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: ZA-2016-1009-PAB - CEQA ENV-2016-1010-CE

Project Address: 1917 N. Bronson Ave, Los Angeles, CA 90068

Final Date to Appeal: 01/30/2017

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): George Abrahams

Company:

Mailing Address: 3150 Durand Drive

City: Los Angeles State: CA Zip: 90068

Telephone: (323) 463-9209 E-mail: ggg@copper.net

- 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):

Company:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

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
- Specifically the points at issue
- How you are aggrieved by the decision
- 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: _____ Date: 1-30-2017

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:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Office: Downtown
Applicant Copy
Application Invoice No: 34602

City of Los Angeles
Department of City Planning

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City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: ABRAHAMS, GEORGE (B:323-4639209)
Representative:
Project Address: 1915 N BRONSON AVE, 90068

NOTES: Appeal for ENV-2016-1010-CE

ENV-2016-1010-CE			
Item	Fee	%	Charged Fee
Other with Surcharges (per Ordinance No. 182,106) *	$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
Development Services Center Surcharge (3%)	$2.67
Development Surcharge (6%)	$5.34
Operating Surcharge (7%)	$6.23
General Plan Maintenance Surcharge (5%)	$4.45
Grand Total	$107.69
Total Invoice	$107.69
Total Overpayment Amount	$0.00
Total Paid (this amount must equal the sum of all checks)	$107.69

Council District: 4
Plan Area: Hollywood
Processed by BENICIA, DAISY on 01/30/2017

Signature: _____

Case: ZA-2016-1009(PAB)

CEQA: ENV-2016-1010-CE

To: City Planning Commission

Date: January 30, 2017

Commissioners:

I am filing this appeal of Case No. ZA-2016-1009(PAB) - CEQA No. ENV-2016-1010-CE under protest due to the Illegal act of Central Los Angeles Area Planning Commission (CLAAPC) to hold a hearing on November 29, 2016 on this case past the September 18, 2016 last day to act on which date it had lost jurisdiction because of the failure of the applicant to file a timely request for extension of time. On that same date the CLAAPC rescinded its previous approval on this case as a result of a previous Brown Act violation by the CLAAPC to properly notice its August 23, 2016 hearing of a appeal of the ZA determination dated June 22, 2016. At that point the application was effectively denied and no further action on it is valid. The only recourse for the applicant is to submit a new application for his project. I request that the City Planning Commission invalidate the CLAAPC determination of November 29, 2016 upholding the ZA determination and to terminate the planning case which is now past the September 18, 2016 last day to act. In order to protect my appeal rights and to exhaust my administrative remedies I am also challenging the CLAAPC environmental determination on the merits.

Many residents in the neighborhood (particularly those within 150 feet of the location of the new restaurant proposed for 1917 N. Bronson) strongly object to and support this appeal of the Zoning Administrators' approval of plans outlined for the property (previously Victor's Restaurant) in Case No. ZA-2016-1009(PAB) - CEQA No. ENV-2016-1010-CE.

The CLAAPC letter of determination dated June 22, 2016 states:

> "Denied the appeal in part and Sustained in par the Zoning Administrator's determination to approve plans to allow sales and dispensing a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the C1-D1 Zone"
>
> "Adopted the attached Conditions of Approval as modified by the Commission;"

The Conditions of approval include:

"Outdoor seating shall be approximately for 20 patrons…"

Hours of operation shall be limited from !0:00 a.m. to 12:00 a.m. Sunday – Thursday and 10:00 a.m. to 2:00 a.m. Friday – Saturday."

"Hours of operation for the outdoor patio area shall be limited to 11:00 p.m. daily."

Objections:

1. The project has inordinately large noise, traffic and parking impacts.

2. The neighborhood in which the restaurant is proposed is already far beyond its commercial capacity with a large chain grocery store, a liquor store, five restaurants and a 200 seat theater with multiple performances nightly. There is no apparent limit to the number of high-intensity uses in excess of current zoning that the Planning Department will approve.

