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October 14, 2009

Aram Serobian (A)(O)
Home Restaurant
1758-1760 North Hillhurst Avenue
Los Angeles, CA 90027

Elizabeth Peterson (R)
Elizabeth Peterson Group, Inc.
1850 Industrial Street, #606
Los Angeles, CA 90021

CASE NO. ZA 2008-3701(CUB)
CONDITIONAL USE
1758-1760 North Hillhurst Avenue
Hollywood Planning Area
Zone : C4-1D
D. M. : 147B197
C. D. : 4
CEQA : ENV 2008-3700-CE
Legal Description : Lot 4, Tract 822

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

a conditional use for the on-site sale of a full line of alcoholic beverages,

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 Zoning Administrator 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 proceeding against the City or its agents, officers, or employees 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. The seating shall not exceed the previously approved maximum of 60 seats.
8. The hours of operation shall not exceed the previously approved hours of 9 a.m. to 11 p.m., seven days per week.
9. During all hours that the restaurant is open for service, until 1/2 hour after closing, valet service shall be available for the exclusive use of restaurant patrons.
10. A notice shall be posted at the site notifying patrons that they shall not park on the surrounding residential streets.
11. There shall be no employee or valet parking of vehicles on the adjacent streets.
12. Prior to any utilization of the grant the applicant shall submit valet service contracts with the location of parking lots utilized, the number of vehicles to be parked and the valet hours of service.
14. A copy of the parking lease shall be submitted annually to the Zoning Administrator.
15. The term of this grant shall be limited to a period of five (5) years and may not be extended under the provisions of the code for time extensions.
16. The applicant shall file a Plan Approval within six (6) months of the effective date of this action to review the operation with the imposed conditions.
17. The use of the restaurant shall be for sit down service of meals to patrons.
18. There shall be no dancing or live entertainment.
19. There shall be no separate cocktail lounge or bar in the restaurant.
20. Alcohol shall only be sold with a food order.
21. All trash receptacles for the restaurant shall have locks preventing use by persons other than employees of the restaurant.

22. The petitioner shall be responsible for maintaining free of litter, the area and area adjacent to the premises over which they have control.
23. This grant shall supercede the grant under Case No. ZA 2004-5582(CUB).
24. Within 60 days of 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 Zoning Administrator 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 - TIME EXTENSION

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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 \$1,000 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 OCTOBER 29, 2009, 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://cityplanning.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, the report of the Zoning Analyst thereon, the statements made at the public hearing on May 28, 2009, 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 under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The property is a, rectangular-shaped, corner lot consisting of 6,345 square feet, with a frontage of 135 feet along the east side of Hillhurst Avenue and 47 feet on the north side of Kingswell Avenue. The property is zoned C4-1D. The northerly portion of the site is occupied by the subject 3,537 square-foot restaurant, in a, partial two-story commercial building. Vehicular access to three surface parking spaces is provided via a driveway located near the southeasterly corner of the property.

Adjoining property to the north is zoned C4-1D and developed with a one-story auto repair business.

Property to the south and across Kingswell Avenue is zoned R2-1XL and developed with a two-story apartment.

Adjoining property to the east is zoned C4-1D and developed with a two-story duplex. Beyond that property is zoned R2-1XL and developed with a one-story duplex.

Property to the west across Hillhurst Avenue is zoned C4-1D and developed with a two-story multi-tenant commercial building. Beyond that property is zoned C4-1D and developed with a one-story multi tenant commercial building.

Hillhurst Avenue, adjoining the property to the west, is designated a Secondary Highway dedicated to a width of 80 feet and improved with curb, gutter and sidewalk.

Kingswell Avenue, adjoining the property to the south, is a Local Street, dedicated to a width of 60 feet and improved with curb, gutter and sidewalk.

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

Subject Property

Case No. ZA 2007-1045(CUB) – On June 15, 2007, the Zoning Administrator denied a conditional use permit for the expansion of an existing restaurant from 60 to 112 patron seats, with expanded hours of operation from 9 a.m. to 12 midnight daily in lieu of the permitted hours of 9 a.m. to 11 p.m. daily, in conjunction with the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption as previously approved under Case No. ZA 2004-5582(CUB).

