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August 19, 2011

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709 East Colorado Boulevard, #200
Pasadena, CA 91101

CASE NO. ZA 2010-3260(CUB)
CONDITIONAL USE
6541 Hollywood Boulevard, #105
Hollywood Planning Area
Zone : C4-2D-SN and [Q]R5-2
D. M. : 148.5A187
C. D. : 13
CEQA : ENV 2010-3261-CE
Legal Description : Fr. Lot 10 and Por.
Lot 13, H. J. Whitley Tact an Fr. Lot 6
H. J. Whitley Park Place Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,1 I hereby APPROVE:

a conditional use to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant,

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.
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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The maximum square footage of the restaurant shall not exceed 1,522 square feet. Maximum seating for the restaurant shall not exceed a total of 115 seats, 87 indoor seats and 28 outdoor seats.
8. Hours of restaurant operation are limited to between 11 a.m. and 2 a.m. Monday through Friday and 8 a.m. to 2 a.m. Saturday and Sunday.
9. No dancing is permitted. No conditional use for dancing has been requested or approved herein. Dance hall or nightclub use is prohibited.
10. Incidental live entertainment may occur only in the courtyard and shall be limited to trios. All entertainment shall cease by 10 p.m., daily.
11. Any music, sound or noise emitted that is under the control of the applicant shall not violate the Los Angeles Municipal Code.
12. No pool or billiard tables or coin-operated or video game machines shall be permitted on the premises.
13. **Within six months of the effective date of this action**, all managers and employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)," unless they have received such training within the last twelve months. Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. **The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance.** All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.
14. A kitchen shall be maintained in the restaurant in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be available at all times that the restaurant is open for business.

15. Parking shall be provided in accordance with the requirements of the Los Angeles Municipal Code, to the satisfaction of the Department of Building and Safety. No variance from said requirements is requested or granted herein.
16. If valet service is used a copy of the contract with the valet parking company shall be submitted to the Office of Zoning Administration demonstrating a) that valet service is made available to customers of the subject between the hours of 5 p.m. and one half hour after closing and b) the amount charged. The availability of valet parking shall be made known to the public via the restaurant menu, a posting of the information on readily visible locations in the restaurant and on any restaurant website.
17. At minimum, a single security guard, who may be shared among the tenants of the development, shall be located on-site from 6 p.m. until closing on Fridays and Saturdays and during any special events. Security personnel shall be state licensed. Additional security measures as may be recommended by LAPD may also be provided.
18. The applicant/operator shall install and maintain security cameras and a one-month video library that covers all common areas of the business, high-risk areas and entrances and exists. The videotapes shall be made available to police upon request.
19. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, Police Department or Department of Building and Safety.
20. The business operator shall be responsible for maintaining the area adjacent to the premises over its control free of litter, including the sidewalk.
21. The rear/side door(s) of the premises shall be equipped on the inside with an automatic locking device and shall be kept closed at all times. This door(s) shall not be used as a means of access by patrons to and from the premises. Temporary use of this door(s) for delivery of supplies does not constitute a violation. Said door(s) are not to consist solely of a screen or ventilated security door.
22. The applicant shall not permit any loitering on the premises or on property adjacent to the subject premises.
22. No pay phone shall be maintained on the exterior of the location.
23. Any exterior lighting shall be installed such that the light is directed onto the subject site. Lighting shall be adequate to identify anyone in the front of the building at night. Lighting shall be shielded from any residential uses.
24. All licenses, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all of the ABC

and conditional use permit conditions. 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.

25. The premises shall not be exclusively used for private parties in which the general public is excluded.
26. No enclosed room, other than restrooms, intended for use by patrons or customers is allowed.
27. The business operator shall comply with Section 6404.5(b) of the Labor Code which prohibits smoking within any place of employment.
28. 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 that California State law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and that no such sales will be made.
29. An electronic age verification device(s) which can be used to determine the age of an individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sales location. These device(s) shall be maintained in an operational conditional and all employees shall be instructed in their use prior to the utilization of this approval.
30. There shall be no cover charge and no prepayment required.
31. A "Free Designated Drive Program" shall be implemented in which "FREE Non-Alcoholic Beverages" will be offered to the designated drivers: such as coffee, tea, or sodas approved by the Zoning Administrator. An explanation of the program shall be printed on the menu.