3. A Categorical Exemption is not adequate environmental review.

4. An EIR studying the cumulative impacts of all of the multiple high-intensity uses in a 2 ½ block segment of Franklin Avenue has never been prepared.

5. A finding that the project is for "public convenience or necessity" in an area over-saturated with alcohol licenses is not within the jurisdiction of the Los Angeles City Planning Department.

The determination states, that the proposed restaurant will be "a convenience for patrons who primarily reside in the area". However, the it then claims that the restaurant "benefits by attracting tourists" without any consideration that the influx of tourists will have on the residents.

This begs the question: HOW can the city justify dismissing parking and noise concerns presented by residents at the May 3rd hearing (concerns related to the expansion of liquor service from beer and wine to full-bar-service and to expanded the hours-of-operation to 12am Mon-Thu and to 2am Fri-Sat) by arguing the restaurant is primarily for nearby residents but then, in the same breath, claim the expansions are justified because it will draw tourists?

The city's letter of determination claims these statements are an "application of the relevant facts". But what specific facts justify "relief" from current zoning restrictions/law, particularly in the face of serious objections by residents?

The Zoning Administrator's letter of determination states that the proposed terms for the new restaurant are approved only "Upon the following additional terms and conditions." It then lists, as one of the conditions: "The authorized use shall be conducted at all times with due regard for the character of the surrounding district."

The proposed restaurant is behind Franklin Ave, just past the corner of Franklin Ave and Bronson Ave in the middle of a residential neighborhood.

The location of the proposed restaurant is in a small strip mall where no other businesses are open till 2am. In fact, the proposed restaurant is located in a small strip mall that abuts a four-story residential building (1933 N. Franklin) which has at least 27 windows facing the enclosure where the proposed 2am bar patrons will be enjoying themselves. These residents already suffer from noise from the other four restaurants and bars, 20 feet further away--the restaurants/bars directly on Franklin.

How is another full-bar/restaurant operating till 2 a.m. “compatibl[e] with the character of the immediate neighborhood"? Every restaurant on this block serving alcohol has made this same claim until the cumulative impact of all these approvals is that the area has become a restaurant row radically altering the character of the immediate neighborhood. The city continues to compromise the character of the surrounding neighborhood. This practice must stop.

Also, It's worth mention that the minutes from the May 3rd hearing (as summarized in the June 22nd letter of determination) make no mention that attendees stated that the proposed restaurant will be within roughly 40 to 60 feet of three multi-storied residential apartment buildings. That's a minimum of 150 residents within 100 feet of the location.

The Zoning Administrator's letter of determination states that the both the live-music and the "disc jockey" will play at "ambient" levels. Unfortunately, the letter of determination in its summary of the May 3rd hearing fails to mention that a resident testified that in previous dealings with other restaurants in the neighborhood, "ambient" is 3 to 5x louder two floors up than it is at street level.

The city's letter of determination fails to mention that it was testified at the May 3rd meeting that police have had to be called just to have restaurants turn off the ambient music, that tenants are tired of getting dressed at 11pm or 12am or 1am to go outside, cross the street and ask the owners/managers to turn off the ambient music.

The lawyer for the owner of the proposed Mexican restaurant stated very clearly at the May 3rd meeting that her client has never had problems with the police at any of his other establishments. But she missed the point of the testimony and the city seems to have missed the point or forgotten that same testimony. Ambient is too loud in this residential district and the noise carries.

La Poubelle is located at 5907 Franklin Ave, roughly 15-20 feet west from the actual corner of Franklin and Bronson. If you stand in front of La Poubelle when music is being played at an ambient level (there are, of course, times when the music is much louder), the volume seems quite reasonable.

If you then walk to the actual NW corner of Franklin and Bronson 15-20 feet away the music grows fainter. Also, if you were to cross the street and stand on the opposite NE corner, the ambient music is barely audible, especially as it is cancelled out by the noise of city-life.

