

PLUM Committee meeting on September 7, 2017

Minutes

PLUM Committee members Patty Dryden, Orrin Feldman, Luminita Roman and Matt Shichtman attended the meeting. There were a sufficient number of committee members present to establish a quorum.

Orrin Feldman called the meeting to order at 6:07 p.m.

After everyone introduced themselves, Orrin mentioned that the minutes for the previous meeting, which were posted on line and provided with the agenda, would be voted on at the committee's October meeting.

Approximately 17 stakeholders were present.

1. 6697 - 6877 Hollywood Boulevard - is The Vogue Theater site.

Orrin explained that, on August 23, 2017, Zoning Administrator Henry Chu held a public hearing at Los Angeles City Hall to consider an application from Freddy Braidy and 812 La Cienega Partners to the City of Los Angeles' Planning Department for approval to use The Vogue Theater for what the application refers to as "a mixed use project" where alcoholic beverages could be sold at a restaurant for on-site consumption under a conditional use permit (CUP).

Zoning Administrator Chu held the hearing's case file open for 30 days following the hearing so that HHWNC could consider, comment and make recommendations with respect to the application.

The applicant(s) had decided not to attend the PLUM Committee's meeting on July 6, 2017, when the application had been agendized for a presentation and discussion per the applicant's representative's request in May, 2017.

Among those present at this PLUM Committee meeting to discuss the application were Jeffrey Dash, Screenbid's CEO and co-founder; Freddy Braidy, on behalf of 812 La Cienega Partners, which owns The Vogue Theater; two LAPD Hollywood Division Vice Officer; and Nick Leathers and Samira Squires, who are planners at The Elizabeth Peterson Group. The Elizabeth Peterson Group represents both Screenbid and 812 La Cienega Partners.

Nick Leathers made a presentation with regard to a proposed "mixed use project" for the site.

According to Mr. Leathers, Screenbid would have offices, storage space and a gallery of items coming up for bidding in Screenbid's on-line auctions. The gallery would allow visitors, including restaurant patrons, to look at (i) some of the items, and (ii) Screenbid's curator employees at work photographing items and preparing for auctions through windows constructed inside The Vogue Theater. The front third of the Theater's space along Hollywood Blvd. would be used for visitors to shop at a new retail store, have food and beverages at a restaurant, and be able to watch some of Screenbid's operations.

Whether the restaurant would be owned and operated by Screenbid or by 812 La Cienega Partners was discussed at great length.

812 La Cienega Partners applied for a conditional use permit to sell a full line of alcoholic beverages for on-site consumption at the restaurant. 812 La Cienega Partners would own the CUP, and 812 La Cienega Partners would operate the food and beverage service.

PLUM Committee members Patty Dryden, Luminita Roman and Matt Shichtman asked Messrs. Braidy and Dash why the proposed hours of operation would extend from 6 a.m. to 2 a.m. daily? They also asked why such hours would be appropriate for a restaurant at The Theater inasmuch as all of Screenbid's auctions currently are conducted on-line? There is no on-site auction bidding now.

Mr. Braidy said that the proposed hours of operation were requested in order to give maximum flexibility.

They also asked Mr. Braidy to explain whether he, individually, and/or as part of 812 La Cienega Partners had been part of the Supperclub operations at The Vogue Theater? Or, was he or the partnership possibly in charge of managing Supperclub's operations?

Mr. Braidy explained that he was among the partnership's partners. He explained that 812 La Cienega Partners' sole role with regard to Supperclub had been as the landlord/owner of the Theater. Supperclub was the partnership's tenant. He explained that 812 La Cienega Partners was not responsible for operating Supperclub, and that Supperclub was responsible for its own operations AND the problems there. Mr. Braidy said that the charges against Supperclub and its managers had been resolved by putting Supperclub on probation and that, subsequently, the charges brought by the City in connection with Supperclub's operations had been dismissed.

The two LAPD Hollywood Division Vice Officers explained that Los Angeles Building & Safety Department (LADBS) had brought the original enforcement complaints, which later turned into a police matter and litigation when Supperclub was "not compliant". The officers also explained that, following the LADBS charges, there were undercover LAPD operations at Supperclub which disclosed additional problems and violations, which resulted in police action(s).

Jeff Papes added that, when the City canceled the conditional use permit which allowed alcohol sales at Supperclub when it was a tenant at The Vogue Theater, the club's closing followed soon thereafter.

It wasn't clear whether the conditional use permit which allowed Supperclub to sell alcoholic beverages was in Supperclub's name or in the name of 812 La Cienega Partners.

Mr. Dash explained that, while he hadn't read the current application before it was filed, he wanted to answer everyone's questions.

Mr. Dash said that Screenbid had decided that, when Screenbid leased The Vogue Theater, Screenbid decided to include a restaurant and retail space in The Vogue Theater in order to make this a flagship location. Screenbid has been renovating The Vogue Theater for the last 5 out of 6 months.

