

FINDINGS

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 property is an irregularly-shaped corner parcel comprised of approximately 32,435 square feet of area. The site has 121 feet of frontage along Sunset Boulevard and 203 feet of frontage along Gardner Street.

The site is improved with five one- and two-story commercial buildings totaling 22,808 square feet, which are proposed to be demolished and replaced with a two-story, 22,260 square-foot mini-shopping center with basement storage and attached four-level plus rooftop 92-space parking garage.

The surrounding area is characterized by relatively level topography and improved streets. The northern adjoining property is developed with the Gardner Street Elementary School. The northeastern property, fronting on Vista Street, is developed with a three-unit residential condominium. The eastern adjoining properties, fronting on Sunset Boulevard, are developed with commercial buildings occupied by the Sunset Grill and Guitar Center. The southern adjoining properties, across Sunset Boulevard, are developed with one- and two-story commercial buildings. The western adjoining properties, across Gardner Street, are developed with two-story, mixed-use, commercial and residential buildings.

The applicant requests a Conditional Use application for the on-site sale and consumption of a full line of alcoholic beverages in conjunction with three venues operating as one restaurant, with hours of operation from 7 a.m. to 2 a.m. daily. The proposed restaurant will be located within the proposed new mini-shopping center and occupy portions of the ground floor and basement, consist of a total of 3,171 square feet, inclusive of 602 square feet of basement storage area, and an additional 731 square feet of uncovered on-site outdoor patio, accommodating a total of 128 seats interior and 71 seats outdoors, all divided between three venues. All three venues would be located toward the center of the mini-shopping center, and have no frontage on either Sunset Boulevard or Gardner Street.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The proposed restaurant use, in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues, will assure that the service of alcohol will not be disruptive to the community. The availability of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant will offer an amenity that is often expected with food and restaurant service that caters to the local community, local

employees, patrons of adjacent commercial uses, and the residents in the neighborhood.

Moreover, the subject site and surrounding properties were planned, zoned, and subsequently developed for commercial uses such as the subject restaurant. Said restaurant will be a convenience to the general public, as are the offices, housing, and other restaurants along and around Sunset Boulevard, a well-travelled thoroughfare for residents and visitors alike. The subject property is also proposed to be developed in a manner similar to surrounding properties – with retail uses, restaurant uses, and office buildings that serve a diverse population within the City of Los Angeles. As such, the restaurant with alcohol service will offer a convenient location for a unique dining experience for local residents, local workers, and visitors and will perform a function and provide a service that is beneficial to the surrounding community.

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 subject property is an irregularly-shaped corner parcel comprised of approximately 32,435 square feet of area. The site has 121 feet of frontage along Sunset Boulevard and 203 feet of frontage along Gardner Street. The site is improved with five one- and two-story commercial buildings totaling 22,808 square feet, which are all proposed to be demolished and replaced with a two-story, 22,260 square-foot mini-shopping center with basement storage and attached four-level plus rooftop 92-space parking garage. The parking garage would be developed along the rear of the property, adjacent to the elementary school. Vehicle ingress and egress would be via a driveway accessing Gardner Street. Pedestrian access would be through an open-air walk beginning on Sunset Boulevard and ending on Gardner Street.

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The applicant requests a Conditional Use application for the on-site sale and consumption of a full line of alcoholic beverages in conjunction with three venues operating as one restaurant, with hours of operation from 7 a.m. to 2 a.m. daily.

The proposed restaurant will be located within the proposed new mini-shopping center and occupy portions of the ground floor and basement, consist of a total of 3,171 square feet, inclusive of 602 square feet of basement storage area, and an additional 731 square feet of uncovered on-site outdoor patio, accommodating a total of 128 seats interior and 71 seats outdoors, all divided between three venues. All three venues would be located toward the center of the mini-shopping center, and have no frontage on either Sunset Boulevard or Gardner Street.

According to information submitted by the applicant,

The restaurant operator knows how to run successful, viable restaurant operations. They have been chosen to provide the single point of alcohol sales within the shopping center for guests who are coming to the location. They have a self-interest in maintaining a wholesome, neighborhood-enhancing experience. Therefore, they will enforce alcohol sales procedures to ensure there are no problems resulting in incidents or activities which affect the environment for their core clientele.

They want to focus on customers who care about a unique space and can enjoy the environment respectfully. This respect will, naturally, extend into the neighborhood.

