west, is a Local Street, dedicated to a width of 50 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

The 22,519 square-foot shopping center is only 69% of the allowable F.A.R. (which would permit 32,435 square-feet of building area), and less intensive than the prior 22,808 square-feet on site. The development meets code for height, setbacks, landscaping, parking and all development standards of the Commercial Corner Ordinance including first floor window transparency.

The restaurant tenant space is nestled in the interior of the shopping center, with the three menu concepts anchoring the center courtyard of the plaza.

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

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

For these reasons, the proposed use is beneficial to the community and fits well into the built environment.

***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.***

All elements of the shopping center development are well within the development standards for the zone and the area. The applicant is just a tenant. The subject application applies only to the sale of alcohol for the tenant.

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

The sale of alcohol within the restaurant will provide an amenity and convenience in the commercial district at this location, and it conforms to the Neighborhood Office Commercial General Plan designation on the subject site and adjoining properties.

The proposed use is situated in a development zoned and buffered to create synergetic uses. As such, is it will positively benefit, not defer from, 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 applicable specific plan.***

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code. Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Municipal Code.

The Land Use Element of the City's General Plan is divided into 35 Community Plans. The Hollywood Community Plan Map designates the subject property for Neighborhood Office Commercial land uses.

The sale of alcoholic beverages is not specifically addressed in the Community Plan text. In such cases, the Zoning Administrator must interpret the intent of the Plan. The proposed project will enhance the

established restaurant use, which is located in a commercial district of Hollywood on a Major Highway and provides a service to the community. The project is thereby consistent with several goals, objectives and policies of the adopted Community Plan, including Goal LU.2: to provide a range of employment ... opportunities; and Policy LU.2.24: to provide incentives for the development of commercial uses along commercial corridors. Therefore, the proposed location will be consistent with the General Plan and its elements.

Authorizing the Conditional Use would further the intent of the Plan by helping to maintain a dynamic commercial area providing economic development opportunities in the area and supporting a quality neighborhood venue with a cohesive quality operation.

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

Commercial land use policies reflect the need to generate a variety of new commercial uses in the community to facilitate access to services. Redevelopment of existing commercial areas with more appropriate uses results in the physical and aesthetic upgrading of these areas.

Approving the request helps provide viability to the location. It allows the applicant as a tenant to invest in the area, develop the tenant space and hire employees. The proposed use of a neighborhood-serving restaurant with operational restaurant experience is a benefit to the welfare of the local residential, business and tourist customers in Hollywood. Employees will have job opportunities and those living and working in the area will have access to fundamental services by an applicant with a commitment to the revitalization and maintenance of this community.

Alcohol sales are an important amenity within urban, neighborhood-centric venues. The operator has a mandate of being community enhancing, with a safe image to protect. Their operating procedures and guidelines ensure consistency in their service. Alcohol sales are being provided as a dining enhancement to their customers and are compatible with the reasonable concerns and policies of the Los Angeles Planning Department and the California State Alcohol Beverage Control Board.

***5. The granting of such application will not result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, 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 such establishments within a one thousand feet 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.***

The site contains an existing on-site alcohol sale license (Sunset Grill at 7439 W. Sunset Boulevard) that would be demolished as a part of the project. Therefore, the project will not result in a net increase in the overall number of licenses within the census tract, replacing one Type 47 restaurant license with another Type 47 restaurant license.

Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the census tract is numerically

over- concentrated, the project will not adversely affect community welfare because the proposed alcohol sales will be a complimentary, ancillary element of the use.

The subject site has no history of nuisance or criminal activity and as the subject tenant space will be centered in the shopping center, with on-site parking provided to code, there is no reasonable anticipated nexus of alcohol sales at this restaurant establishment with any potential impact on the surrounding neighborhood.

The design of the shopping center discourages potential loitering on the site as the garage is fully enclosed and only accessible to patrons. The site is located along Sunset Boulevard in Hollywood just west of La Brea Avenue, which is characterized by numerous retail, entertainment venues and restaurants within a vibrant and pedestrian oriented environment.

The subject use is located in an area which is planned and designed to provide neighborhood-serving commercial uses. Investment from well-operated venues supports the vitality of the community.

The subject use balances the need for a community-friendly use with an orientation and buffering within the commercially planned neighborhood. The operation of this license, when weighed against the added value and when compared to the nature and intensity of commercial development in the surrounding area, does not unduly concentrate licenses for the sale of alcoholic beverages.

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***6. The proposed use will not detrimentally affect nearby residentially zoned communities in the area after giving consideration to the distance of the proposed use from the following: 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.***

Sensitive uses within 1,000 feet are provided within the application filing.

They are:

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- Gardner Street Elementary School at 7450 Hawthorn Avenue
  - West Hollywood United Church of Christ at 7350 W. Sunset Boulevard
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The project site directly abuts Gardner Elementary School to the north. Given the nature and character of the proposed use, it is not anticipated to have any adverse impact on these sensitive uses. To ensure that the nearby sensitive uses are adequately mitigated from any potential adverse impacts of this project, standard conditions are typically imposed to ensure that no loitering, littering, excessive noise or light will result from the operation of this business. The hours of operation will be focused on the interior of the space, with later hours having absolutely no impact on the school, as the school will be closed during those hours.

Furthermore, the proposed use offers three substantial menu concepts with substantial kitchens. As such, alcohol is only secondary and ancillary to the restaurant operation, which itself is secondary and ancillary to the entire shopping center.

Customers will park in the shopping center, with all code-required parking provided on site.

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As such, the use will be buffered within the development, an enhancement to the community and will have no negative impact on surrounding sensitive uses.

We appreciate consideration of this application.

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