Mr. Dash explained further that Screenbid's lease provided Screenbid with the right to choose who will operate the restaurant with its food and beverage service. Screenbid decided that, because Screenbid didn't have food and beverage service experience, and because 812 La Cienega Partners operated other facilities in Hollywood which serve customers similar to the

demographic profile(s) which Screenbid hopes to have as Screenbid's customers, Screenbid chose 812 La Cienega Partners to operate the restaurant.

Orrin asked Mr. Braidy whether he was telling the truth about his and 812 La Cienega Partner's involvement with Supperclub, and whether the business arrangements labeled as "a mixed use project" at this meeting were described adequately in the application filed with The City's Planning Department? He also handed out copies of articles and other material taken from the internet, including Facebook, which raised questions about the veracity of Mr. Braidy.

Orrin also asked why Mr. Dash's explanation of Screenbid's business operations plan was not outlined clearly in the pending application at the City's Planning Department? And, he asked why it wouldn't be appropriate to have any conditional use permit issued to Screenbid, rather than to 812 La Cienega Partners?

Mr. Braidy explained that any conditional use permit had to be issued/put in the name of the property's owner.

Ms. Roman then asked Mr. Braidy why, if it is a legal requirement that any conditional use permit to sell alcoholic beverages for on-site consumption at the theater has to be in the property owner's name, was 812 La Cienega Partners not responsible (legally) for what occurred at Supperclub, but would be responsible for operating Screenbid's restaurant?

Ms. Roman pointed out that she thought this was a major inconsistency in Mr. Braidy's explanation(s). Others agreed.

What had been described as a mixed use project in the pending application with the City began to appear more as a lease for Screenbid to take control of The Vogue Theater in its entirety. It seemed that Screenbid later decided to have 812 La Cienega Partners operate Screenbid's restaurant there. The PLUM Committee did not have access to the lease agreement, and so couldn't verify what the lease provides.

Additional information provided by Mr. Dash was that there are television and movie studios which are among Screenbid's investors (aka "Studio Partners"), and that some of the Studio Partners have expressed interest in holding special events at The Theater.

Mr. Dash also mentioned the loading dock had been eliminated out of concern that the building might not be able to support such a structure.

Additional concerns were expressed. There were concerns about the possibility that 812 La Cienega Partners could use any CUP to sell alcoholic beverages in the Theater's new restaurant as a basis for operating a nightclub at the The Vogue Theater in the future. There were additional concerns that noise from any outdoor dining area at the back of the restaurant would likely be a nuisance, and even more likely to be a nuisance after two new residential buildings are built up behind the theater. Construction is set to begin sometime soon.

PLUM Committee members asked Mr. Dash to provide somewhere at the back of the theater for customers to pick up their auction items. The PLUM Committee members wanted to not have pickups being made from cars and trucks stopped or parked on Hollywood Boulevard. Mr. Dash agreed to do so with the caveat that, during construction, other arrangements might need to be made.

The two LAPD Hollywood Division Vice Officers needed to leave before the PLUM Committee finished deliberating. The officers shared their thoughts and concerns before departing. They said that "We should be suspicious of the applicants in this case. They have a mixed record."

The officers mentioned that there had been severe nuisances in some matters in which 812 La Cienega Partners had a role, but weren't more specific. However, the officers did mention specifically that they shared the PLUM Committee members' suspicions.

The PLUM Committee's members openly deliberated what to recommend to the Board.

The PLUM Committee's deliberations were centered on what 812 La Cienega Partners' role should be. There was general approval of, and encouragement for, Screenbid's proposed business operations in Hollywood and at the theater, but major concerns that 812 La Cienega Partners's role was not fully disclosed, and that 812 La Cienega's prior history with Supperclub made it not appropriate for 812 La Cienega Partners to be the owner of a CUP to sell alcoholic beverages for on-site consumption at The Vogue Theater.

The PLUM Committee voted (4 to 0) to support the following motion:

That Hollywood Hills West Neighborhood Council recommends that the City's Planning Department deny the pending application unless and until the following changes are made:

1. Screenbid is to be the applicant in control of any conditional use permit to allow the sale of alcoholic beverages as part of the operation of food and beverage services at The Vogue Theater;
2. Any change in control from Screenbid to some other entity would require a new Planning Department/ZA review before the conditional use permit could be continued;
3. All oversized deliveries and pickups should be at the rear of the building;
4. There should not be any outdoor dining area or seating;
5. The hours of operation should be much more limited than the 6 a.m. to 2 a.m. daily request included in the application;
6. Limit the number of special events permits for the theater; and
7. Provide an undertaking which would prevent the Theater from being changed from a showroom and restaurant into a nightclub.

2. Public comments on non-agendized items.

A spokesman for Healthy California, which supports a single payer health care system for all Californians, spoke and distributed flyers.

3. The meeting adjourned at 7:55 p.m.