... All three of the patio dining areas are surrounded by perimeter railings and do not exceed 50% of the interior dining area, as required for first floor restaurants in the C4 Zone. They retain easy visibility from the restaurant staff, such that they can ensure consumption controls as required by the Alcohol Beverage Control Board.

According to supplemental application materials, there will not be any entertainment such as piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc., offered; there will not be a minimum age for entering the venues; no "fortified" wine (greater than 16% alcohol) be sold; no alcohol will be consumed on any adjacent property under the control of the applicant; there will be no signs visible from the exterior that advertise the availability of alcohol; a kitchen will be maintained on-site; alcohol would be occasionally sold without a food order, but no bar is proposed; the sale of alcohol will not exceed the sale of food items on a quarterly basis; no bar or cocktail lounge would be maintained incidental to the restaurant; and it had not been determined whether to offer discounted alcoholic drinks ("Happy Hour").

The Hollywood Hills West Neighborhood Council opposed the request. The local Police Department did not oppose the request.

Based on written and verbal testimony, it is clear that there is a great deal of concern regarding the proposed new construction of the mini-shopping center as well as the proposed restaurant and sale of alcoholic beverages. Relatedly, there

is skepticism about the appropriateness of the conditional use in light of statements made regarding the future ownership of the property and project. As proposed, the construction, use and maintenance of the mini-shopping center is being pursued as a by-right development project, for which no deviations from the zoning code is being requested. There is nothing atypical for a developer to seek and secure development rights, including for the sale of alcoholic beverages, prior to physical development of the property. Further, there is nothing atypical for a developer or property owner to secure a conditional use, such as being requested, in order to enhance the value of a property prior to sale. If a conditional use is granted, it falls to the Zoning Administrator to appropriately apply conditions to ensure that regardless of the owner or operator, the proposed use can compatibly coexist within the community.

Based on the circumstances for the request, the Zoning Administrator has tailored conditions to ensure that the proposed restaurant will be developed and operated in the manner proposed, and compatibly with the surrounding community. The development and use of the restaurant can only be in conformance with the adopted Exhibit "A", and additional conditions have been applied, such as no frontage or seating on Gardner Street, limited hours of operation, and operation as one restaurant under one owner, to address some of the unique circumstances of this request. A substantial change in the development of the restaurant, its mode and/or character will require that the business owner return to the Zoning Administrator to review the changes and possibly set the matter for another public hearing.

The restaurant's emphasis will be on food service in general, in conjunction with the sale and on-site consumption of a full line of alcohol, which would be offered as an incidental amenity, is reasonable given the restaurant's location in a commercially zoned area. The operations of the restaurant will be fully interior of the proposed mini-shopping center. Furthermore, the project is not requesting any karaoke, live entertainment, or patron dancing, and such activities have been prohibited.

Many additional conditions have been imposed to respond to and minimize more common issues surrounding the availability of alcoholic beverages, crime, noise, littering, loitering, and responsible management. Further, conditions have been recommended to the State Department of Alcoholic Beverage Control to impose as a part of their discretionary licensing process.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. In addition, the project's location within a commercial-use zone, as part of a proposed mini-shopping center, minimizes potential impacts on nearby residential uses. Thus, as conditioned, 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.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Hollywood Community Plan area. The Community Plan Area Map designates the property for Neighborhood Office Commercial land uses corresponding to the C1, C2, C4, P, RAS3, and RAS4 Zones; the property is zoned C4-1D, and is thus consistent with the General Plan's land use designation for the site. The property is subject to a Development "D" Limitation established in 1989 under Ordinance No. 164,711 restricting the maximum Floor Area Ratio on the subject site and surrounding commercial properties on Sunset Boulevard to 1:1. It is not located within any specific plans, overlays, or interim control ordinance.

The project is consistent with the following goal, objective, and policy of the Community Plan:

Objective No. 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective No. 4: To promote economic well-being and public convenience through... Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The proposed project will provide a neighborhood restaurant, with alcoholic beverage service, that incorporates seamlessly into the shopping, dining, and commercial atmosphere of Sunset Boulevard. Further, the project will contribute to a flow of pedestrian activity, enhancing the neighborhood's viability as a walkable, transit-accessible area. Therefore, granting a Conditional Use Permit for

the sale of a full line of alcoholic beverages for a restaurant can be deemed to substantially conform to the purpose, intent, and provisions of the General Plan and Hollywood Community Plan.