Condition Nos. 32 through 38 are alcohol-specific conditions which have been volunteered by the applicant.

32. The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
33. Happy hours shall be limited to between the hours of 4 p.m. and 7 p.m. daily. Alcoholic beverages shall not be discounted by more than 50% of the regular sales price.
34. No alcoholic beverages shall be permitted to be consumed on any other property or adjacent property under the control of the grantee.
35. There shall be no cocktail lounge.

36. No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
37. The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
38. The off-site sale of alcoholic beverages as a secondary use is not permitted.
39. The authorization granted herein for the sale of a full line of alcohol is for a period of five (5) years from the effective date of this grant. **Thereafter, the applicant shall be required to obtain a new authorization to continue the sale of alcohol.** Should the subject establishment have a change in owner or operator during the period of validity of this grant, the new owner/operator shall be required, no sooner than six months and no later than one year from taking over the restaurant, to file for a plan approval application together with associated fees for the purpose of holding a public hearing to review the applicant's compliance with and the effectiveness of these conditions.
40. 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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 SEPTEMBER 6, 2011, 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:

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

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

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 all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on April 25, 2011, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The subject property, comprised of three tied lots, is a level, irregular-shaped, interior, through, 24,892 square-foot parcel of land with an 88-foot frontage on the north side of West Hollywood Boulevard and a 67-foot frontage on the west side of North Hudson Avenue. The portion of the property fronting on Hollywood Boulevard has an even width and depth of 88 and 215 feet, respectively, and the portion that fronts on Hudson has a variable width and depth of approximately 60 and 93 feet, respectively. The property is located in the Hollywood Community Plan area as well as the Hollywood Redevelopment Project Area of the Community Redevelopment Agency, the Hollywood Signage Supplemental Use District and the Adaptive Reuse Incentives Area Specific Plan. It is also located in a State Enterprise Zone.

A 6-foot wide Building Line per Ordinance No. 815,598 extends along the Hudson Avenue frontage of the subject property and unaffected by the request. The lot fronting Hollywood Boulevard is subject to "D" development limitations, and the residentially zoned portion of the lot is subject to "Q" qualified classification conditions. The subject request is not affected by either of these limitations or conditions.

On August 22, 2005, the Zoning Administrator approved a conditional use via Case No ZA 2005-0184(CUB), to permit the sale and dispensing of alcoholic beverages for on-site consumption, in conjunction with three restaurants with incidental live musical performances with a combined square footage of 3,318 square feet as part of the make-over and restoration of the historic Jane's House. The grant had a five-year term limit.

The Zoning Administrator authorized the following for the subject restaurant (Unit 105): Sales, services and consumption of alcoholic beverages shall be permitted only between the hours of 11 a.m. and 2 a.m. Monday through Friday and 8 a.m. to 2 a.m. Saturday and Sunday (Volunteered by applicant, see case file). There shall be no business operations between the hours of 2 a.m. to 8 a.m. including but not limited to private events and promotional events.

Field investigation on April 20, 2011, revealed that the subject property is developed with two, detached two-story multi-tenant commercial buildings, extending along the easterly and westerly perimeters of the property; a two-story vacant building Jane's House (Local Historical-Cultural Monument No. 227); and a striped, 21 space surface parking area located on the northerly portion of the lot. Vehicular ingress/egress is solely via a driveway apron along Hudson Avenue located in the general vicinity of the property's northeast corner.

The subject restaurant (Croissant Club) with an attached patio is located on the ground floor of the easterly building and is in the interior of the lot and therefore does not have direct frontage on Hollywood Boulevard. Other commercial uses in the building a tours/ticket office (Star Line Tours) and offices and a health spa at the second level. Tenants in the easterly building on the site include restaurants on the ground floor and offices on the upper level.

There is metered parking on the south side of Hollywood Boulevard and a public parking lot directly behind the building off of Whitley Avenue. The site is also well served by public transit and is accessible by a number of bus lines, the Hollywood Dash and Metro Red Line via the Hollywood/Vine subway station which is within walking distance.

Uses to the north range from single family houses to multifamily housing, hotel and motel uses and offices. The adjoining property directly to the north is zoned [Q]R5-2 and is developed with a one-story single-family dwelling with an attached garage. All other adjoining properties are zoned C4-2D-SN and developed with commercial uses in buildings ranging from one to four stories.

