

CITY OF LOS ANGELES CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

CERTIFICATE OF OCCUPANCY

OWNER

PATEL, R N AND S R TRS
R N PATEL TRUST

0 P O BOX 905
HOLLYWOOD CA 90078

No building or structure or portion thereof and no trailer park or portion thereof shall be used or occupied until a Certificate of Occupancy has been issued thereof. Section 91.109.1 LAMC

CERTIFICATE:	Issued-Valid	DATE
BY: RICKEY JACKSON		06/29/2009

SITE IDENTIFICATION

ADDRESS: 1623 1/2 N CAHUENGA BLVD 90028

LEGAL DESCRIPTION

TRACT	BLOCK	LOT(s)	ARB CO. MAP REF #	PARCEL PIN	APN
SACKETT TRACT		2	MB 16-150	148-5A187 249	5546-007-012

This certifies that, so far as ascertained or made known to the undersigned, the vacant land, building or portion of building described below and located at the above address(es) complies with the applicable construction requirements (Chapter 9) and/or the applicable zoning requirements (Chapter 1) of the Los Angeles Municipal Code for the use and occupancy group in which it is classified and is subject to any affidavits or building and zoning code modifications whether listed or not

COMMENT: CONVERT 3824 SF. OF EXISTING RETAIL / RESTAURANT TO RESTAURANT SEAGE

USE PRIMARY	OTHER
Restaurant	(-) None

PERMITS

07016-10000-22671 07016-10001-22671

STRUCTURAL INVENTORY

ITEM DESCRIPTION	CHANGED	TOTAL
Stories	0 Stories	1 Stories
Length	0 Feet	100 Feet
Width	0 Feet	57.9 Feet
Height (BC)	0 Feet	12 Feet
Height (ZC)	0 Feet	12 Feet
Type V-N Construction		
Fire Sprinklers Misc. Location (See Comments)		
A3 Occ. Group	1955 Sqft	1955 Sqft
B Occ. Group	1869 Sqft	1869 Sqft
A3 Occ. Load	130 Max Occ.	130 Max Occ.
Parking Req'd for Bldg (Auto+Bicycle)	0 Stalls	0 Stalls



DEPARTMENT OF BUILDING AND SAFETY

APPROVAL

CERTIFICATE NUMBER 63995
 BRANCH OFFICE LA
 COUNCIL DISTRICT 13
 INSPECTION DISTRICT BIGIMZ
 BUREAU: INSPECTN
 DIVISION: BLDGINSP
 STATUS: CoFO Issued
 STATUS BY: RICKEY JACKSON
 STATUS DATE: 06/29/2009

APPROVED BY: RICKEY JACKSON
EXPIRATION DATE:

PERMIT DETAIL			
PERMIT NUMBER	PERMIT ADDRESS	PERMIT DESCRIPTION	STATUS - DATE - BY
07016-10000-22671	1623 1/2 N Cahuenga Blvd	CHANGE OF USE OF EXISTING RETAIL/RESTAURANT TO RESTAURANT. (3824.S.F.); CHANGE OCCUPANCY IN ENTERPRISE ZONE	Permit Issued - 06/29/2009 RICKEY JACKSON
07016-10001-22671	1623 1/2 N Cahuenga Blvd	Add 11ft 19 to clearance, no further fees apply. (original permit 07016-10000-22671) to capture the errors.	Permit Finald - 08/25/2008 JOHN CARPENTER

PARCEL INFORMATION			
Alley: IS	Area Planning Commission: Central	LADBS Branch Office: LA	
Council District: 13	Certified Neighborhood Council: Central Hollywood	Community Plan Area: Hollywood	
Census Tract: 1907.00	District Map: 148-5A187	Energy Zone: 9	
Fire District: 1 (Entire parcel)	Highway Dedication: YES	Lot Size: 100X75	
Lot Type: Interior	Near Source Zone Distance: .8	Thomas Brothers Map Grid: 593-F4	
Zone: CA-2D-SN			

PARCEL DOCUMENT			
A Bidash (AFF) AFF-5266	City Planning Cases (CPC) CPC-1986-835-GPC	City Planning Cases (CPC) CPC-1999-2293-ICO	
City Planning Cases (CPC) CPC-1999-324-ICO	City Planning Cases (CPC) CPC-2002-4173-SUD	City Planning Cases (CPC) CPC-2003-2115-CRA	
City Planning Cases (CPC) CPC-2005-8250-ICO	Community Development Block Grant (CDBG) BID-Hollywood Entertainment District	Community Development Block Grant (CDBG) LARZ-Central City	
Community Development Block Grant (CDBG) SEZ-Los Angeles State Enterprise Zone	Community Redevelopment Area (CRA) ZI 1352 HOLLYWOOD	Interior Control Ordinance (ICO) Residential Hotels (ICO)	
Ordinance (ORD) ORD-165660-SA90	Ordinance (ORD) ORD-173562	Ordinance (ORD) ORD-176172	
Ordinance (ORD) ORD-177557	Zoning Administrator's Case (ZA) ZA-1998-747-CUH	Zoning Administrator's Case (ZA) ZA-2001-5824-CLB	
Zoning Administrator's Case (ZA) ZA-2004-7795-CUB-ZV	Zoning Information File (ZI) ZI-1352 Hollywood Redevelopment Project	Zoning Information File (ZI) ZI-2277 Hollywood Redevelopment Project	
Zoning Information File (ZI) ZI-2330 Hollywood Signage Suppl Use Dist(CRA Area)	Zoning Information File (ZI) ZI-2353 Residential Hotels (ICO)	Zoning Information File (ZI) ZI-2374 Los Angeles State Enterprise Zone	

CHECKLIST ITEMS
Attachment - Plot Plan

PROPERTY OWNER, TENANT, APPLICANT INFORMATION			
OWNER(S) Patel, R N And S R Trs R N Patel Trust	0 P O Box 905	HOLLYWOOD, CA 90078	
TENANT - Maximilian	1623 1/2 Cahuenga	LOS ANGELES, CA 90028	(313) 244-7157
APPLICANT Relationship: Contractor Andrew Rhee	10729 Boyd Dr.	TUSTIN, CA 92782	(714) 280-6161

BUILDING RELOCATED FROM:

(C)ONTRACTOR, (A)RCHITECT & (E)NGINEER INFORMATION			
NAME	ADDRESS	CLASS LICENSE #	PHONE #
(A) Layman, Rogelio E	27633 Harwick Place,	Valencia, CA 91354	NA C11267 (213) 364-0722
(C) Rhee Andrew M	2560 Bryan Ave #B,	Tustin, CA 92782	B 755688 (714) 280-6161

SITE IDENTIFICATION - ALL
ADDRESS: 1623 1/2 N CAHUENGA BLVD 90028

LEGAL DESCRIPTION - ALL					
TRACT	BLOCK	LOT(S)	ARB CO. MAP REF #	PARCEL PIN	APN
SACKETT TRACT		2	M R 16-150	148-5A187-249	5546-007-012



Property Activity Report

[Home](#)
1623 1/2 N CAHUENGA BLVD 90028
[Help](#)

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[Parcel Profile Report](#)
[LADBS Home](#)
[LAHD Property Activity Report](#)
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APPLICATION/ PERMIT NUMBER	PC / JOB NUMBER	TYPE	STATUS	STATUS DATE	EXCERPT OF WORK DESCRIPTION
07016 10001 22671	B07LA12150	Bldg- Alter/Repair	Permit Finaled	08/25/2008	Add title 19 to clearance, no futher fees apply. (original permit 07016-10000-
07016 10000 22671	B07LA12150	Bldg- Alter/Repair	CofO Issued	06/29/2009	CHANGE OF USE OF EXISTING RETAIL/RESTAURANT TO RESTAURANT. (3,824 S.F.); CHANG
04041 10000 22254	--	Electrical	Permit Finaled	10/14/2004	INSTALL ELECT. FOR (2) MOTORS. (1 OF 2 W/ PERMIT #04042-10000-25702)
06041 10000 11876	X06LA08854	Electrical	Issued	05/17/2006	ELECTRICAL FOR EXISTING POSTER SIGN. TO COMPLY W/ DEPT ORDER DATED 12-22-05. PER
08041 10000 02793	E08LA00210	Electrical	Permit Finaled	07/14/2008	Electrical installation for existng restaurant. EPC: Emergency lighting and En
08041 10000 19037	X08LA14690	Electrical	Permit Finaled	09/02/2008	INSTALL (1) AIR CURTAIN. (1 OF 2 W/ PERMIT #08042-10000-15992) TO COMPLY W/
08041 10000 12227	X08LA09469	Electrical	Application Submittal	05/30/2008	RELOCATE FIXTURES. COMPLY W/ DEPT ORDER 12/22/05. PERMIT WILL EXPIRE 30 DAYS FRO
04044 10000 09077	--	HVAC	Permit Finaled	09/30/2004	type I hood
04042 10000 25702	--	Plumbing	Permit Expired	04/16/2007	INSTALL (2) SINKS. (2 OF 2 W/ PERMIT #04041-10000-22254)
08042 10000 10198	X08LA09471	Plumbing	Permit Finaled	07/15/2008	RELOCATE FIXTURES. COMPLY W/ DEPT ORDER 12/22/05. PERMIT WILL EXPIRE 30 DAYS FRO
08042 10000 15992	X08LA14691	Plumbing	Permit Finaled	09/03/2008	REPLACE (1) WATER HEATER. (2 OF 2 W/ PERMIT #08041-10000-19037) TO COMPLY W/ D
08042 10001 15992	X08LA15259	Plumbing	Permit Finaled	09/03/2008	Supplemental permit to collect fees for (1) additional inspection. This permit

[BACK](#) [NEW SEARCH](#)

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Property Activity Report

1623 1/2 N CAHUENGA BLVD 90028

APPLICATION / PERMIT NUMBER: 07016-10000-22671

PLAN CHECK / JOB NUMBER: B07LA12150

Permit Application or Issued Permit Information

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elp

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GROUP: Building
 TYPE: Bldg-Alter/Repair
 SUB-TYPE: Commercial
 PRIMARY USE: (17) Restaurant
 WORK DESCRIPTION: CHANGE OF USE OF EXISTING RETAIL/RESTAURANT TO RESTAURANT. (3,824 S.F.); CHANGE OCCUPANCY IN ENTERPRISE ZONE
 PERMIT ISSUED: Yes PERMIT ISSUE DATE: 04/18/2008 ISSUING OFFICE: Metro
 CURRENT STATUS: CofO Issued CURRENT STATUS DATE: 06/29/2009