4. **The proposed use will not adversely affect the welfare of the pertinent community.**

The applicant requests a Conditional Use application for the on-site sale and consumption of a full line of alcoholic beverages in conjunction with three venues operating as one restaurant, with hours of operation from 7 a.m. to 2 a.m. daily. The proposed restaurant will be located within the proposed new mini-shopping center and occupy portions of the ground floor and basement, consist of a total of 3,171 square feet, inclusive of 602 square feet of basement storage area, and an additional 731 square feet of uncovered on-site outdoor patio, accommodating a total of 128 seats interior and 71 seats outdoors, all divided between three venues. All three venues would be located toward the center of the mini-shopping center, and have no frontage on either Sunset Boulevard or Gardner Street.

According to supplemental application materials, there will not be any entertainment such as piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc., offered; there will not be a minimum age for entering the venues; no "fortified" wine (greater than 16% alcohol) be sold; no alcohol will be consumed on any adjacent property under the control of the applicant; there will be no signs visible from the exterior that advertise the availability of alcohol; a kitchen will be maintained on-site; alcohol would be occasionally sold without a food order, but no bar is proposed; the sale of alcohol will not exceed the sale of food items on a quarterly basis; no bar or cocktail lounge would be maintained incidental to the restaurant; and it had not been determined whether to offer discounted alcoholic drinks ("Happy Hour").

Comments were expressed highlighting issues about employee parking, conflict with school children, restaurant frontage along Gardner Street, proposed hours of operation, and traffic generation. The Hollywood Hills West Neighborhood Council opposed the request.

Conditional authorization for the sale and dispensing of a full line of alcoholic beverages for on-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of a full line of alcoholic beverages for on-site consumption.

In addition to conditions addressing the proposed use as a restaurant and the availability of alcoholic beverages, conditions have been adopted to require employees parking on-site and prohibit such parking in the neighborhood; to prevent the restaurant from having a frontage, doorway, window, or patio area along Gardner Street; and the hours of operation have been limited from the

proposed 7 a.m. to 2 a.m. daily, to those that align with the restriction on mini-shopping center – 7 a.m. to 11 p.m. daily. Based on a review by the Department of Building and Safety, the project does not result in any significant Vehicle Miles Traveled impacts that would warrant further analysis or mitigation.

A variety of commercial uses are an intrinsic part of service amenities necessary for the conservation, development, and success of a vibrant neighborhood. As conditioned, the sale of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed restaurant will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcohol including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the surrounding residential community. Conditions specific to the location and operation of the restaurant have been imposed to ensure the restaurant's physical location within the mini-shopping center will not conflict with either the adjacent school or residential neighborhood.

Therefore, with the imposition of such conditions, the sale of a full line of alcoholic beverages for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the State Department of Alcoholic Beverage Control (ABC), there are two on-site licenses and one off-site license allocated to Census Tract No. 1899.05. There are seven existing on-site licenses and one off-site license.

According to statistics provided by the Los Angeles Police Department's Hollywood Division Vice Unit, within Crime Reporting District No. 643, which has jurisdiction over the subject property, a total of 378 crimes were reported in 2019 (263 Part I

and 115 Part II crimes), compared to the Citywide average of 170 crimes and the High Crime Reporting District average of 204 crimes. Alcohol related Part II Crimes reported include Narcotics (13), Liquor Laws (3), Public Drunkenness (7), Disturbing the Peace (0), Disorderly Conduct (2), Gambling (0), DUI related (3), and other offenses (37). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Undue concentration can occur when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The number of active licenses for o-site sales within the census tract is above the number allocated by ABC guidelines. However, approval of the request is not expected to result in any criminal nuisance activity. The site is surrounded by commercial buildings similar to the subject site. No documented history of criminal or nuisance activity and no complaints concerning the site were received for the record. In these active commercial areas where there is a demand for licenses beyond the allocated number and where an undue-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness.

The site is also located in a district where the crime rate is substantially higher than the citywide average. However, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site. The Los Angeles Police Department submitted a letter stating no opposition to the request. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area.

The project will not adversely affect community welfare because the restaurant is a desirable use in an area designated for commercial uses. The proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, 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 project site is zoned for commercial uses and will continue to be utilized as such with the proposed restaurant. The following sensitive uses are located within a 1,000-foot radius of the site:

- Gardner Street Elementary School, 7450 Hawthorn Avenue
- West Hollywood United Church of Christ, 7350 Sunset Boulevard
- Residential Uses

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside 500-year floor plain.