Hollywood Boulevard, adjoining the ownership to the south is designated Major Scenic Highway dedicated a width of 100 feet and improved with curb, gutter and sidewalk.

Hudson Avenue, adjoining the ownership to the east is a Local Street dedicated a width varying from 36 feet to various feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. ZA 2010-0661(CUB) - On June 29, 2010, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages in conjunction with the operation of a 1,424 square-foot restaurant with live entertainment with operating hours of 24 hours in addition to 60 interior seats and 20 patio seats (attached to the file). The grant has a term limit of seven years.

Case No. ZA 2005-0184(CUB) - On August 22, 2005, the Zoning Administrator approved the on-site sale of a full-line of alcohol in conjunction with a restaurant and the on-site sale of beer and wine in conjunction with two restaurants, in the C4-2D-SN Zone, Unit #105, #108, and #110.

Case No. ZA 2004-5758(CUB) - On February 17, 2005, the Zoning Administrator approved the on-site sale of a full-line of alcohol in conjunction with a restaurant, in the C4-2D-SN Zone.

Case No. ZA 2003-7790(CUB) - On March 17, 2004, the Zoning Administrator approved the on-site sale of a full-line of alcohol in conjunction with a restaurant, in the C4-2D-SN Zone, Unit #102.

Surrounding Properties

Case No. ZA 2000-1654(CUB)(CUX)(CUZ) - On September 15, 2000, the Zoning Administrator approved the on-site sale of a full-line of alcohol and patron dancing in conjunction with a restaurant/nightclub, in the C4-2D Zone, located at 1652 North Cherokee Avenue.

Case No. ZA 2001-2751(CUB) - On December 6, 2001, the Zoning Administrator approved the on-site sale of a full-line of alcohol in conjunction with a restaurant, in the C4-2D Zone, located at 6637 West Hollywood Boulevard.

Case No. ZA 2001-1328(CUB)(CUX) - On March 13, 2002, the Zoning Administrator approved the on-site sale of a full-line of alcohol and patron dancing in conjunction with a restaurant, in the C4-2D Zone, located at 1645 North Wilcox Avenue.

Case No. ZA 2003-4904(CUB)(CUX) - On February 20, 2004, the Zoning Administrator approved the on-site sale of a full-line of alcohol and patron dancing in conjunction with a restaurant, in the C4-2D Zone, located at 6633-6637 West Hollywood Boulevard.

Case No. ZA 2003-4910(CUB)(CUX) - On November 20, 2003, the Zoning Administrator approved the on-site sale of a full-line of alcohol and patron dancing in conjunction with a nightclub, in the C4-2D Zone, located at 6623 West Hollywood Boulevard.

Case No. ZA 2004-4673(CUB)(CUX) - On February 20, 2004, the Zoning Administrator approved the on-site sale of beer and wine and patron dancing in conjunction with a restaurant, in the C4-2D-SN Zone, located at 6645 West Hollywood Boulevard.

Case No. ZA 2005-0363(CUB) - On June 16, 2005, the Zoning Administrator approved the on-site sale of beer and wine in conjunction with a restaurant, in the C4-2D Zone, located at 6611 West Hollywood Boulevard.

Case No. ZA 2005-3261(CUB)(CUX) - On August 18, 2006, the Zoning Administrator approved the on-site sale of a full-line of alcohol, live entertainment, and patron dancing in conjunction with a nightclub and the on-site sale of beer and wine in conjunction with a restaurant, in the C4-2D Zone, located at 6531 West Hollywood Boulevard.

Case No. ZA 2005-6681(CUB) - On March 14, 2006, the Zoning Administrator approved the on-site sale of a full-line of alcohol in conjunction with a restaurant in the C4-2D Zone, located at 6445 West Hollywood Boulevard.

Case No. ZA 2006-2797(CUB)(CUX) - On December 15, 2006, the Zoning Administrator approved the on-site sale of a full-line of alcohol, live entertainment, and patron dancing in conjunction with a nightclub, in the C4-2D Zone, located at 6553 West Hollywood Boulevard.