Permit Application Status History

Submitted	11/28/2007	PCIS IMPORT
PC Assigned	12/27/2007	MINH VALENZUELA
Reviewed by Supervisor	01/07/2008	JAMESON LEE
PC Approved	04/18/2008	MINH VALENZUELA
PC Info Complete	04/18/2008	MINH VO
Ready to Issue	04/18/2008	MINH VO
Issued	04/18/2008	ACS SYSTEM
CofO in Progress	08/25/2008	JOHN CARPENTER
Permit Finaled	06/29/2009	RICKEY JACKSON
CofO Issued	06/29/2009	RICKEY JACKSON

Permit Application Clearance Information

Eng Process Fee Ord 176,300	Cleared	03/11/2008	CHRISTINE CHANG
Sewer availability	Cleared	03/11/2008	CHRISTINE CHANG
Hollywood Signage District	Cleared	03/19/2008	ANDY MONTEALEGRE
ZI	Cleared	03/19/2008	ANDY MONTEALEGRE
Project located in CRA area	Cleared	03/26/2008	JIM URQUHART
DAS Clearance	Cleared	04/16/2008	MINH VO
Food establishment approval	Cleared	04/18/2008	LACDHS APPROVED

Licensed Professional/Contractor Information

Architect Information

Layman, Rogelio E; Lic. No.: C11267
 27633 HARWICK PLACE
 VALENCIA, CA 91354

Contractor Information

Rhee Andrew M; Lic. No.: 755688-B
 2560 BRYAN AVE # B
 TUSTIN, CA 92782

Inspection Activity Information

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1623 N CAHUENGA BLVD 90028

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APPLICATION/ PERMIT NUMBER	PC / JOB NUMBER	TYPE	STATUS	STATUS DATE	EXCERPT OF WORK DESCRIPTION
09016 20000 15318	B09VN09280	Bldg- Alter/Repair	Verifications in Progress	11/06/2009	CONNECTIONS FOR AWNINGS SUPPORTS AT THE REAR ALLEY (FOR AWNINGS TO COVER AN OUT

[BACK](#) [NEW SEARCH](#)



Property Activity Report

1623 N CAHUENGA BLVD 90028
APPLICATION / PERMIT NUMBER: 09016-20000-15318
PLAN CHECK / JOB NUMBER: B09VN09280

Home

Help

Parcel Profile Report

ADBS Home

AHD Property Activity Report

Disclaimer

Permit Application or Issued Permit Information

GROUP: Building
TYPE: Bldg-Alter/Repair
SUB-TYPE: Commercial
PRIMARY USE: N/A
WORK DESCRIPTION: CONNECTIONS FOR AWNINGS SUPPORTS AT THE REAR ALLEY (FOR AWNINGS TO COVER AN OUTDOOR DINING AREA SUBJECT TO A REVOCABLE PERMIT FROM THE DEPT. OF PUBLIC WORKS (AWNING BRACKET & CONNECTION DETAIL TO (E) BUILDING ONLY (PROVIDE REVOCABLE PERMIT FOR AWNING FROM DEPT. OF PUBLIC WORKS)) "COMPLY WITH DEPARTMENT ORDER effective date 12/22/2005. PERMIT WILL EXPIRE 30 DAYS FROM ISSUANCE DATE"
PERMIT ISSUED: No **PERMIT ISSUE DATE:** N/A **ISSUING OFFICE:** N/A
CURRENT STATUS: Verifications in Progress **CURRENT STATUS DATE:** 11/06/2009

Permit Application Status History

Submitted	09/25/2009	PCIS IMPORT
PC Assigned	09/30/2009	GARO TELMI
Reviewed by Supervisor	10/14/2009	DOUGLAS NAKATANI
Verifications in Progress	10/21/2009	GARO TELMI

Permit Application Clearance Information

Food establishment approval	Not Cleared	10/14/2009	GARO TELMI
Project located in CRA area	Not Cleared	10/14/2009	GARO TELMI
ZA Case	Not Cleared	10/14/2009	GARO TELMI
DAS Clearance	Cleared	02/26/2010	GARO TELMI
Address approval	Cleared	07/07/2010	ANGENEE REYGADAS
Eng Process Fee Ord 176,300	Cleared	07/07/2010	VALENTINO PUEBLOS
Miscellaneous	Cleared	07/07/2010	HUEY CHU
Sewer availability	Cleared	07/07/2010	VALENTINO PUEBLOS
Food Service Establishment	Cleared	07/12/2010	KENNETH BROWNE
Title 19 building approval	Cleared	07/26/2010	RICHARD ERQUIAGA

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Licensed Professional/Contractor Information

No data available

Inspection Activity Information

Inspector Information

No data available

Pending Inspection Request(s)

No data available

Inspection Request History



Property Activity Report

[Home](#)

1623 N CAHUENGA BLVD

[Help](#)

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DATE RECEIVED	PROBLEM DESCRIPTION	STATUS
12/13/2005	outdoor advertisements (signs) of goods or services available on site	CLOSED

[BACK](#) [NEW SEARCH](#)

[LADBS Home](#)

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Property Activity Report

Home

1623 N CAHUENGA BLVD

Help

Date Received: 12/13/2005
 Description: OUTDOOR ADVERTISEMENTS (SIGNS) OF GOODS OR SERVICES AVAILABLE ON SITE
 Inspector: BRAD GRAHAM
 Phone: (213)252-3399
 Status: CLOSED

Parcel Profile Report

ADBS Home

AHD Property Activity Report

ORDER INFORMATION

Order Number:	Order Type:	Compliance Date:	Issued By:	Phone:
1100462	ORDER TO COMPLY	01/05/2006	BRAD GRAHAM	(213)252-3399

Disclaimer

CODE VIOLATION

Violation:	Date in Compliance:
A permit is required for the approx 4'x 7' wall sign.	05/06/2010

Username Password

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BOARD OF PUBLIC WORKS
MEMBERS

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PRESIDENT

JULIE B. GUTMAN
VICE PRESIDENT

PAULA A. DANIELS
PRESIDENT PRO TEMPORE

VALERIE LYNNE SHAW
COMMISSIONER

ANDREA A. ALARCON
COMMISSIONER

JAMES A. GIBSON
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF PUBLIC
WORKS

BUREAU OF ENGINEERING

GARY LEE MOORE
CITY ENGINEER

1149 S BROADWAY, 7TH
FLOOR
LOS ANGELES, CA 90015-
2213

213-847-8766
<http://eng.lacity.org>

REVOCABLE PERMIT

CITY ENGINEER'S REVOCABLE PERMIT NO.

R-0950-0059

This Revocable Permit hereby issued on this day of November 13, 2009

ISSUED TO: Maximillian Mamikunian, for Hotel Cafe, Inc. (Hotel Cafe)

ADDRESS: 1623 and 1623 1/2 Cahuenga Boulevard, Los Angeles, CA 90028

FOR THE PURPOSE OF: Full Service Restaurant: Outdoor patio dining area placing 7 tables, 26 chairs and 7 portable planters encroaching 10-ft within the 20-ft wide alley right-of-way that is gated (Nuisance Alley Conversion Project) at Selma Avenue and at Cahuenga Boulevard, as authorized by the Board of Public Works on June 29, 2009, under Bureau of Engineering and Bureau of Street Services Joint Report No. 1. (See attached sketch)

PERMIT CONDITIONS:

1. The applicant shall maintain the subject portion of the alley in a clean and safe manner at all times.
2. Consumption of alcohol within the public right-of-way is not allowed without explicit approval from City Planning per a conditional use permit from the Alcoholic Beverage Control.
3. The encroachments shall be placed within the alley right-of-way during business hours only and shall be removed and stored inside the property at all other times.
4. This Revocable Permit does not include proposed retractable awnings in the alley.

LEMUEL M. PAGO, District Engineer
Central District
Bureau of Engineering

Date: November 13, 2009

District Map No.

148.5 A 187

Waiver No.

N/A - Lessee

NOTE: Evidence of the required insurance must be presented annually to the Board of Public Works.

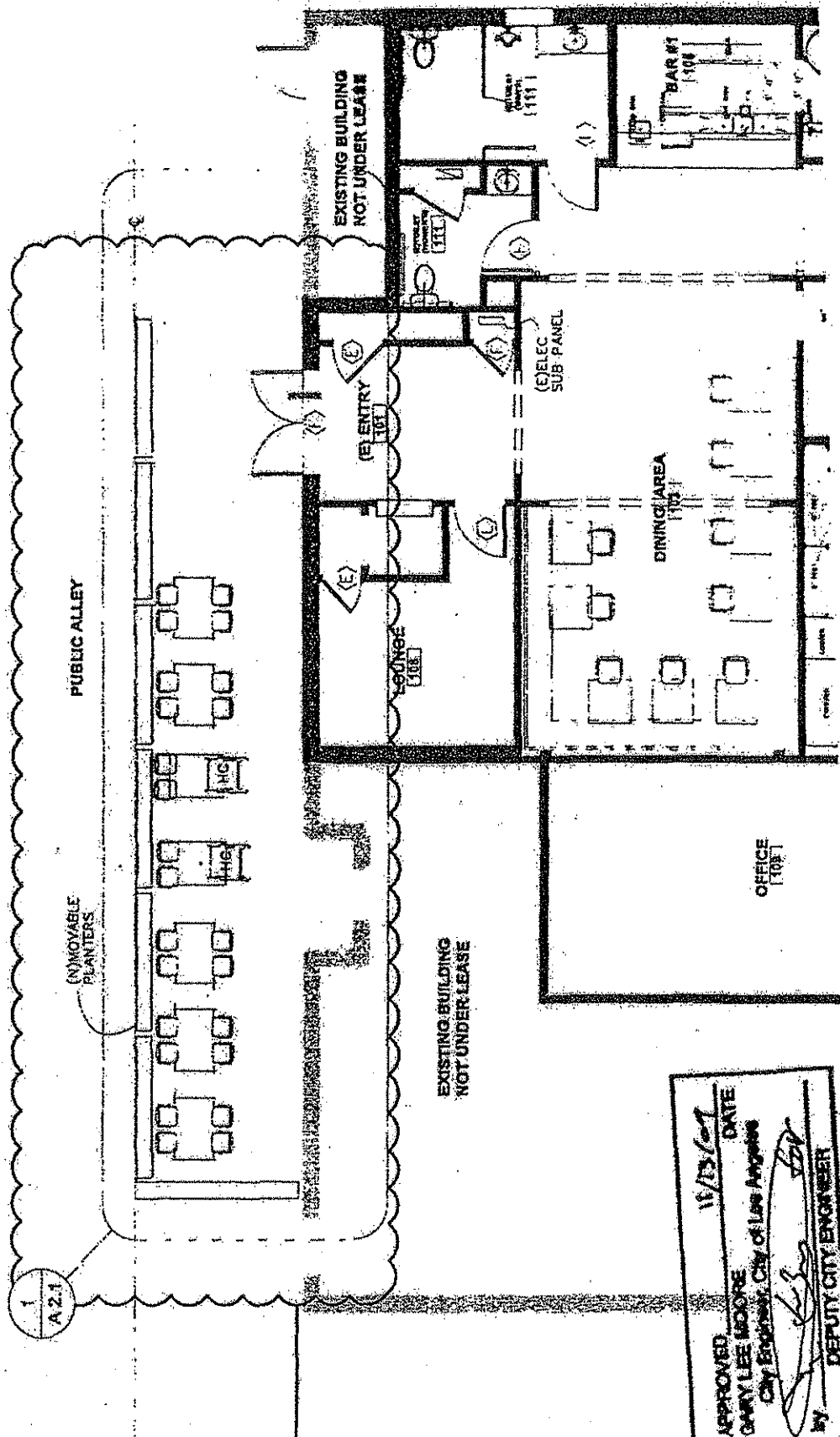
SITE ADDRESS / LOCATION OF PUBLIC WAY:

1623 & 1623-1/2 N. Cahuenga Boulevard

(A2.1)

NEIGHBOR PROPERTY

3'-4" 2'-2" 15'-9" 6'-0" 21'-3" 6'-0" 15'-11" 2'-0" 5'-0"



APPROVED: 10/13/07 DATE
 GARY LEE MOORE
 City Engineer, City of Los Angeles
 BY: [Signature] DEPUTY CITY ENGINEER

Notarized Document to be Forwarded to:

City of Los Angeles
Bureau of Engineering
Central District
Revocable Permits
201 N. Figueroa Street
3rd Floor, Counter 20
Los Angeles, CA 90012

COVENANT AND MAINTENANCE AGREEMENT

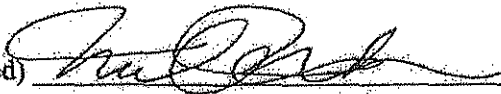
The undersigned hereby certify that (I am) (we are) the lessee of the hereinafter described real property located in the City of Los Angeles, County of Los Angeles, State of California (See Attached Exhibit "A"):

Lots 2 and 3 of Sackett Tract, in Book 16, Page 150 of Maps

That in consideration of the approval of the Board Report titled: "1623 & 1623-1/2 N. Cahuenga Boulevard – Hotel Café, Request for Revocable Permission to Encroach into the Public Way (Alley)", we hereby promise, covenant and agree to and with said City to maintain the encroachments in the right-of-way, at no cost to the City. Failure to do so will result in City Action at the permittee's expense.

We hereby promise, covenant and agree to and with said City to remove all the encroachments in the public right-of-way to the satisfaction of the City Engineer at no cost to the City in the event the existing gates are removed from the alley entrances and provide improvements to the satisfaction of the City Engineer.

That this Covenant and Agreement shall be binding upon any further lessees, encumbrancers, successors, heirs or assigns and shall continue in effect unless otherwise released by authority of the City Engineer of the City of Los Angeles.

(Signed)  (Dated) 10-29-2009
 (Print) Maximilian Mamikunian (Title) President, Hotel Cafe, Inc
 (Signed) _____ (Dated) _____
 (Print) _____ (Title) _____

Approved by the Bureau of Engineering _____

Date _____

Continuation Sheet For:

COVENANT AND MAINTENANCE AGREEMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES) ss.

On this 29th day of October, 2009, before me, ALEX AROUTIOUNIAN,
a Notary Public in and for said County and State,

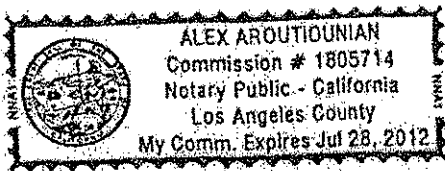
personally appeared Maximilian Mamikunian

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR HEREINABOVE FIRST WRITTEN

(Seal)

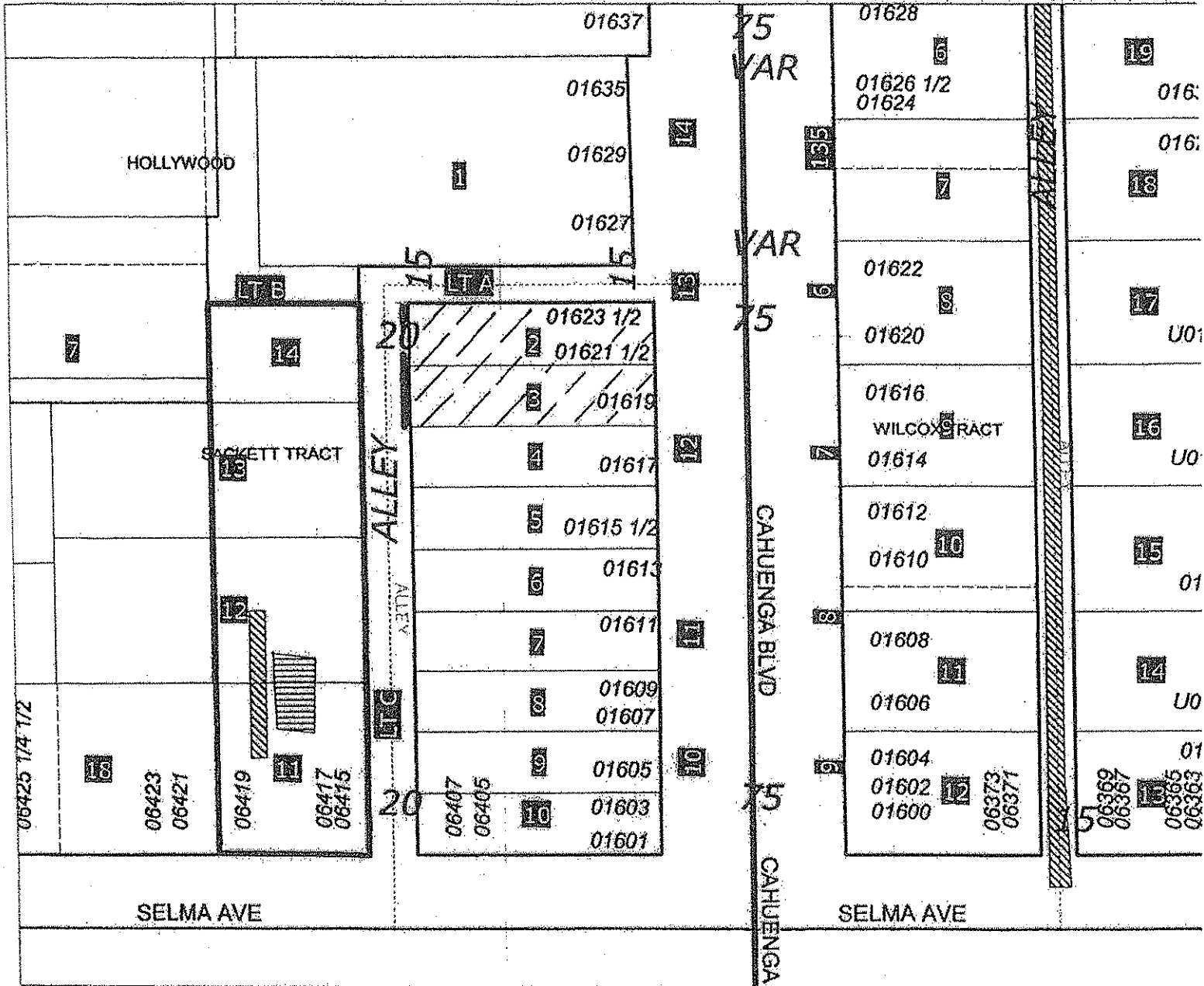


My license expires on JULY 28th, 2012.

Alex Larson
Notary Public in and for said County and State

Plan No. _____
Y-Map No. 148.5 A 187
Drainage Map No. 469
District Map No. 148.5 A 187
Plans Submitted YES _____ NO _____

Exhibit "A"



Notarized Document to be Submitted to:

City of Los Angeles
Bureau of Engineering
Central District
201 N. Figueroa Street
3rd Floor, Counter 20
Los Angeles, CA 90012

**WAIVER OF DAMAGES, INDEMNIFICATION AGREEMENT AND RIGHT OF
INGRESS AND EGRESS**

WHEREAS, Maximillian Mamikunian, for Hotel Café, Inc.

1623 & 1623-1/2 N. Cahuenga Boulevard

Los Angeles, CA 90028

is the lessee of real property, located at

1623 & 1623-1/2 N. Cahuenga Boulevard

in the City of Los Angeles, County of Los Angeles, State of California, described as

Lots 2 and 3 of Sackett Tract

in the official records of the County of Los Angeles in Book 16, Page 150 of Maps

which land is bounded by or subject to an easement or right of way owned by the City of Los Angeles; and

WHEREAS, said lessee has applied to the City of Los Angeles, hereinafter referred to as the City, for permission to install, construct, maintain, _____ and/or use as temporary improvements

8 tables with 32 seats, 7 portable planters encroaching 10-ft into the right-of-way within the existing gated portion of the 20-ft wide alley north of Selma Avenue

in the right of way or easement at the above described property,

NOW THEREFORE, in consideration of the City granting revocable permission to the applicant to install, construct, maintain and/or use the said improvement in the right of way or easement, the undersigned lessee, and for lessee's heirs, successors in interest and assignees, does hereby agree as follows:

1) To indemnify and hold harmless the City, its officers, agents and employees, from and against all cost, liability, loss, damage or expenditure of whatsoever kind and nature sustained or incurred by the public or other person and from and against all damage, loss, or expense of whatsoever kind and nature sustained or incurred by the City by reason of this grant of revocable permission in, on, through and/or over said easement or right of way of the City. Permittee hereby further agrees to assume, at its own expense, the defense of any of the aforesaid losses, damages or claims or of any action or actions based thereon. Permittee further agrees to acquire and thereafter to perpetually and permanently maintain public liability and property damage insurance in the policy limits established by the grant of revocable permission, with the policy of insurance naming City of Los Angeles as an additional insured.