But if you cross Franklin to the southeast corner, walk an additional 15 feet east, enter 5870 Franklin Avenue, walk up one flight of stairs and enter an apartment with a window facing Franklin the music sounds as if someone is playing a radio outside your window.

The proposed restaurant is nestled in a corner of a strip mall and those 27 residential windows are going to bear the brunt of the echo as a popular restaurant's front door is open and closed from 10 a.m. to 2 a.m.

The city and business owners are not taking resident's testimony regarding noise and parking seriously in the neighborhood adjacent to Franklin Ave and Bronson Ave.

The city's letter of determination is incorrect: The owner of the restaurant is not requesting that "Disc Jockeys" be allowed to perform. The owner of the restaurant is asking that "DJ"s be allowed to perform. The owner is not looking for a disc jockey to play songs over a speaker, similar to a radio broadcast. The owner is looking for DJs to perform. DJs do not play at ambient levels. A DJ is a very particular type of music and it is loud and throbbing. Rent any movie made since 2010 that includes a party with a DJ. The kids call it "dropping the base" for a reason. It's loud.

Not to mention, don't Mariachi bands have horns? What horn player plays at ambient levels?

The Zoning Administrations letter of determination states that one resident testified at the May 3rd meeting that residents are worried that 13 parking spaces will be lost. This is inaccurate.

What was testified to was that since 2013 residents have lost 13 parking spaces to commercial development. Five were lost five weeks ago on the curb directly adjacent to the location of the proposed Mexican restaurant when that curb (roughly six car lengths) was designated as "commercial only".

The point of the testimony and what seems lost on the Zoning Administration is that parking IS a problem in the neighborhood and that decisions made by the City are making matters worse.

The point of the testimony was to make clear to the Zoning Administration that residents are tired of the city approving each new individual commercial project that comes across their desks and, slowly but surely, the residential part of the neighborhood suffers.

In 2013, the Scientology Celebrity got the city to agree to install their 'private' crosswalk in the middle of Bronson Avenue (simply so their staff wouldn't have to walk the extra ~40 feet to the actual intersection of Franklin and Bronson). The result? Extended red curbing that then eliminated six parking spaces total within four apartment buildings, some with no parking at all.

Again, in 2016, a week before the May 3rd hearing, the curb that abuts the strip mall where the proposed new Mexican restaurant will be, was converted to commercial use only. The result? The loss of another six parking spaces.

In 2012 the Scientology Celebrity Center purchase the residential apartment building next door and was permitted to convert it to a commercial space as a short-term hotel for its staff. In 2016, they have been allowed to install commercial-loading-only curbing, eliminating another two parking spaces for residents, further illustrating the Planning Department's complete lack of regard for what residents are claiming is a serious parking problem:

In April or May of 2016, at the appeal hearing for Case No ZA-2016-1009(PAB), which had to do with a new parking lot for the Gelson's employees, a resident testified that residents were worried (especially the 60+ residents who live at 5870 Franklin Avenue) that the new lot would mean red curbing at the entrance to the new lot would be expanded and thus the loss of the last eight parking spaces directly adjacent to the 5870 property.

One zoning administrator stated that it was a good concern. She then asked a lawyer (or perhaps it was an engineer) for the city who was present what the rules were regarding red curbing for such a project. The lawyer/engineer said he that did not know.

Did anyone pause and say "Let's wait then till we get an answer on that, before we make a final decision because the loss of another 8 spaces in this one block radius is a big deal"? Nope. Despite admitting that red curbing could be a problem did anyone on the commission decide to hold back on a decision until the full details of what the final result would be with respect to residential parking could be determined? Nope.

By the end of the hearing, another zoning administrator actually stated there didn't seem to be too much to worry about regarding parking but that there would be a recommendation to limit the red curbing. Without a condition rather than a recommendation all parking spaces in front of what will be the new parking lot will likely disappear.