Case No. ZA 2006-4602(CUB)(ZV) - On November 15, 2006, the Zoning Administrator approved the on-site sale of a full-line of alcohol in conjunction with a restaurant in the C4-2D Zone, located at 6611 West Hollywood Boulevard. The request for off-site parking was withdrawn.

Case No. ZA 2006-5985(CUB)(CUX) - On July 15, 2015, the request for on-site sale of a full-line of alcohol and patron dancing was terminated, located at 6523 - 6529 West Hollywood Boulevard.

Case No. ZA 2006-7843(CUB) - On May 3, 2007, the Zoning Administrator approved the on-site sale of a full-line of alcohol and live entertainment in conjunction with a restaurant, in the C4-2D Zone, located at 6627 - 6631 West Hollywood Boulevard.

Case No. ZA 2006-8766(CUB) - On January 25, 2007, the Zoning Administrator approved the on-site sale of a full-line of alcohol in conjunction with a restaurant, in the C4-2D Zone, located at 6601 West Hollywood Boulevard.

Case No. ZA 2006-10129(CUB)(CUX) - On April 4 2008, the Zoning Administrator approved the on-site sale of a full-line of alcohol and patron dancing in conjunction with a nightclub, in the C4-2D Zone, located at 6608 West Hollywood Boulevard.

Case No. ZA 2006-10141(CUB) - On March 16, 2007, the Zoning Administrator approved the continued on-site sale of beer and wine in conjunction with a restaurant, in the C4-2D Zone, located at 6611 West Hollywood Boulevard.

Case No. ZA 2007-2542(CUB)(CUX) - On July 30, 2008, the Zoning Administrator approved the continued on-site sale of a full-line of alcohol, live entertainment, and patron dancing in conjunction with a nightclub, in the C4-2D Zone, located at 6500 West Hollywood Boulevard.

Case No. ZA 2009-1840(CUB)(CUX) - On October 8, 2009, the Zoning Administrator approved the on-site sale of a full-line of alcohol, live entertainment, and patron dancing in conjunction with a nightclub, in the C4-2D Zone, located at 6608 West Hollywood Boulevard.

Case No. ZA 2009-2638(CUB)(CUX) - A request for the continued on-site sale of a full-line of alcohol, live entertainment, and patron dancing in conjunction with a nightclub, in the C4-2D Zone, located at 6627 - 6631 West Hollywood Boulevard.

Case No. ZA 2009-2744(CUB) - A request for the on-site sale of beer and wine in conjunction with a lounge, in the C4-2D Zone, located at 6512 - 6514 West Hollywood Boulevard.

Public Hearing

A hearing officer conducted a hearing on this matter on April 25, 2011 at the Los Angeles City Hall, Room 1050. Briefly describing the project, the representative indicated that the subject request involves a conditional use permit for the sale of a full line of alcoholic beverages for on-site consumption in association with an existing restaurant. The applicant explained that the subject request is a renewal of an expired conditional use permit that was granted in 2005 as part of a Master Conditional Use Permit that authorized the sale of alcoholic beverages at three separate restaurants located in the same commercial development. It was further noted that at the time of filing of the subject request, the Department of City Planning was not accepting applications for master conditional use permits for alcohol, and the applicant was advised at that time to file separate conditional use permits for each establishment. The representative related that the restaurant has been in continuous operation since the original conditional use was granted. He also remarked that the current operator has been in compliance with the conditions of the original 2005 approval and plans to continue to operate in a similar manner. A Los Angeles Police Department Officer attended the hearing and asked that the Zoning Administrator consider limiting the subject application to beer and wine only and to limit the hours of operation to the restaurant's current hours. The applicant's representative noted the owner of the subject site wants to reserve the grant for a full line of alcohol in the event that there is a change in tenant, given the prime location of the establishment. No further testimony was collected at the hearing. The Central Hollywood Neighborhood Council, at a meeting subsequent to the hearing, voted to support the subject request with conditions that happy hour be limited to the hours of 4 p.m. to 7 p.m. and that happy hour drinks be discounted by no more than 50% of the regular price. The neighborhood council also supported the extension of the live entertainment from the current 8 p.m. to 10 p.m. and requested that a plan approval be required upon a change in the owner or operator.