The applicant appealed the decision and at its meeting on September 11, 2007. The Central Area Planning Commission denied the appeal, sustained the Zoning Administrator's decision, modified the conditions of approval and required a Plan Approval within one year to review the operation.

Case No. ZA 2004-5582(CUB) – On March 1, 2005, the Zoning Administrator granted a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant.

Case No. ZA 2001-4132(CUB) – On June 17, 2002, the Zoning Administrator granted a conditional use to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing 2,497.5 square-foot restaurant seating a total of 60 patrons. The decision was appealed and at the meeting on August 13, 2002, the Central Area Planning Commission granted the appeal in part and sustained the action of the Zoning Administrator and modified the imposed findings and conditions.

Surrounding Properties

Case No. ZA 2007-5686(CUB) – On March 18, 2009, the Zoning Administrator denied a conditional use permit authorizing the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in an interior dining area and outdoor patio area, in conjunction with the expansion of an existing bar/restaurant at 1831 North Hillhurst Avenue.

Case No. ZA 2007-2870(CUB) – On January 16, 2008, the Zoning Administrator granted a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant (Chi Dynasty) located at 1813 North Hillhurst Avenue. The decision was appealed and on April 8, 2008, the Central Area Planning Commission denied the appeal and sustained the decision of the Zoning Administrator.

Case No. ZA 2006-10336(CUB) – On November 15, 2007, the Zoning Administrator granted a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant having both indoor and outdoor dining at 1700 North Hillhurst Avenue.

The decision was appealed and at the meeting on January 22, 2008, the Central Area Planning Commission granted the appeal in part and modified conditions of approval.

Case No. ZA 2003-9942(CUB)(SPP) – On August 21, 2003, the Zoning Administrator granted a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption and approved a Specific Plan Project Permit, in conjunction with a proposed 3,960 square-foot mini-market at 1674 North Hillhurst Avenue.

PUBLIC HEARING

A public hearing was held on May 28, 2009 at which approximately 20 people were in attendance. Following is a summary of the testimony at the hearing.

The representative for the applicant provided the following testimony:

- This is a new Conditional Use request to continue the use
- No. 426677 - type 47 license
- There are 36 seats inside and 60 seats outside
- There is no expansion
- Increase 60 to 90 seats; 9 a.m. to 12 midnight, or one hour
- Approved under case no. 2004-5582 hours of 9 a.m. to 11 p.m./7 days
- Full line of alcohol
- Occupant load - 96 occupants
- Have 7 parking spaces and free valet services
- Steve Edelson is no longer the owner
- Case 2007-1045 filed in March of '07 was denied and APC also denied. Original hearing notice was incorrect. The new notice was not posted until two days prior. The denial was based on the lack of parking
- The Plan Approval was not filed. Advised not to file the Plan Approval
- In compliance with all other conditions
- There were no LAPD calls for service
- Regarding the Neighborhood Council presentation, request was mis-represented and requested new clarification from the Neighborhood Council
- (Read letter from Neighborhood Council member acknowledging 8 parking spaces)
- No increase in the size of the restaurant
- There are contentions of noise
- There is a 30-foot wall to the rear
- No ABC violations
- Valet Parking (identified on the plans)
- Can park 14 to 15 cars
- Alcohol is only served with food

A representative of the Armenian Chamber of Commerce provided the following testimony:

- I work with many organizations
- Support the request for an additional hour and seating
- Provides value to the community
- Need to help businesses survive during tough times

Two nearby residents provided the following testimony:

- I support the request
- I am a frequent customer
- Don't feel there is a parking problem. When you live in the city adjustments must be made
- People who patronize the restaurant are not the type who over-drink

- I'm often outside late and haven't seen any problems, including parking and music
- My patio faces the restaurant
- Noise occurs in a city
- There are many restaurants in the area

An employee of the restaurant provided the following testimony:

- I support the request
- There are no problems
- Happy with hours extended
- It is a family restaurant

Two nearby residents provided the following testimony:

- Don't want the hours extended nor seating increased
- Parking is a problem
- Valet parks cars on the street
- There are many businesses in the area - 6 restaurants and one additional proposed with mini-mart
- No problem with liquor license
- Noise is unbearable including alarms

Two representatives of the Fire Department provided the following testimony:

- Conducted an inspection
- In compliance with the Fire Code
- Fifteen square feet per person
- Have the appropriate aisles and exits

A representative with the Neighborhood Council provided the following testimony:

- We re-affirmed our opposition in March '09
- There were more than 60 seats today on the patio
- Concerned about non-compliance
- Many people attended our meeting and were concerned about parking and aggression of the valet
- Request no expansion of hours or seating
- Policy is to end activity in the area around 11 p.m.
- There are many older buildings and they have no parking

A member of the Neighborhood Council provided the following testimony:

- I voted in opposition but I'm retracting
- Ninety-six is a good compromise
- Other restaurants were granted alcohol
- Believe that by adding capacity it will reduce parking demand
- Would like to see more density - commercial and residential

The chair of an area Neighborhood Council provided the following testimony:

- The project was before the neighborhood council in 2007
- Should dismiss the request. The Zoning Administrator has no authority unless the change is substantial
- There are two new restaurants since the denial of this request. One has 63 parking spaces. The other is the same size as "Home" with 78 seats outside and 49 seats inside and has 6 on-site parking spaces and 42 spaces adjacent and two lots to the south. The patio closes at 11 p.m. and the APC confirmed
- Home has the most seats on the interior
- Residential surrounds the site
- Noise is emitted from the patio and patrons going to cars
- Others must close outside at 11 a.m.
- Site was a residence and was converted
- Eight spaces are shared by other businesses
- Old notice was not confusing and people were aware
- Project was on the agenda 4 times. The representative showed 2 times and cancelled twice
- Neighborhood Council wanted information regarding solutions
- We've counted 108 seats which have been reduced lately. I'd like to know when they were reduced

The applicant provided the following testimony:

- This is a family restaurant with 40 employees
- Posting was on the wrong building
- Desert Rose restaurant received no opposition
- Forty-six parking spaces
- There are two rooms one has 6 seats the other room is empty

A speaker provided the following testimony:

- Don't cause problems
- Do charitable work in the neighborhood
- People believe the old notice is true and expansion onto another site will take place
- Meeting felt like a "lynching"
- Adding seating allows us to do other things
- Feel discriminated because we are Armenian
- Some restaurants have more seating
- There has been false information

A customer provided the following testimony:

- Area is busy. A fire station is nearby
- Neighborhood is not quiet
- Often must walk to parking
- I usually go with 3 people in one car
- Never seen loitering

A representative for the Council office provided the following testimony:

- Issues are parking and hours
- Where does the valet park the cars? If parking on street, must stop
- Regarding the number of seats, not so concerned about the seats as the parking
- Hours of others - on Friday and Saturdays its 12 midnight and 11 p.m. during the week. The Desert Rose is 12 and 1

The representative for the applicant provided the following testimony in rebuttal:

- Would like to request the file be held open
- Will send a parking plan

At the conclusion of the hearing the record was held open for two weeks.

Written Communication

A letter was received from the Greater Griffith Park Neighborhood Council with the following testimony:

- The request is only slightly different than the request under ZA 2007-1045 which was denied by the Zoning Administrator and the Central Area Planning Commission
- The earlier request was for 112 seats
- Our opposition is contained in a letter to Pat Brown dated May 17, 2006 [2007]
- The earlier expansion was opposed by residents directly affected by the restaurant
- Neither the applicant nor his representative attended the GGPNC committee meeting, however the representative did present at the December 10, 2008 meeting
- At the meeting, the reasons for the earlier opposition were reviewed at it was requested that the applicant and representative present a statement of measures taken and/or proposed to address those conditions
- It was also pointed out that the number of seats then utilized were in excess of the number authorized by the conditional use permit and the number of seats sought under this application
- At the March 9th meeting the representative advised that she and her client would not be able to make a presentation
- The committee determined that the failure to make such presentation, knowledge of the area, large seating without adequate parking and the extended hours with the majority of the seats outside and in close proximity to residences, the request could not be justified
- The board is opposed to the expansion in seating and hours

Two letters dated June 10, 2009 and June 15, 2009 were received from Ise Automotive with the following summarized comments:

- A customer informed me that at the hearing, a statement was made that parking spaces are made available to the applicant after business hours at an auto repair

facility to the north, I would like to clarify that if the “auto repair” facility referred to is Ise Automotive then this is incorrect