WAIVER OF DAMAGES, INDEMNIFICATION AGREEMENT AND RIGHT OF INGRESS AND EGRESS

2) To waive any right to make or prosecute any claims or demands against the City, or any of its Boards, Departments, Officers, Employees, or Agents for any damage that may occur to said improvement, or any adjacent properties, or relate to permissive use granted, by virtue of the use, construction, maintenance or other act with said easement or right of way by or under authority of said City, or for any damage due to substances or activities emanating from within or without such City facilities.

3) To remove all said improvements, and restore the affected Right of Way or Easement, without expense to the City at the request of the Board of Public Works of said City, or its Officers, Employees, or Agents by virtue of revocation of the permit.

4) To maintain the improvement at all times to the satisfaction of the City or to reimburse the City for expenditures for maintaining the improvements should the undersigned fail to do so.

5) To grant to the City, its Agents, Representatives, Officers and Employees the right of ingress and egress over the above described improvement to any or all portions of said street, easement or right of way including the portions covered by buildings, furnishings, or equipment, for the purpose of construction, maintenance, repair, reconstruction or removal, or other lawful acts in or to said easement or right of way.

6) This permission is not in lieu of and in no way relieves the property lessee, and lessee's heirs, successors in interest or assigns from contributing to or assessments for city improvements at, in, on or about said Right of Way or Easement.

7) This agreement shall remain in full force and effect until released by the Board of Public Works Commissioners of the City of Los Angeles.

IN WITNESS WHEREOF, the lessee has caused these presents to be executed this

29th day of October, 20 09

NAME Maximillian Mamikunian 
Print or Type Signature

TITLE President, Hotel Cafe Inc.

NAME _____
Print or Type Signature

TITLE _____

Continuation Sheet For:

WAIVER OF DAMAGES, INDEMNIFICATION AGREEMENT AND RIGHT OF INGRESS AND EGRESS

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES} ss.

On this 29th day of, October 20 09, before me, ALEX ABOUHOUNIAN,
a Notary Public in and for said County and State, personally appeared

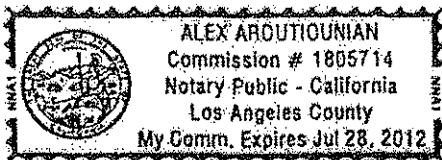
Maximillia Mamikunian

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR HEREINABOVE FIRST WRITTEN.

(Seal)



My license expires on July 28th, 2012
July 28th, 2012

Alex Abouhoonian
Notary Public in and for said County and State

Accepted by the City Engineer of the City of Los Angeles on _____, 20____

BY _____
Central District
(Division and District Office)

Plan No. _____
Y-Map No. 148.5 A 187
Drainage Map No. 469
District Map No. 148.5 A 187
Plans Submitted Yes _____ NO _____
Waiver Number W - N/A-Lessee

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

1623 N. Calaveras Blvd

Los Angeles, CA 90028

LICENSE TYPE: New 41

1. CRIME REPORTING DISTRICT

_____ Jurisdiction unable to provide statistical data.

Reporting District: 646

Total number of reporting districts: 1125

Total number of offenses: 266457

Average number of offenses per district: 232

120% of average number of offenses: 285

Total offenses in district: 2243 ~~2243~~

Location is within a high crime reporting district: Yes / No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 1907

Population: 3379 / County Ratio 1:1061

Number of licenses allowed: 3

Number of existing licenses: 50

Undue concentration exists: Yes / No

Letter of public convenience or necessity required: Governing Body / Applicant

Three time publication required: Yes / No

M. Evans

Person Taking Application

Investigator

Supervisor



California Department of Alcoholic Beverage Control

License Query System Summary as of 1/7/2014

License Information	
License Number: 427692	
Primary Owner: MAMIKUNIAN, MAXIMILLIAN	
ABC Office of Application: 04 - LA/METRO	
Business Name	
Doing Business As: HOTEL CAFE THE	
Business Address	
Address: 1623-1623-1/2 N CAHUENGA BLVD Census Tract: 1907.00	
City: LOS ANGELES County: LOS ANGELES	
State: CA Zip Code: 90028	
Licensee Information	
Licensee: MAMIKUNIAN, MAXIMILLIAN	
License Types	
1) License Type: 47 - ON-SALE GENERAL EATING PLACE	
License Type Status: ACTIVE	
Status Date: 04-AUG-2010	Term: 12 Month(s)
Original Issue Date: 09-AUG-2005	Expiration Date: 31-JUL-2014
Master: Y	Duplicate: 0 Fee Code: P40
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On: 09-AUG-2005 FROM: 47-320862	
Current Disciplinary Action	
<i>... No Active Disciplinary Action found ...</i>	
Disciplinary History	
<i>... No Disciplinary History found ...</i>	
Hold Information	
<i>... No Active Holds found ...</i>	
Escrow	
<i>... No Escrow found ...</i>	



**California Department of Alcoholic Beverage Control
For the County of LOS ANGELES - (By license type 48)
and Census Tract = 1907**

Report as of 12/2/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	364557	ACTIVE	48	4/26/2000	1/31/2014	BURGUNDY ROOM INC 1621-1/2 N CAHUENGA BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	BURGUNDY ROOM		1933
2)	374426	ACTIVE	48	10/11/2001	9/30/2014	HALPERNS YES & PRODUCTIONS INC 6366 HOLLYWOOD BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	IMPROV OLYMPIC		1933
3)	374849	ACTIVE	48	9/28/2001	8/31/2014	BIG WIG LLC 1638 N CAHUENGA BLVD LOS ANGELES, CA 90028-6202 Census Tract: 1907.00	BEAUTY BAR		1933
4)	417335	ACTIVE	48	11/29/2004	10/31/2014	SUNSET WILCOX LLC 6507 W SUNSET BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	THE WARWICK	314 N VISTA ST LOS ANGELES, CA 90036	1933
5)	419677	ACTIVE	48	8/1/2005	7/31/2014	6525 INC 6523 W SUNSET BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00			1933
6)	450491	ACTIVE	48	5/18/2007	4/30/2014	ROOM HOLLYWOOD LLC THE 1626-1626 1/2 N CAHUENGA BLVD LOS ANGELES, CA 90028-6202 Census Tract: 1907.00	ROOM THE		1933
7)	468529	ACTIVE	48	11/3/2008	10/31/2014	HOLLYWOOD & IVAR LLC 6356 HOLLYWOOD BLVD, DOWNSTAIRS LOS ANGELES, CA 90028-6309 Census Tract: 1907.00	IVAR	8228 W SUNSET BLVD, # 201 WEST HOLLYWOOD, CA 90046-2414	1933
8)	476291	ACTIVE	48	4/21/2009	3/31/2014	HOUSTON, MARK PAUL 6429 SELMA AVE LOS ANGELES, CA 90028-7310 Census Tract: 1907.00	PIANO BAR	PO BOX 1625 LOS ANGELES, CA 90078- 1625	1933
9)	509721	ACTIVE	48	10/14/2011 3:01:51 PM	9/30/2014	1650 SCHRAEDER BLVD LLC 1650 SCHRADER BLVD LOS ANGELES, CA 90028-6214 Census Tract: 1907.00	EDEN CRIMSON LOUNGE	8000 BEVERLY BLVD LOS ANGELES, CA 90048- 4504	1933
10)	515859	ACTIVE	48	2/8/2012 1:01:21 PM	1/31/2014	1601 N CAHUENGA BLVD LLC 1601 N CAHUENGA BLVD LOS ANGELES, CA 90028-6201 Census Tract: 1907.00		1605 N CAHUENGA BLVD LOS ANGELES, CA 90028- 6201	1933
11)	523702	ACTIVE	48	9/10/2012 9:24:07 AM	8/31/2014	HOLLYWOOD NIGHTLIFE GROUP INC 6364 HOLLYWOOD BLVD LOS ANGELES, CA 90028-6309		1416 N KINGS RD WEST HOLLYWOOD, CA 90069-1908	1933



**California Department of Alcoholic Beverage Control
For the County of LOS ANGELES - (By license type 47)
and Census Tract = 1907**

Report as of 12/2/2013

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
351065	ACTIVE	47	10/21/1999	12/31/2013	STUDIO INSTRUMENT RENTALS 6465 W SUNSET BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	STUDIO INSTRUMENT RENTALS		1933
359301	ACTIVE	47	1/26/2001	12/31/2013	BREED, CHRISTOPHER DAVID 6714 HOLLYWOOD BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	PIG N WHISTLE		1933
380020	ACTIVE	47	11/2/2001	10/31/2014	HOLLYWOOD STARCOURT LTD THE 1660 N HIGHLAND AVE LOS ANGELES, CA 90028 Census Tract: 1907.00	MELS DRIVE IN	723 N BEVERLY DR BEVERLY HILLS, CA 90210	1933
380374	ACTIVE	47	5/3/2002	4/30/2014	FLIX ENTERTAINMENT GROUP LLC 6356 HOLLYWOOD BLVD, 2ND FL LOS ANGELES, CA 90028 Census Tract: 1907.00	CINESPACE		1933
394148	ACTIVE	47	5/4/2004	4/30/2014	MAMACITAS INC 1612 N CAHUENGA BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	VELVET MARGARITA THE		1933
401578	ACTIVE	47	11/3/2003	10/31/2014	CATALINAS SEAFOOD INC 6725 W SUNSET BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	CATALINA BAR & GRILL		1933
404756	ACTIVE	47	12/12/2003	11/30/2013	KABUKI RESTAURANTS INC 1555 VINE ST LOS ANGELES, CA 90028 Census Tract: 1907.00	KABUKI JAPANESE RESTAURANT	203 N SAN FERNANDO BLVD BURBANK, CA 91502-1210	1933
417055	ACTIVE	47	4/22/2005	3/31/2014	HOLLYWOOD 1 L-PSHIP 1562 N CAHUENGA BLVD LOS ANGELES, CA 90028-7313 Census Tract: 1907.00	BIG WANGS		1933
417990	ACTIVE	47	12/31/2004	11/30/2013	YODA & TWEETY INC 1535 VINE ST, SPC A LOS ANGELES, CA 90028 Census Tract: 1907.00	HUNGRY CAT THE		1933
427692	ACTIVE	47	8/9/2005	7/31/2014	MAMIKUNIAN, MAXIMILLIAN 1623-1623-1/2 N CAHUENGA BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00	HOTEL CAFE THE	1623-1/2 N CAHUENGA BLVD LOS ANGELES, CA 90028	1933
428042	ACTIVE	47	10/25/2005	9/30/2014	EWRM LLC 1640-44 N CAHUENGA BLVD	ECCO ULTRA LOUNGE		1933

				2:03:51 PM		1642 N LAS PALMAS AVE LOS ANGELES, CA 90028-6112 Census Tract: 1907.00		FLR HOLLYWOOD, CA 90028-6206	
26)	517950	ACTIVE	47	4/4/2012 3:15:24 PM	3/31/2014	OUTPOST RESTAURANT LLC 1624 N CAHUENGA BLVD LOS ANGELES, CA 90028-6202 Census Tract: 1907.00	OUTPOST RESTAURANT	1645 VINE ST, APT 804 LOS ANGELES, CA 90028-8812	1933
27)	519381	ACTIVE	47	11/29/2012 3:37:46 PM	10/31/2013	CAHUENGA RESTAURANT LLC 1607 N CAHUENGA BLVD LOS ANGELES, CA 90028 Census Tract: 1907.00		700 MONTGOMERY ST SAN FRANCISCO, CA 94111-2104	1933
28)	525298	ACTIVE	47	11/14/2012 1:55:37 PM	10/31/2014	PRESTIGE WORLDWIDE ENTERPRISES LLC 1600 WILCOX AVE LOS ANGELES, CA 90028-6206 Census Tract: 1907.00		822 WASHINGTON BLVD VENICE, CA 90292	1933

--- End of Report ---

For a definition of codes, view our [glossary](#).