BASIS FOR CONDITIONAL USE PERMITS

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

FINDINGS

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

1. **The proposed location will be desirable to the public convenience or welfare.**

The applicant is seeking a conditional use permit to sell a full line of alcohol as a use accessory to the operation of an existing restaurant. The restaurant currently sells beer and wine only. The subject restaurant has 115 seats, consisting of 87 indoor seats and 28 outdoor seats in a private patio. The subject site is located in the center of Hollywood in an area that is designated regional commercial and which serves as a regional entertainment and tourist destination. The area is a thriving, pedestrian-oriented area that has a number of restaurants, bars and other visitor-serving uses. As such, the request for the continued sale of alcohol in connection with an existing restaurant is both appropriate and desirable at this location. The nucleus of bars and restaurants in the vicinity of the subject property makes it a significant regional destination that contributes to the public convenience and welfare and the economic vitality of the City. The site is located in the long-standing commercial center of Hollywood, is largely surrounded by commercial zoning and is at the core of an intense, mixed use district. The sale of alcohol at the subject restaurant provides an amenity to local residents and visitors, contributes to the vibrancy of the commercial district, and, as sited, is compatible with the character of the area and surrounding uses. In addition, the proposed use, in conjunction with the imposition of conditions addressing operational and alcohol-related issues, will safeguard public welfare and enhance public convenience. The restaurant will continue to operate in a similar fashion. The only other change in operation is to extend the hours during which live music can be offered in the common courtyard on the site to 10 p.m. from 8 p.m. The site contains a City-designated Historic Cultural Monument (Jane's House, Local Historical-Cultural Monument No. 227) and the site was originally developed without parking. Over time a lot to the north was acquired and 21 on-site parking spaces are provided in addition to a valet service. The parking arrangement for the site remains unchanged. On-site parking (as it currently exists) and valet service continue to be a requirement of the subject conditional use.

2. The location is proper in relation to adjacent uses or the development of the community.

The restaurant is located near the intersection of Hollywood Boulevard and Hudson and is at the center of a regional, transit-oriented, entertainment district that serves the commercial needs of the local population but is also a destination for visitors and tourists. The subject site is in an urban setting and is surrounded by an intense mix of commercial and other land uses, consistent with its designation in the Hollywood Community Plan as a Regional Center.

In light of the above, the restaurant use and the serving of alcohol as a complement to food service will not only be desirable to the public convenience but is proper in relation to adjacent uses and the development in the community in that it will add to the range of services that contribute to the economic vibrancy of the area. This is an appropriate use at this location, as well, because Hollywood Boulevard is a major bus route with frequent bus service and is served by a subway line, the Metro Red Line, giving people a variety of options for traveling to the subject site. The conditions imposed herein will also ensure that the project operates in a manner that is proper in relation to adjacent uses while maintaining uses that enhance the area's role as a regional entertainment destination.

3. **The proposed location will not be materially detrimental to the character of development in the immediate neighborhood.**

As noted in Findings 1 and 2 above, the subject request is appropriate for the location, is consistent with the surrounding land uses and pattern of development and, with the conditions imposed herein, will not be materially detrimental to the character of development in the immediate neighborhood.

With the conditions imposed, which require on-site security, training for employees and managers who serve alcohol and valet parking service and include conditions regulating the use of alcohol as volunteered by the applicant, the subject restaurant will continue to operate in a manner that is compatible with surrounding uses. A restaurant use has existing at the subject location since at least 2005, and there have been no reports of problems with the operation during this time. The operators of restaurants at this location have proven that they comply with imposed conditions. There is no record of any violations or citations by the California Department of Alcoholic Beverage Control (ABC). While the LAPD did request consideration of a conditional use permit for beer and wine only, rather than a full line of alcohol, the request did not appear to be due to any complaints with the establishment but rather is due to a desire to have the conditional use permit mirror the current operation. Given the track record of the subject establishment and a condition that a plan approval be filed if there is a change in owner or operator, it is reasonable to expect that the establishment will continue to be run in a responsible manner and that condition compliance can be monitored in the event of a change in the current status. Moreover, the requirement that the applicant seek renewal of the authorization to sell alcohol within five (5) years will ensure that the operator continues to be an accountable neighbor and will provide a mechanism to evaluate compliance with conditions as a means to safeguard the community.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Hollywood Community Plan Map designates the property for Regional Commercial and High Density Residential land uses with corresponding zones of C2, C4, RAS3, RAS4, P and PB and R4 and [Q] R5, respectively, and in the Height District No. 2D. The lot is zoned C4-2D-SN and planned and zoned for commercial uses. The property is not within the area of any Specific Plan or Interim Control ordinance. It is located in a CRA Redevelopment Project Area.