Clearly, the commission does not consider parking an issue in this neighborhood. In fact, they approved the lot stating it would improve parking for residents but they also acknowledged that the people who will use the lot, the Gelson employees, are already parking south of Franklin.

Current city regulations (Business and Professions code state law 23958.4) require that the applicant prove there is a "public convenience or necessity" for the proposed changes to liquor service. The applicant has not made public the claims he submitted to the state ABC.

There's no indication the restaurant cannot operate profitably without a liquor license. There's no demonstration that the economic benefit outweighs the parking and noise concerns of the neighborhood. There is evidence that the added volume of post 11pm patronage and outdoor patio liquor service within 60 feet of residential apartment buildings will be detrimental to the character of the immediate neighborhood.

Our neighborhood is operating beyond the regulations for full-bar/liquor service. To the best of our memory, 20 years ago, within the one block radius of Franklin and Bronson, there were three restaurants with full bar service and one restaurant (Victor's) with beer and wine. Only three of the four restaurants with a full bar were open till 2am. The remaining lots were occupied by low-impact businesses like clothing boutiques and gift shops. There were also one liquor store and one grocery store selling a full line of alcoholic beverages.

Today, there are five restaurants with full bars, as well as one Grocery store and one liquor store selling a full line of alcoholic beverages and the zoning administration is approving an 8th venue .

The Zoning Administrator states that this going to "enhance the built environment in the surrounding neighborhood or…perform a function or provide a service that is essential or beneficial to the community". How?

What is the purpose of regulations, if they are not followed? What are the specific benefits that support subjugating these regulations?

Our neighborhood is suffering from a severe parking shortage and extending hours of operations for existing, high-impact, commercial operations is not going to make things better, it will make things worse. The city is dismissive of this problem.

Comments made by several of the associate zoning administrators at previous hearings,(see Case No ZA-2016-1009-PAB), show a either a complete lack of understanding of the reality of the parking situation or a willful disregard for what tenants are testifying to: a major parking problem in the neighborhood. Every discussion about why the next commercial project won't affect parking includes reference to valet service. This argument has no relevance.

Think about how often you valet. Think about how often you valeted when you were in your twenties. This neighborhood is not supporting five restaurants with a full line of alcohol by neighborhood patronage alone and more than half of the patrons that show up are not using valet. There are people driving and parking in the streets every day and every night. Here are some facts:

Consider (as ONE example) 1933 N. Bronson and 5870 Franklin Avenue, two apartment buildings with an approximate total of 120 residents and neither building has parking. Currently, if you arrive home at 5 p.m., you have (roughly) a 30% chance of finding parking within two blocks of your building, or you are parking five blocks away from your building. If you arrive home after 7p.m., you have a 10% chance of finding parking within two blocks of your building, or you are parking four blocks away from your building. That means maybe four days per month, you don't have to walk a minimum of five blocks, or more, to your car.

If you arrive home after 10 p.m. you have a 30% chance of finding parking within two blocks of your building. Or, again, you are probably parking a minimum of four blocks away from your building.

If the Zoning Administrators and the city allow another restaurant with a full line of alcohol to operate past 10pm in our neighborhood, it is condemning all residents who park on the street to a five-(or more)-block-walks, 7 days a week, late at night and the lives of renters in the area get worse.

If the Zoning Administrators and the city allow music performances, you're condemning people with windows within 100 feet of the restaurant to driving base of a DJ or the repetitive song-list of a house Mariachi band.

The owner says the music will only be on Sunday? The commissioners should consider how crazy would you feel if every Sunday, you heard Mariachi music at a level that sounded like a radio was outside your window.

Finally: If the Zoning Administrators and the city allow a bar to have a patio with seating for twenty, you're condemning everyone with a window within 150 feet to the chatter of strangers outside their window every night. if that patio has full bar service, then the noise is worse. the noise travels in this neighborhood. It is a fact that in this neighborhood--at this intersection of Franklin and Bronson--the volume travels. It was testified to at the May 3rd meeting but there is no mention of this testimony in the June 22 letter of determination.