COMPSTAT

Hollywood Area Profile

10/27/13 - 11/23/13



<p>AREA COMMANDING OFFICER: Peter A. Zarcote Rank: CAPT-I Date of Rank: January 13, 2013 Date Assigned Area: September 8, 2013 LAPD Appointment Date: September 12, 1988</p>	<p>PATROL DIVISION COMMANDING OFFICER: Cory S. Palka Rank: CAPT-I Date of Rank: June 16, 2013 Date Assigned Area: June 16, 2013 LAPD Appointment Date: July 7, 1986</p>
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VIOLENT CRIMES	CRIME STATISTICS for week ending 11/23/13											
	10/27/13 TO 11/23/13	9/29/13 TO 10/26/13	% Change	9/29/13 TO 10/26/13	09/01/13 TO 09/28/13	% Change	YTD 2013	YTD 2012	% Change	YTD 2013	YTD 2011	% Change
HOMICIDE	2	0	N.C.*	0	2	-100%	7	6	-17%	7	7	0%
RAPE	6	3	100%	3	3	0%	44	59	-25%	44	56	-21%
ROBBERY	37	36	3%	36	19	89%	343	464	-26%	343	422	-19%
AGGRAVATED ASSAULTS	24	18	33%	18	19	-5%	269	278	-3%	269	362	-26%
TOTAL VIOLENT	69	57	21%	57	43	33%	663	807	-18%	663	847	-22%
PROPERTY CRIMES	10/27/13 TO 11/23/13	9/29/13 TO 10/26/13	% Change	9/29/13 TO 10/26/13	09/01/13 TO 09/28/13	% Change	YTD 2013	YTD 2012	% Change	YTD 2013	YTD 2011	% Change
BURGLARY	29	28	4%	28	29	-3%	330	386	-17%	330	452	-27%
MOTOR VEHICLE THEFT	27	35	-23%	35	23	52%	373	376	-1%	373	439	-15%
BIFV	62	85	-27%	85	86	-1%	1070	1342	-20%	1070	1281	-15%
PERSONAL/OTHER THEFT	126	119	6%	119	150	-21%	1486	1515	-2%	1486	1449	3%
TOTAL PROPERTY	244	267	-9%	267	288	-7%	3259	3631	-10%	3259	3691	-9%
TOTAL PART I	313	324	-3%	324	331	-2%	3922	4438	-12%	3922	4448	-12%
Child/Spousal Abuse (Part I & II)*	35	35	0%	35	36	-3%	412	463	-9%	412	350	18%
SHOTS FIRED	3	2	50%	2	1	100%	23	29	-21%	23	47	-51%
SHOOTING VICTIMS	5	0	N.C.*	0	3	-100%	16	13	23%	16	27	-41%

ARRESTS	ARREST STATISTICS for week ending 11/23/13											
	10/27/13 TO 11/23/13	9/29/13 TO 10/26/13	% Change	9/29/13 TO 10/26/13	09/01/13 TO 09/28/13	% Change	YTD 2013	YTD 2012	% Change	YTD 2013	YTD 2011	% Change
HOMICIDE	4	0	N.C.*	0	1	-100%	14	3	367%	14	14	0%
RAPE	1	0	N.C.*	0	2	-100%	12	8	50%	12	10	20%
ROBBERY	20	17	18%	17	7	143%	165	138	20%	165	157	5%
AGGRAVATED ASSAULT**	26	35	-26%	35	32	9%	357	361	-6%	357	324	10%
BURGLARY	11	10	10%	10	13	-23%	104	130	-20%	104	127	-18%
LARCENY	21	21	0%	21	24	-13%	294	401	-27%	294	335	-12%
MOTOR VEHICLE THEFT	7	11	-36%	11	6	83%	80	72	11%	80	89	16%
TOTAL VIOLENT	51	52	-2%	52	42	24%	548	530	3%	548	595	9%
TOTAL PART I	96	94	-4%	94	85	11%	1026	1133	-9%	1026	1036	-1%
TOTAL ALL ARRESTS	1016	945	7%	945	993	-5%	14055	15995	-10%	14055	13482	4%

*Part II Child/Spousal Abuse Simple Assaults not included in Part I Aggravated Assaults above to comply with the FBI's Uniform Crime Reporting guidelines.
 **Statistics include domestic violence.

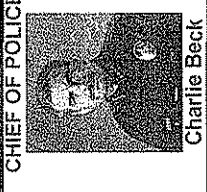
Statistics are based on the date the crime or arrest occurred. N.C. - Not Calculable



COMPSTAT Citywide Profile 10/27/13 - 11/23/13



Population: 3,792,621
 Area: 472.93 sq. miles
 Total Number of Sworn as of 11/16/13: 9,897



CHIEF OF POLICE
Charlie Beck

Office of Special Operations:
 Office of Administrative Services:
 Professional Standards Bureau:
 Chief of Staff:
 Constitutional Policing:

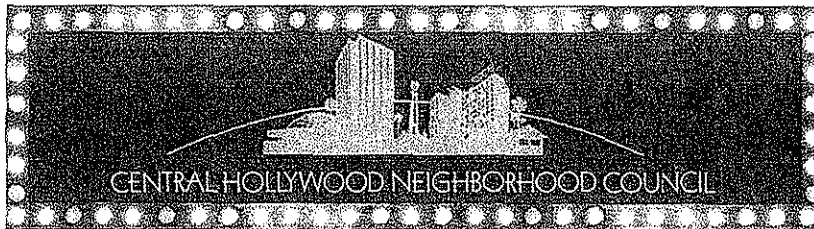
Asst. Chief Earl C. Paysinger
 Asst. Chief Michel R. Moore
 Asst. Chief Sandy Jo MacArthur
 Deputy Chief Debra McCarthy
 Deputy Chief Rick Jacobs
 Police Admin II Gerald Chaleff

	CRIME STATISTICS for week ending 11/23/13				% Change	YTD 2013	% Change	YTD 2012	% Change	YTD 2011	% Change
	10/27/13 TO 11/23/13	9/29/13 TO 10/26/13	9/29/13 TO 10/26/13	09/10/13 TO 09/28/13							
VIOLENT CRIMES											
HOMICIDE	13	12	8%	21	-43%	234	270	762	-13%	261	-10%
RAPE	49	43	14%	51	-16%	576	8092	7080	-24%	884	-16%
ROBBERY	571	606	-6%	627	-3%	7080	8092	7080	-13%	9045	-22%
AGGRAVATED ASSAULTS	530	573	-8%	576	-1%	6879	7561	6679	-9%	8041	-14%
TOTAL VIOLENT	1163	1294	-6%	1275	-3%	14769	16685	14769	-11%	18031	-18%
PROPERTY CRIMES											
BURGLARY	1052	1172	-10%	1149	2%	13852	14412	13852	-4%	15237	-9%
MOTOR VEHICLE THEFT	1013	1168	-13%	1137	3%	12653	13431	12653	-8%	13866	-9%
BTJV	1865	2024	-8%	2041	-1%	23265	23531	23265	-1%	22614	3%
PERSONAL/OTHER THEFT	2104	2271	-7%	2355	-4%	25655	26443	25655	-3%	24726	4%
TOTAL PROPERTY	6034	6635	-9%	6682	-1%	75425	77817	75425	-3%	76443	-1%
TOTAL PART I	7197	7869	-9%	7957	-1%	90194	94502	90194	-5%	94474	-5%
Child/Spousal Abuse (Part I & II)*	780	837	-7%	861	-3%	9921	10529	9921	-6%	10158	-2%
SHOTS FIRED	139	148	-6%	200	-26%	2010	2299	2010	-13%	2580	-22%
SHOOTING VICTIMS	77	65	18%	79	-18%	929	1074	929	-14%	1244	-25%

	ARREST STATISTICS for week ending 11/23/13				% Change	YTD 2013	% Change	YTD 2012	% Change	YTD 2011	% Change
	10/27/13 TO 11/23/13	9/29/13 TO 10/26/13	9/29/13 TO 10/26/13	09/10/13 TO 09/28/13							
ARRESTS											
HOMICIDE	13	21	-38%	25	-16%	267	298	267	-10%	264	1%
RAPE	17	19	-11%	22	-14%	175	203	175	-14%	197	-11%
ROBBERY	183	208	-12%	198	5%	2357	2707	2357	-13%	2999	-21%
AGGRAVATED ASSAULT**	590	631	-6%	618	2%	7288	7665	7288	-5%	7796	-7%
BURGLARY	251	240	5%	233	3%	2771	3052	2771	-9%	2906	-5%
LARCENY	555	591	-6%	553	7%	7022	7632	7022	-10%	7820	-10%
MOTOR VEHICLE THEFT	192	181	6%	177	2%	2032	1877	2032	8%	1778	14%
TOTAL VIOLENT	803	879	-9%	863	2%	10087	10873	10087	-7%	11256	-10%
TOTAL PART I	1804	1891	-5%	1826	4%	21912	23634	21912	-7%	23760	-8%
TOTAL ALL ARRESTS	10780	11395	-5%	11294	1%	141946	151468	141946	-6%	146395	-3%

*Part II Child/Spousal Abuse Simple Assaults not included in Part I Aggravated Assaults above to comply with the FBI's Uniform Crime Reporting guidelines.
 **Statistics include domestic violence.
 Population and square miles from 2010 Statistical Digest
 Statistics are based on the date the crime or arrest occurred.