The issue of alcoholic beverage sales is not specifically addressed in the Plan text. In such cases, the Zoning Administrator must interpret the intent of the Plan; conditional authorization for the sale of alcoholic beverages on-site is allowed through the approval of the Zoning Administrator subject to certain findings. Given the content of the grant conditions and limitations established herein, and based on the compatibility with surrounding land uses, the surrounding properties will not be adversely impacted by the proposed use. The required findings in support have been made herein. Therefore, the request is in harmony with the General Plan. As noted in Findings 1 and 2, the subject site is located in a General Plan-designated

Regional Center that serves as a regional destination for visitors and tourists and is an economic engine for the City; therefore, the subject request is appropriate for the location and promotes broader General Plan goals to foster a vibrant, commercial and entertainment district in the vicinity of the subject site.

5. **The location will not adversely affect the economic welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages.**

The sale of alcohol at this location will be an accessory use and extends an existing use. It does not represent an introduction of a new use or one uncommon to the area; therefore it can be reasonably assured that the social and economic welfare of the community will not be adversely impacted.

The location is within a commercial zone which is consistent with the criteria for on-site licensing, per the State of California Department of Alcoholic Beverage Control (ABC). ABC allocates six on-site and four off-site licenses to Census Tract No. 1902, the census tract in which the subject site is located. There are currently 40 on-site, including the subject restaurant, and seven off-site licenses in this Census Tract. The subject location is in an area that is designated by the General Plan of the City as a Regional Center and which serves as a local and international destination and an entertainment district. The area has undergone recent development which includes a large influx of restaurants and similar venues which have resulted in the existing on-site alcohol licenses exceeding the maximum number allocated. Given the context of the area, the higher number of license is anticipated. The request does not represent the addition of a new license.

Statistics from the Los Angeles Police Department reveal that in Crime Reporting District No. 636, which has jurisdiction over the property, a total of 370 crimes were reported in 2010, compared to the citywide average of 169 crimes and the high crime reporting district average of 203 crimes for the same period.

The crime rate numbers are higher than those rates identified for the City. However, the applicant will maintain security measures similar to those that have been in existence. Additionally, a number of conditions have been imposed on the subject approval to help to safeguard the community and provide for a responsible operation. The requirement for the term grant will further insure that oversight is maintained.

6. **The use will not detrimentally affect the nearby residentially zoned communities in the area after giving consideration to the distance of the proposed use from residential uses, 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 as well as commercial uses in the vicinity of the site. Since the site is located in an area planned for intense, mixed use development, the diversity amongst the uses is expected. Generally, access to the variety of goods and services provided in the district offers a convenience to nearby residents. In the

grant has placed numerous conditions on the proposed project and has not authorized uses of the property which might create potential nuisances for the surrounding area. In particular, a condition requested by the Central Hollywood Neighborhood Council and volunteered by the applicant to limit the amount of discount on happy hour drinks will further ensure that alcohol is served in a responsible manner and that public safety in the vicinity of the subject establishment will be safeguarded. Such imposition of conditions, including a five-year term grant on the approval regarding the sale of alcohol, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.

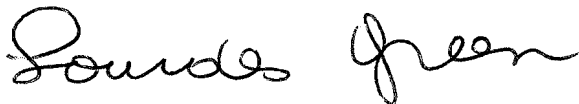
ADDITIONAL MANDATORY FINDINGS

- 7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

- 8. On December 2, 2010, the project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2010- 2365-CE, for a Categorical Exemption, Class 5, Category 34, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

I concur with the report prepared by Patricia A. Diefenderfer, Planning Staff for the Office of Zoning Administration, on this application and approve same.

PATRICIA A. DIEFENDERFER
Hearing Officer
Direct Telephone No. 213-978-1370



LOURDES GREEN
Associate Zoning Administrator

LG:PAD:Imc

cc: Councilmember Eric Garcetti
Thirteenth District
Adjoining Property Owners