However, some of the restaurants on Franklin realize that the music they play even at ambient levels, is too much. Residents started with La Poubelle and are will probably have to work their way west, talking to managers and owners of these businesses. Residents are finally getting them at least to agree that they will not go out of business if they cease the music. This neighborhood is thriving. There's no reason the city or the business owners can't be reasonable and compromise.

Does the city really not think an outdoor patio within 40 feet of 27 residential windows isn't an additional burden to residents already dealing with the noise of three other bars and restaurants open till 2 a.m., and a fourth open till 12 a.m. and a fifth open till 11 p.m.?

Does the owner of the proposed restaurant expect that, from 11:30 p.m. to 1:45 a.m., a mellow crowd of only five patrons will quietly ponder over a glass of bourbon while they listen to the dulcet tunes of Danger Mouse (he's a DJ) from 10 p.m. to 2 a.m.? Or does the owner expect a full house between 11:30 p.m. and 1:45 a.m.? 80+ patrons? And where does the city expect those 80 cars to be parked?

1917 N. Bronson is an empty commercial space. It deserves to be filled with something. But if it's going to be another high-impact business, like a restaurant,

then the city should stop the new restaurant from operating beyond what it the space was originally set up for. This one should be beer and wine only and not operate past 11p.m. Is this unreasonable? Are these unreasonable restrictions for the city to maintain for an owner who is already successfully operating two other establishments, including one with a full line of alcohol on the same block? Is anyone or any business really being unfairly harmed?

Our neighborhood is beyond the limit for liquor licenses/permits allowing for full bar service. The June 22nd letter of determination states that the expansion of hours is an exception to the zoning rules for the location. The owner of the restaurant wants exceptions granted regarding current regulations. What is the point of zoning regulations if the city is not going to follow them?

Exceptions can be made based on circumstance but based on the items in this appeal, the justification for the exceptions do not exist. If anything, the facts show that in this case, the next restaurant on the block needs to adhere to current regulations, with no exceptions made because the exceptions do not surpass the fact that noise and parking issues in a neighborhood overflowing with bars and restaurants---a one block radius overflowing with restaurants with a full line of alcohol---cannot justify another 12 a.m./2 a.m. restaurant with a full line of alcohol and outdoor seating for 20.

The Zoning Administrator's determination does not comply with current case law. There are both unusual circumstances and cumulative impacts exceptions that make a categorical exemption inadequate environmental review.

In addition to the extraordinary impacts from this project noted above there has been extensive development in this area as shown on the attached map. Most of it was without any environmental review and the rest of it was with CEs and only one MND.

The commercial area on Franklin Ave has been expanding for the last 50 years without any expansion of the infrastructure. Originally there were 1 1/2 blocks of 1 and two story local businesses facing Franklin Ave. They were all low impact businesses. In 1966 the Gelson's supermarket was built taking 1 block of the local businesses and 7 R3 lots behind them.

In 1968 three more R3 lots behind the other local businesses west of the Gelson's supermarket were taken. This was prior to the CEQA enacted in 1970. In 1978 2 more R1 lots on Franklin Ave east of the Gelson's supermarket were taken. Starting in 1980 the remaining 1 block low impact businesses were gradually replaced with high impact business including 3 restaurants and a theater. None of them have adequate on-site parking.

Every expansion of use such as CUB's and ZVs for off-site parking have been accompanied by CEs, NDs, and only 1 MND. Now 2 more R3 lots are proposed to be taken for more expansion of the commercial activity on Franklin Ave with only a CE. The current application is another restaurant with a CUB for a full line of on-site alcohol and a ZV for off-site valet parking with a only a CE. The owner of one of the overburdened high-intensity use commercial lots west of the Gelson's supermarket has bought the R3 lot next to his property for residential to commercial conversion.