N.C. - Not Calculable



May 26, 2013

Planning Department
200 North Spring Street, Room 750
Los Angeles, CA 90012

RE: Hotel Café, 1623 Cahuenga Blvd. ZA-2012-3049-CUB-ZV

To Whom It May Concern:

As the first certified Neighborhood Council in Hollywood, Central Hollywood Neighborhood Council wishes to advise you of our recommendations for the above-referenced project. The applicant is requesting a change in current CUP application including a change in ABC license from Type 47 to Type 48 for the continuation of a Conditional Use for on-site sale of full-line of alcohol for consumption, 1,118 sq. ft. expansion on an existing 3,400 sq. ft. restaurant/ lounge with live entertainment and continuation of a variance of parking by lease in lieu of covenant.

At the duly noted April 8, 2013 PLUM Committee meeting, applicant Maximillian Mamikunian presented documentation of the dilemma his unique 13-year existing establishment is facing, noting that his business does not have the capacity to provide at least 50% sales of food and has never been predicated on offering food. Mr. Mamikunian stated that requested support from CD13 resulted in the advice to seek approval first from CHNC. Mr. Mamikunian advised that his operation is still subject to the terms of the Caldera Act, and that, as a curated operation, his venue does provide a public convenience and necessity. On a motion by Oliver Netburn, seconded by Scott Campbell, the PLUM Committee *voted unanimously to recommend that, based on the unique contribution Hotel Café makes to the Hollywood community; the CHNC Board supports a full line of alcohol for a unique live music venue that does not have a full kitchen.*

At the duly noticed May 20, 2013 CHNC Board meeting, PLUM Committee Chair presented the PLUM recommendation. Laurie Goldman suggested that the motion be amended to include approval of a Type 48 license for Hotel Café. Tricia LaBelle suggested an amendment that the CHNC Board supports a 10-year sunset provision. On a motion by David Carrera, seconded by Grant Linscott, the Board *voted unanimously to approve the PLUM Committee's recommendation, to support approval of a Type 48 license and to support a 10-year sunset provision.*

Thank you for allowing us to advise you on this matter.

Sincerely,

Scott Campbell, President

Scott Campbell, President
Central Hollywood Neighborhood Council
323-252-9870
AftonNeighbor@aol.com

Post Office Box 93907, Hollywood, California 90093

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.planning.lacity.org

October 22, 2013

Maximillian Mamikunian (A)
The Hotel Café
1623-1/2 North Cahuenga Boulevard
Hollywood, CA 90028

The R.N. and S.R. Patel Trust (O)
1617 North Cahuenga Boulevard
Hollywood, CA 90028

Christopher Murray (R)
Rosemheim & Associates, Inc.
21550 Oxnard Street, Suite No. 780
Woodland Hills, CA 91367

CASE NO. 2012-3049(CUB)(ZV)
CONDITIONAL USE/ZONE VARIANCE
1623 – 1623-1/2 North Cahuenga Boulevard
Hollywood Planning Area
Zone : [Q]C4-2D-SN
D. M. : 148-5A187
C. D. : 13
CEQA : ENV 2012-3050-MND
Legal Description: Lots 2, 3 and 4,
Sacket Tract

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

a Conditional Use Permit authorizing the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in a bar/lounge and live entertainment venue; and,

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a variance from Section 12.26-E to permit 40 required parking spaces to be provided off-site through a lease in lieu of a recorded covenant,

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 Development Services Center 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 proceedings against the City or its agents, officers, or employees relating to or 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. Maximum square footage for the bar/lounge and live entertainment venue shall not exceed 4,375 square feet of interior space and 530 square feet of outdoor patio space.
8. Maximum seating shall not exceed a total of 78 seats, with 46 indoor seats and 32 outdoor seats on a patio within the public right-of-way of the abutting westerly alley. In addition, maximum occupancy in Performance Room 1 shall be determined by the Fire Department and/or the Department of Building and Safety and said occupancy cap shall be posted for public view.
9. Any outdoor seating which encroaches into the public right-of-way shall obtain a valid revocable use permit from the Bureau of Engineering.
10. The use of this grant within any outdoor seating within the public right-of-way shall not be effectuated until such time as a new revocable permit has been issued for 32 seats and any applicable State ABC license/permits have been updated and/or modified accordingly to reflect the requested 32 seats.
11. Hours of operation for the indoor portion of the establishment shall not exceed 11 a.m. to 2 a.m., daily. Hours for the outdoor patio seating shall not exceed 6 p.m. to 2 a.m., daily. No after-hours use of the premises is permitted.
12. Off-site parking for 40 vehicles shall be provided at all times that the facility is open for business based on the parking required for Performance Room 1 as an assembly area, as established by Section 12.21-A,4(e) of the Municipal Code and confirmed by the Department of Building and Safety. Performance Room 1 shall not exceed 1,385 square feet exclusive of the stage area. Performance Room 2 shall provide for a maximum of 20 seats and not exceed 555 square feet exclusive of the stage area. Required parking shall be secured by lease(s) which shall be maintained for the duration of the grant, copies of which shall be submitted to the

Zoning Administrator for inclusion in the file. The location of said available parking shall be identified in tickets for performances and in sign postings on the premises.

13. Live entertainment shall be limited to Performance Rooms 1 and 2, as depicted in Exhibit A. Any music, originating from recorded music or live entertainment shall not be audible beyond the footprint of the building.
14. No adult entertainment as defined in Section 12.70 of the Municipal Code is permitted. No karaoke is permitted.
15. No conditional use for public dancing has been requested or approved. No public dancing or a dance floor is permitted.
16. No pool tables or coin operated electronic, video, or mechanical amusement devices shall be maintained on the premises.
17. 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.
18. The applicant shall be responsible for maintaining the area adjacent to the premises over which he/she has control free of litter.
19. The applicant owner, and on-site manager(s) shall comply with applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling, or prostitution occur.
20. **Within sixty days of the effective date of this action**, all employees involved with the sale of alcoholic beverages, who have not had such training within the prior 12 months, shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)." 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.** In the event there is a change in the licensee, within 60 days of such change, this training program shall be required for all new staff.
21. An electronic age verification device which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. This device shall be maintained in operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.
22. 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 acknowledgement 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.

23. The applicant/operator shall identify a contact person and provide a "hot line" telephone number during all hours of operation for any inquiries or complaints from the community regarding the subject facility.
24. The "hot line" shall be:
 - a. Posted at the entry, and the cashier.
 - b. Responded to within 24 hours of any complaints/inquiries received on this "hot line."
 - c. Documented in a log and available for review by the Police Department, the Department of Building and Safety and any other City agency upon request.
 - d. This log shall, at a minimum, record when the calls were received, the nature of the complaint, date/time of call returned, and the action taken to address the concern, as well as contact information for the complainant for independent follow up.
25. The applicant shall install and maintain security cameras and a three-month video library that covers all common areas of the business, high-risk areas and entrances or exits. The videotapes shall be made available to Police upon request.
26. A minimum of one State licensed, uniformed security guard(s) **per Performance Room** shall be on duty when there is a live performance in the respective room. The security guard(s) shall be on the premises one-half hour prior to the scheduled performance and remain on duty until the last patron departs.
27. Loitering shall be prohibited on or around the premises under the control of the applicant.
28. Special events, defined as events where the establishment is closed to the general public, are limited to a maximum of 12 events per 12-month period.
29. The mitigation measures identified in environmental document ENV 2012-3050-MND shall be incorporated as conditions of this grant as follows, unless otherwise modified:
 - a. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - b. Aesthetics (Glare)

The exterior of the proposed structure shall be constructed of materials, such as, but not limited to, high-performance and/or non-reflective glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

- c. **Objectionable Odors (Commercial Trash Receptacles)**
- 1) Open trash receptacles shall be located at minimum of 50 feet from the property line of any residential zone or use.
 - 2) Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
- d. **Explosion/Release (Existing Toxic/Hazardous Construction Materials)**
- 1) (Asbestos) Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.
 - 2) (Lead Paint) Prior to the issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- e. **Increased Noise Levels (Demolition, Grading and Construction Activities)**
- 1) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - 2) Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
 - 3) Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - 4) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- f. **Increased Noise Levels (Retail Markets, Bars, Entertainment etc...)**
- The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
- g. **Public Services (Fire)**
- The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of

a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

h. Public Services (Police)

The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design out Crime Guidelines: Crime Prevention Through Environmental Design" published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 West 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

i. Utilities (Local Water Supplies - Restaurant, Bar, or Nightclub)

- 1) Install/retrofit high -efficiency toilets (maximum 1.28 gpf), including dual-flush water closets and high-efficiency urinals (maximum 0.5 gpf), including no -flush or waterless urinals, in all restrooms as appropriate.
- 2) Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- 3) Install/retrofit and utilize only restroom faucets of a self-closing design.
- 4) Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- 5) Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g., vacuum pump, ice machines, bypassing the water through equipment and discharging the heated water to the sanitary wastewater system.

- j. Utilities (Solid Waste)
- 1) (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
 - 2) (Construction/Demolition) Prior to the issuance of any demotion or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
 - 3) (Construction/Demolition) To facilitate on-site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
30. 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, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19.01-C the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause a 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 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.
31. Within 60 days of any change of operator or owner of the premises, the new operator and/or owner shall be required to file for a Plan Approval to review any potential changes in the mode and character of the operation.
32. The authorization granted herein for the sale of alcohol and for off-site parking by lease shall be for a term of seven (7) years from the effective date of this action. Thereafter, this authorization shall become null and void and a new authorization to continue the sale of alcohol and off-site parking will be required.
33. **Within 30 days from 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 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

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 6, 2013, 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, and the statements made at the public hearing on September 24, 2013, 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 and variance as enumerated, respectively in Section 12.24 of the Municipal Code and in Section 562 of the City Charter and Section 12.27-B,1 have been established by the following facts:

BACKGROUND

The subject site is a level, rectangular-shaped, interior, record lot, consisting of approximately 0.17 acres, having a frontage of 75 feet on the west side of Cahuenga Boulevard (Major Highway Class II) and a uniform depth of 100 feet. The property is developed with a 15,000 square-foot, two-story building, sitting on three lots (Lots 2, 3, and 4) measuring 25 feet each. The building was constructed in 1922 and has the following addresses: 1621, 1621-1/2, 1623, and 1623-1/2. The first floor contains commercial uses including The Hotel Café, the Burgandy Room (bar) and an art gallery, while the second floor contains a motel (West Inn Motel).

The northerly adjoining property (across the alleyway) is zoned [Q]C4-2D-SN and is developed with a 37,465 square-foot, multi-story office tower.

