



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: DIR 2016-0824(RV)

Project Address: 6360-6366 West Hollywood Blvd., & 1646 North Cosmo St.

Final Date to Appeal: 06/10/2016

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Mehdi Bolour

Company: Palmer Building Associates, LLC, and Mehdi & Yassaman Bolour Family Trust

Mailing Address: 1710 North McCadden Place

City: Los Angeles, State: Ca., Zip: 90028

Telephone: (323) 463-4100, E-mail: Mdomeyer@denleyinvestment.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self, Other:

- Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Lee Rabun

Company: CLR ENTERPRISES, Inc.

Mailing Address: 420 S. San Pedro St., Suite 225

City: Los Angeles, State: Ca., Zip: 90013

Telephone: (213) 229-4300, E-mail: CLR1985LEE@YAHOO.COM

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: *H. Bolour* Date: 6-8-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

APPEAL SUPPLEMENT

CASE NO. DIR 2016-08824(RV)

This Appeal of the entire determination is filed by the owners of the land, Palmer Building Associates, LLC, and the Medhi and Yassaman Bolour Trust. The Land Owner's have never been involved in the operation of the business known as the Cosmo Nightclub, which is operated and controlled by a Tenant of the property. This Appeal is filed because the Zoning Administrator erred and abused her discretion by requiring the discontinuance of the operation of The Cosmo Nightclub, as specifically detailed below:

Lack of adequate NOTICE:

LAMC Section 12.27.1 C 2 (a) states in pertinent part that " prior governmental efforts to cause the owner or operator to eliminate the problems associated with the use or discretionary zoning approval have failed (examples include formal action, such as citations, orders or hearings by the Police Department, Department of Building and Safety the Director Zoning Administrator or City Planning Commission, or any other governmental agency); and".

The Land Owner in this case has never received any notification of a violation nor pending investigation from any agency of the City of Los Angeles, nor is the land owner aware of any "governmental efforts" directed towards the land owner or the Tenant to eliminate problems associated with the Cosmo Nightclub. How is the land owner expected to take corrective action if no notification of problems has been received from the Planning or Police Departments, or most importantly, the City Attorney's Office.

To proceed with this Revocation action without establishing that the land owner was provided the required proper notification to eliminate problems on his property will deny due process.

On page 32 of the Determination, at the first full paragraph, the Zoning Administrator states: "The Zoning Administrator hereby finds, on behalf of the Director of Planning, that the repeated administrative attempts made to improve the operation of the cocktail bar/lounge, with its associated alcohol sales, have not resulted in the elimination of the problems associated with the use...."

Here again, the land owner was never made aware of any administrative attempts to improve the operation. There has been no proper notice to the land owner. Proceeding with this Revocation without proper notice will cause irreparable damage to the land owner's ability to rent this property, and deny his right to due process.

Site/use History:

This property was first entitled for the on-site sales of alcoholic beverages with entertainment and dancing in 2001 (Case No. ZA 2000-4581(CUB)(CUX), and has continuously been so entitled

to the current date. There were no notices of violations issued to any of the previous operators of the premises. In fact, the entitlement was reviewed via two Plan Approval applications, and two CUB renewals during the 13+ years of operation without negative reports from the Police Department (the last review and approval happened in August 2013). The allegations driving this Revocation action date from January 2015 to April 2016. These facts make it clear how important the Operator of a venue is. Over 13 + years, no violations were alleged while the business was in operation. Under the current Operator, many violations have been alleged resulting in this Revocation action. This demonstrates how important it is that the Land Owner be properly notified when negative information about a use is received, which was not properly done in this case.

Lastly, this premises is located in Census Tract 1907, where there are 56 other On-Sale ABC licenses issued. Five of these licenses are issued on the same block face as the Cosmo Nightclub. With this close geographic compaction of licenses in such a small area, it is difficult to identify which of the five locations is causing problems in the surrounding neighborhood. We have not had an opportunity to review the LAPD reports to see if a nexus is established to hold the Cosmo Nightclub as the responsible entity, as opposed to being held responsible for the social ills of the community.

Office: Downtown
 Applicant Copy
 Application Invoice No: 30180

City of Los Angeles
 Department of City Plan



City Planning Req

NOTICE: The staff of the Planning Department will analyze your request and your application, regardless of whether or not you obtain the

This filing fee is required by Chapter 1,

Receipt #: 0104592804
 Sub Total: \$106.80
 PLAN & LAND USE \$106.80
 LA Department of Building and Safety
 LA ESTE 104086398 6/9/2016 4:11:22 PM



Applicant: PALMER BUILDING ASSOCIATES - BOLOUR, MEHDI (B:323-4634100)
Representative: SAME AS APPLICANT
Project Address: 1646 N COSMO ST, 90028

NOTES:

DIR-2016-824-RV-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
OSS Surcharge (2%)	\$1.78
Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$106.80
Total Invoice	\$106.80
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$106.80

Council District: 13
 Plan Area: Hollywood
 Processed by CARR, BRIAN on 06/09/2016

Signature:

LA Department of Building and Safety
 LA ESTE 104086398 6/9/2016 4:11:22 PM

PLAN & LAND USE \$106.80
 Sub Total \$106.80

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