Presently there are already:

- seven venues selling a full line of alcoholic beverages
- five of the seven venues selling a full line of alcoholic beverages are restaurants
- three of the seven venues selling a full line of alcoholic beverages engage in business until 2 a.m. nightly
- one of the seven venues selling a full line of alcoholic beverages is open till 12 a.m. nightly
- one of the seven venues selling a full line of alcoholic beverages is open till 11 p.m. nightly
- one of the seven venues selling a full line of alcoholic beverages is a grocery store, open till 12 a.m. nightly.
- within the same one-block radius there is one venue selling beer and wine and that venue lists its hours as open till 12 a.m. nightly.

The red outline of the 15 residential parcels in white on the ZIMAS map attached shows the extent of commercial development that has occurred or is proposed in the vicinity of the project via CEs and MNDs without meaningful environmental review. All these increases in the intensity of use have occurred, are before you now, or are being proposed without any increase in the infrastructure and were or are accompanied by EAFs claiming that there would no impact or a mitigatable impact. If all of these changes were proposed as a single project they would merit a full EIR. Yet, an EIR has never been done. It is time for ZAs and the Director of Planning to stop claiming that straw after straw on the camel's back will have either no impact or only a mitigatable impact on the infrastructure.

Franklin Ave is at a standstill from all the traffic from the commercial activity on Franklin Ave and from the pass-through traffic on this over-burdened street. During peak hours it takes 15-20 minutes for traffic go from Western Ave to the Hollywood Freeway on-ramp at Argyle Ave. All of the streets in this area are congested as traffic leaving Hollywood bound for the Valley are jammed on Wilton, Van Ness, Bronson, Gower, Argyle and Vine. The 2 DASH bus routes on Franklin Ave cannot maintain their schedules usually resulting in fewer runs and longer intervals between runs. DASH Riders are deprived of the service to which they are entitled.

The unusual circumstances and cumulative impacts noted above are substantial evidence that the Categorical Exemption will not stand and additional CEQA analysis is required. See Berkeley Hillside Preservation v. City of Berkeley (Supreme Court Case No. S201116, March 2, 2015)

I challenge the Categorical Exemption as adequate environmental review and demanding that an Environmental Impact Report (EIR) evaluating the cumulative impacts of all the projects listed above be provided as per the California Environmental Quality Act (CEQA). Current CEQA law requires this and there has been no rebuttal from the ZA, Director of Planning, the applicant, the City Attorney or the CLAAPC entered into the record.

A finding that the project is for “public convenience or necessity” in an area over-saturated with alcohol licenses is not within the jurisdiction of the Los Angeles City Planning Department.

Business and Professions Code 23958.4 reads:

> (a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:
>
> (1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.
>
> (2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

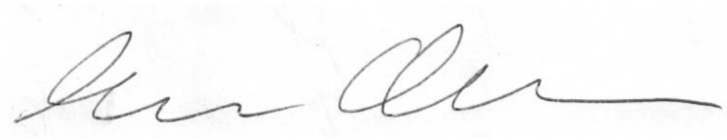
(3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

(b) Notwithstanding Section 23958, the department may issue a license as follows:

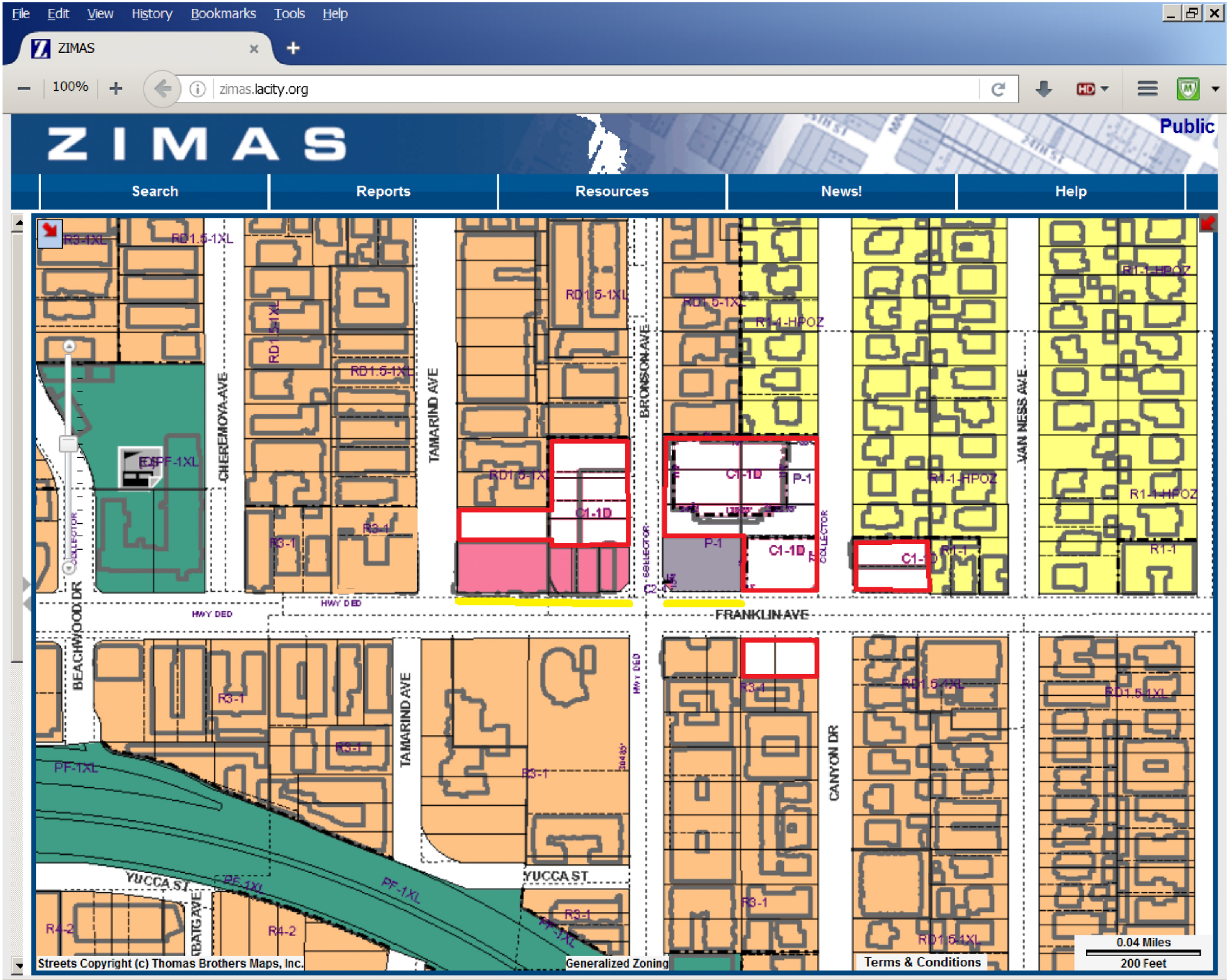
(1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer's license, or a winegrower's license, if the applicant shows that public convenience or necessity would be served by the issuance.

Since "the department [state ABC] may issue a license as follows: With respect to a nonretail license, a retail on-sale bonafide eating place license," . . . "if the applicant shows that public convenience or necessity would be served by the issuance." it is immaterial what the LADCP finds or shows in this regard. The determination is under the purview of the state ABC. It is the duty of the applicant and not the LADCP to show that public convenience or necessity would be served by the issuance. It is usurpation of state authority for the LADCP to make any such finding and of the applicant's responsibility to make any showing. The finding of the ZA must be rescinded and the showing by the ZA removed from the determination.

Respectfully submitted,



George Abrahams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