The easterly adjoining properties (across Cahuenga Boulevard) are zoned [Q]C4-2D-SN and are developed with various pedestrian oriented commercial uses including restaurants, bars, and offices.

The southerly adjoining property is zoned [Q]C4-2D-SN and is developed with a one-story commercial building occupied with a restaurant.

The westerly adjoining property is zoned [T][Q]C4-2D and is developed with a 27,776 square-foot, two-story warehouse building that is used as a public parking garage and a smoke shop.

Cahuenga Boulevard, adjoining the subject site to the east, is a designated Modified Secondary Highway, dedicated to a variable width of 75 to 83 feet, and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Selma Avenue, located within close proximity to the subject site to the south, is a Local Street, dedicated to a width of 60 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Alleyway, adjoining the subject site to the west, is an alleyway, dedicated to a width of 15 feet and improved with asphalt roadway and concrete gutter.

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

Subject Property

Certificate of Occupancy No. 63995 – On June 29, 2009, a Certificate of Occupancy was issued by the Department of Building and Safety for the conversion of 3,824 square feet of existing retail/restaurant to restaurant space with zero (0) required parking spaces.

Case No. ZA 2004-7795(CUB)(ZV) – On May 26, 2005, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption, in conjunction with a 3,400 square-foot restaurant; approved a variance from Section 12.26-E granting up to 40 off-site parking spaces through a lease in lieu of recorded covenant.

Case No. ZA 2001-5824(CUB) – On June 26, 2002, the Zoning Administrator approved a conditional use to permit the sale of beer and wine only, as an accessory to the operation of a restaurant.

Surrounding Properties

Case No. ZA 2013-0832(CUB)(CUX) – On May 21, 2013, a hearing was conducted for the continued use and on-site sale of a full line of alcoholic beverages in an existing 2,407 square-foot cocktail bar/lounge with expansion of 500 square feet, totaling 2,907 square feet, having entertainment and patron dancing within the C4-2D-SN Zone at 1646 North Cosmo Street.

Case No. ZA 2013-0601(CUB)(CUX)(ZV) – On August 15, 2013, the Zoning Administrator partially approved a conditional use and variance to permit a change of use from retail to restaurant within the C4-2D-SN Zone at 6500 West Hollywood Boulevard.

Case No. ZA 2012-1133(ZV) – On March 5, 2013, the Zoning Administrator approved a variance from Los Angeles Municipal Code Section 12.26-E,5 to permit

the required six parking spaces to be provided off-site within 750 feet from the subject restaurant by lease in lieu of covenant as otherwise required in conjunction with a proposed restaurant within the C4-2D-SN Zone at 1603-1607 Cahuenga Boulevard.

Case No. ZA 2012-0618(CUB) – On January 15, 2013, a request for the withdrawal of a case filed on March 6, 2012 for a conditional use to permit the on-site sale of a full line of alcoholic beverages in conjunction with a proposed restaurant within the C4-2D-SN Zone at 6445 Hollywood Boulevard was ordered filed.

Case No. ZA 2012-1053(CUB) – On October 18, 2012, the Zoning Administrator approved a conditional use for the sale and dispensing of a full line of alcoholic beverages for on-site consumption, with live entertainment, in conjunction with the expansion of an existing 1,458 square-foot restaurant into a 2,795 square-foot restaurant, with a 434 square-foot outdoor patio within the C4-2D Zone at 6377-6379 Hollywood Boulevard.

Case No. ZA 2012-0039(CUB) – On June 13, 2012, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a 3,220 square-foot restaurant bar/lounge accommodating 120 seats within the C4-2D Zone at 1600 North Wilcox Avenue.

Case No. ZA 2010-0891(CUB) – On June 1, 2012, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption; approved the continued use and maintenance of one pool table and not more than two coin operated games or video game machines, in conjunction with an existing 3,780 square-foot restaurant with karaoke as a form of live entertainment, accommodating 238 seats and having hours of operation from 9 a.m. to 4 a.m., daily within the C4-2D-SN Zone at 1558-1564 North Cahuenga Boulevard.

Case No. ZA 2011-2732(CUB) – On February 23, 2012, the Zoning Administrator approved a conditional use to permit the continued sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant within the C4-2D-SN Zone at 1624 North Cahuenga Boulevard.

Case No. ZA 2010-1986(CUB)(CUX) – On January 25, 2012, the Zoning Administrator approved a conditional use to permit the continued sale of a full line of alcoholic beverages for on-site consumption and public dancing, in conjunction with an existing nightclub bar/lounge within the C4-2D-SN Zone at 6356 West Hollywood Boulevard.

Case No. ZA 2011-1473(CUB)(ZV) – On October 3, 2011, the Zoning Administrator approved a conditional use to permit the continued sale of a full line of alcoholic beverages for on-site consumption within a 6,650 square-foot restaurant; approved a variance from LAMC Section 12.26-E,5 to permit the required 14 parking spaces to continue to be provided off-site within 750 feet secured through a lease agreement in lieu of a covenant as otherwise required within the C4-2D-SN Zone at 1613 North Cahuenga Boulevard.

Case No. ZA 2010-2203(CUB) – On May 6, 2011, the Zoning Administrator approved 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 with live entertainment within the C4-2D-SN Zone at 1612 North Cahuenga Boulevard.

Case No. ZA 2009-2744(CUB) – On September 10, 2010, the Zoning Administrator approved a conditional use to permit the sale of beer and wine only for on-site consumption, in conjunction with an existing 2,700 square-foot hookah lounge with mezzanine level, and a future proposed expansion of 1,260 square-feet in the same building within the C4-2D-SN Zone at 6512-6514 Hollywood Boulevard.

Case No. ZA 2009-2571(CUB)(CUX)(ZV) – On January 28, 2010, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption as an accessory to the operation of a restaurant; approved a conditional use to permit public dancing as an accessory use to the restaurant; approved a variance from Section 12.26-E of the Code to permit parking to be provided within 750 feet of the restaurant by lease in lieu of covenant within the C4-2D-SN Zone at 1602 North Cahuenga Boulevard.

Case No. ZA 2003-9107(CUB)(CUX)(ZV)(PA1) – On July 23, 2009, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant; approved a variance from Section 12.26-E of the Code to permit the use of 10 off-site parking spaces through lease in lieu of recorded covenant.

Case No. ZA 2009-0769(CUB) – On June 11, 2009, the Zoning Administrator approved a conditional use to permit the sale of beer and wine only, for on-site consumption, in conjunction with the operation of an existing 2,400 square-foot restaurant with 87 seats and live entertainment within the C4-2D-SN Zone at 1544 North Cahuenga Boulevard.

Case No. ZA 2006-7389(CUB)(CUX)(ZV) – On July 25, 2008, a notice of termination was issued for a proposed 23,720 square-foot restaurant/bar/lounge with 430 seats, hours of operation from 11 a.m. to 2 a.m., daily, and serving a full line of alcoholic beverages with dancing and live entertainment within the C4-2D-SN Zone at 1720 North Cahuenga Boulevard.

Case No. ZA 2007-6657(CUB)(CUX)(ZV) – On July 16, 2008, the Zoning Administrator denied a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption; denied a variance to permit zero parking spaces in lieu of the required 12 spaces within the C4-2D-SN Zone at 6364 Hollywood Boulevard.

Case No. ZA 2006-9223(CUB)(ZV) – On July 11, 2007, the Zoning Administrator approved a conditional use to permit the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with a new 3,376 square-foot restaurant; approved a variance from Section 12.26-E.5 of the Code to permit two required parking spaces to be provided within 750 feet of the restaurant by lease in lieu of recorded covenant within the C4-2D-SN Zone at 1606-1608 Cahuenga Boulevard.

Case No. ZA 2006-5732(CUB)(CUX)(ZV) – On September 25, 2007, the Central Area Planning Commission granted the appeal in part, and sustained the Zoning Administrator's decision dated June 29, 2007, approving a conditional use to permit

the sale of a full line of alcoholic beverages for on-site consumption at a theater entertainment component with 13,000 square feet of floor area, including a 745 square-foot restaurant with outdoor seating for 12-16 patrons along Hollywood Boulevard; approved a conditional use to permit public dancing and live entertainment; approved a Variance to permit off-site parking by lease in lieu of recorded covenant as required under Section 12.26-E,5 within the C2-2D-SN Zone at 6504-6508 Hollywood Boulevard.

Case No. ZA 2005-6180(CUB)(CUX)(ZV) – On October 18, 2006, the Zoning Administrator denied a conditional use to permit the sale of a full line of alcoholic beverages; denied a conditional use to permit a dance hall in the C4 Zone; denied a variance from Section 12.16 to permit five game tables; denied a variance from Section 12.21-A,4(g) to permit the location of required parking more than 750 feet from the site; denied a variance from Section 12.26-E to permit parking by lease in lieu of recorded covenant and agreement within the C4-2D-SN Zone at 6363 West Hollywood Boulevard.

Case No. ZA 2005-2430(CUB)(CUX)(ZV) – On February 2, 2006, the Zoning Administrator dismissed a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption, in conjunction with a 2,260 square-foot restaurant; dismissed a conditional use to permit live entertainment and public dancing; approved a conditional use to permit the sale of beer and wine only, in conjunction with a 1,579 square-foot restaurant; approved a variance to permit more than 50% outdoor dining area than that of the interior dining area within the C4-2D-SN Zone at 1620 North Cahuenga Boulevard.

Case No. ZA 2004-1700(CUB)(CUX)(ZV) – On July 16, 2004, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption, in conjunction with a restaurant; approved a conditional use to permit public dancing; approved a variance from Section 12.26-E of the Code to permit parking to be provided within 750 feet of the restaurant by lease in lieu of covenant within the C4-2D Zone at 1602 North Cahuenga Boulevard.

Case No. ZA 2001-5583(CUB)(ZV) – On August 1, 2002, the Zoning Administrator approved a conditional use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant and nightclub; approved a conditional use to permit public dancing; approved a variance from Section 12.26-E,5 of the Code to permit the provision of parking off-site by lease in lieu of covenant within the C4-2D Zone at 1535 North Ivar Avenue.

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.

- No "Happy Hour" type of reduced-price alcoholic beverage shall be permitted.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- Alcohol sales shall not exceed the hours between 11 a.m. and 1:45 a.m.
- 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. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- The sale of alcoholic beverages shall be made only to the person ordering the beverage.
- The sale of alcohol for future consumption (storage) is prohibited.

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 the sale of 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 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 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 case entails a request to continue the sale of a full line of alcoholic beverages for on-site consumption in an existing restaurant/lounge/live-music venue, for which a 1,105 square-foot expansion, including a 530 square-foot outdoor patio within the alleyway, and a second performance room are also proposed. A variance to provide off-site parking by lease in lieu of a covenant has also been requested. Alcohol sales and parking off-site were permitted pursuant to Case No. ZA 2004-7795(CUB)(ZV), which was approved on May 26, 2005.

The applicant describes the venue as a facility where singer/songwriters come to test out music before going out to the general public. Three to four music "sets" may be performed during one evening with each set lasting approximately one hour. There is a charge for a ticket and no minimum drink requirement. At the hearing, the applicant's representative explained that the applicant intended to change the existing license from that of a restaurant to that of a public premises. This is because the current license, which is tied to a restaurant use, requires that food sales exceed alcohol sales. Due to the nature of the operation, the applicant has found that this ratio is not always attainable. He noted that because patrons are there to hear a set, they may not be there long enough to have a meal or consume more food. Therefore, the applicant desires to reconcile the mode of operation with the right type of license. No kitchen is required under the new license sought. As such the venue will be open to 21 years and older patrons when the new license is obtained.

The establishment will consist of two performance rooms with one designed to be standing room only and the other one, which is smaller, to consist of seating for a maximum of 20 patrons. Other areas are designed as lounges located between performance areas where patrons can socialize without disturbing ongoing performances. Performance Room 1, which is the larger room, is proposed to be a standing room only venue and as such its maximum occupancy will be determined by the Fire Department and the Department of Building and Safety.

Under the prior grant, a patio use was approved along the westerly abutting public alley of the subject premises. At the hearing, it was noted that there is no current alcohol service conducted on the patio. The applicant requests to use that patio space again for 32 seats. A revocable permit was previously issued for 26 seats. The applicant will seek a new revocable permit to update the change in seat count. The opening hour for the patio use will be 6 p.m. which is tied directly to the hour when the alley is closed to other public access.

The request will continue to provide a service that is beneficial both to local residents and visitors to the area. The component of a live music venue provides an alternative entertainment venue tailored to singer/songwriters in a more low-key environment. The location on Cahuenga Boulevard is within a designated regional center where a mix of uses and activity is promoted. As sited and conditioned, the location will remain compatible with the character of the surrounding uses. The use does not represent the introduction of a new venue, but rather the enhancement of an existing facility, which has operated without any reports of problems in the area for approximately 12 years under the same operator/owner. In addition, the proposed changes in conjunction with the imposition of a number of conditions addressing operational issues will continue to enhance 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.**

The grant authorized herein incorporates a number of conditions which have been imposed upon the use as well as many which were imposed in the prior grant. These conditions continue to make the use more compatible with other uses in the surrounding community and reflect more accurately the nature of the operation. The operation will also be subject to a Caldera Bill determination given its change to a public premises establishment which will be considered by the City Council in a separate public hearing. There are no significant operational changes from the current mode of operation. Likewise there have been no reports associated with the establishment that indicate that there have been problems. The applicant has submitted form letters from business persons in the immediate area in support of the request. A communication was also received from a deputy for the former councilmember of the Thirteenth District stating that there had not been any problems with the establishment and that the operators had made a "... good impression."

The matter was reviewed by the Central Hollywood Neighborhood Council; however, no formal correspondence has been received. The applicant indicated that one of the conditions suggested by the neighborhood council was to limit special events to 24 per 12-month period. The applicant indicated that there are no special events conducted although he added that within the past 13 years, there had been three weddings on the site which might be considered a special event. Given that the mode of operation is not to promote special events, where the public is excluded, this action includes a condition limiting the number of said events to 12 inasmuch as this cap should more than accommodate any future needs of the applicant based on his testimony and past history.

Security guards will be provided any time one or both performance rooms are being used for live entertainment. One security guard is assigned to each performance room. Other conditions include but are not limited to camera surveillance, alcohol-training for staff, use of electronic age verification devices and a hot line number for complaints.

The subject grant for alcohol sales is authorized for a term of seven years. Prior to the end of the term grant, the applicant will have to seek authorization to continue the alcohol sales. This allows the City an opportunity to review the operation of the venue anew. If the operation has been conducted appropriately and without creating problems, then a subsequent decision on a new request may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not authorize the continuation of alcohol sales and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus, as conditioned the use is anticipated to not degrade adjacent areas, properties, or the neighborhood.

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 Regional Center Commercial land uses with corresponding zones of C4, C2, P, PB, RAS3, RAS4, and Height District No. 2D.

The subject property is planned and zoned for commercial uses. The conditional use authorization for the continued sale of alcoholic beverages is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein.

4. **The proposed use will not adversely affect the economic welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages after given consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration and giving consideration to crime rates in the area.**

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-sale and 2 off-sale licenses are allocated to Census Tract No. 1907. There are currently 52 on-site and 3 off-site licenses in this Census Tract.

The number of licenses for both on-site and off-site sales is above the allocated threshold. However, the request does not represent the addition of a new license as the request is solely for the continuation of existing sales where the license already exists (ABC License No. 427692) and the proposed change in type of license will not result in any net gain in license count. According to the ABC License Query System, no current disciplinary action or disciplinary history has been found in association with the applicant's license. The term grant allows for a review of the grant in its entirety at the end of such term and of an evaluation of any impacts associated with any future potential increase in licenses within this census tract.

As reported by ABC from statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 646, which has jurisdiction over the subject property, a total of 1,383 crimes were reported in 2012, compared to the citywide average of 146 crimes and the high crime reporting district average of 176 crimes for the same period.

The crime rate numbers are higher than those rates identified for the citywide average. A number of conditions to help to safeguard the community and provide for a reasonable operation have been imposed as part of this action including the requirement for on-site security, camera surveillance system, alcohol-sales training and a term grant. The requirement for the term grant will further insure that oversight is maintained if subsequent favorable actions are pursued.

5. **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.**

The site is located within a Regional Center. There are other establishments which sell alcohol for on-site and off-site consumption in the area as well as numerous schools and churches. Since the site is located in a prime regional commercial

center, fronting Cahuenga Boulevard and within close proximity to Hollywood Boulevard, the diversity amongst the uses is not uncommon. Hollywood Boulevard and Cahuenga Boulevard are home to many restaurants and entertainment venues that sell alcohol. This grant has placed numerous conditions on the request and not authorized uses of the property, which might create potential nuisances for the surrounding area. Such imposition of conditions, as well as the imposition of a term grant, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.

MANDATED 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:

6. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

Under the prior action, a zone variance was approved for off-site parking for forty vehicles. A review of the history of the location and of the most recent 2009 Certificate of Occupancy indicates that such a variance may not have been necessary at the time as the required parking was noted to be zero spaces. Under the current Certificate of Occupancy, the use was classified as a restaurant. The applicant will now be required to request a new Certificate of Occupancy as the use will no longer be categorized as a restaurant. Subsequent to the hearing on this matter, the applicant's representative discussed with Department of Building and Safety personnel, the potential parking requirement that might be triggered with the change of use. Building and Safety personnel indicated that the only change in parking would be triggered by the assembly space within Performance Room 1. Based on the square footage of Performing Room 1, 40 parking spaces would be required.

The applicant has a signed agreement with a valet company to provide the required parking. In addition, the applicant's representative testified at the hearing, that parking was available at 1637 Cahuenga Boulevard. Under prior actions, it was recognized that there were limitations regarding the ability to provide any on-site parking on property where there is no area for such use.

Under the last grant, the Zoning Administrator made the following finding:

"Applying the strict application of the parking ordinance for this property would create a hardship to the owner/applicant, in that, development of the site would be limited and not consider the existing neighborhood setting and circumstances. The Code's desire to ensure adequate parking and the applicant's desire to provide commercial uses compatible with the character of development in this neighborhood can be accommodated in a manner consistent with the intent and purpose of the zoning regulations. Further, the project is simply to develop this property consistent with the pattern of development and public transportation amenities found in this community

and provide an appropriate number of parking spaces close to the subject site."

The existing conditions have not changed and the ability to provide the required parking is consistent with prior actions on this matter. Denial of the variance, given the prior recognition in discretionary grants that such a variance was warranted would create practical difficulties and hardships inconsistent with the approved operation. This is an unnecessary hardship inasmuch as convenient parking for the venue is obtainable in the area and the applicant has shown that a lease agreement is available and that nearby parking can be provided. A variance is an appropriate means to seek relief from a condition that is not self-imposed. In this instance there is no additional parking on-site that is physically feasible and the business operation has relied on prior variance approvals to maintain the use.

7. **There are 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.**

These characteristics include a fully improved property which has no additional land available for more parking, which has been recognized in prior grants for the same request.

8. **Such variance is 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.**

Older buildings in the City continue to be adapted to a variety of uses which may trigger new parking requirements. Many of these buildings do not have enough on-site parking but have been granted discretionary approvals to provide parking through other means, primarily lease agreements. Other landowners are reluctant to provide parking through a covenant which impairs their ability to develop property in the future. Thus, a variance to provide parking off-site by lease is the alternative option available. In this instance, the applicant has agreements for off-site parking for at least 40 vehicles. No reduction of the required parking is proposed. The applicant seeks to retain a substantial property right that has been recognized in prior variance approvals for the subject property. Citywide, similarly zoned properties have been granted variances to allow parking to be provided off-site by lease in lieu of a covenant.

9. **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 instant grant does not result in a reduction of the parking spaces required; it merely allows them to be provided elsewhere under an administratively different option from a covenant. As conditioned, the grant should result in the provision of required parking and add to the parking inventory available to patrons. The location of the off-site parking is located in proximity to the subject establishment and will remain convenient for use by both the valet service and the general public.

Conditions of this grant require that the availability of parking be publicized in tickets sold to performances at the venue and in posted signs.

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

The Hollywood Community Plan designates the property for Regional Center Commercial land uses with corresponding zones of C4, C2, P, PB, RAS3, RAS4, and Height District No. 2D.

The basic use is permitted by the Plan and zone and as proposed the project is in conformance with the objectives of the Community Plan to provide adequate parking for commercial development in accordance with the Municipal Code.

ADDITIONAL MANDATORY FINDINGS

11. 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.
12. On September 4, 2013, a Mitigated Negative Declaration (ENV 2012-3050-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

Inquiries regarding this matter shall be directed to JoJo Pewsawang, Planning Staff for the Office of Zoning Administration.

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Direct Telephone No. (213) 978-1214



LOURDES GREEN
Associate Zoning Administrator

LG:JP:Imc

cc: Councilmember Mitch O'Farrell
Thirteenth District
Adjoining Property Owners