- I have been approached by several restaurants to use the lot for parking, but I do not want cars parked on the lot nor blocking my driveways during non-business hours
- There are times during non-business hours when I can't get out of my lot because the driveways are blocked by patrons of local businesses
- Cars ignore my “cars will be towed...” signs and continue to block the driveway during business and non-business hours
- The applicant can block the driveway adjacent to his restaurant only during non-business hours and therefore the restaurant can block one driveway during non-business hours

A letter was received from the Assemblymember for the Forty-fifth District with the following testimony:

- Restaurant is a responsible neighborhood business in Silverlake and Hillhurst communities contributing to the economy
- We understand they operate in accordance with the applicable zoning regulations and that the request to expand is pursuant to the city and Building and Safety parking code
- We welcome business expansion

A petition in opposition with 48 signatures was received. The signers provided the following testimony:

- Opposed to expansion of seating from 60 to 96 patrons
- Opposed to hours of operation of 9 a.m. to 11 p.m. and to 9 a.m. to midnight daily
- Opposed to alcohol sales of 11 a.m. to 12 midnight daily
- Restaurant patrons park on our streets,
- Valet parks cars on our street and residents can't find parking
- Restaurant has license for full liquor sales, expanding the hours will increase alcohol sales
- Loud noises
- People walking on the sidewalk
- Trash including cans, bottles and cigarette butts are left at the curb

A letter in support was received from the Armenian American Chamber of Commerce Little Armenia-Chapter was received with the following testimony:

- Ask the ZA to consider intricate values that the restaurant provides to the community
- Economic opportunity strengthens and contributes to the growth of the city
- Request consideration of an extra one hour and the approved seat increase.
- According to the rules and regulations Home Restaurant is within the parameters

A letter from the representative for the applicant was received subsequent to the hearing, with the following testimony:

- Enclosed is: (a) Certificate of Occupancy for 7 required parking spaces; (b) Lease for six off-site non required parking spaces at 4452 Melbourne Avenue; (c) Valet parking agreement for 25 additional non-required parking spaces provided per neighborhood resident concerns
- Applicants have had the additional sixty-five non-required parking spaces in use since May of 2007. They will continue to utilize this parking
- Seven on-site parking spaces are required by LADBS
- Vermont-Western Specific SNAP reduces parking to 2:1,000
- (certificate of occupancy and valet parking agreement attached)

A letter was received from a resident with the following testimony:

- (outlined testimony of others at the hearing)
- I was lied to by a neighbor who said the restaurant was expanding

Twenty-two letters in support were received with the following testimony:

- Restaurant is a positive influence in the neighborhood
- Home Restaurant has made the neighborhood safe and friendly
- It does not cause parking problems and has a complimentary valet
- I have seen Home employees clean the city's street in front of the restaurant
- All of Los Feliz has a parking problem
- Expansion until 12 midnight will permit this restaurant to operate as others in the neighborhood

E-mail correspondence was received from the President of the Greater Griffith Park Neighborhood Council with the following testimony:

- The position of the Greater Griffith Park Neighborhood Council was outlined in our letter of April 3rd
- Mr. Owen's letter represents our position
- Other members may express their positions
- No misrepresentation was made in the presentation to the board
- Mr. Mauceri was not a member at the time of the prior application
- (addressed allegations)

E-mail from a member of the neighborhood council provided the following testimony:

- Investigator report incorrectly addresses seating
- Residents are not parking on the street mid-week at lunch time
- The 2007 hearing notice was addressed by re-noticing
- Noticing at Planning, Zoning and Historic Preservation committee was addressed
- ZA 93-004 is still in force
- Chi Dynasty has a closing hour of 11 p.m.
- Desert Rose - the outdoor closes at 11 p.m.
- Told by the representative that the sale of alcohol without food was a typo

Copies of correspondence via e-mail between community members was submitted to the file.

Four letters from District representatives for the Greater Griffith Park Neighborhood Council (GGPNC) were received with the following testimony:

A representative submitted two letters with the following testimony:

- I voted in opposition, and the motion passed unanimously
- (outlined questions asked at the GGPNC meeting regarding extension of operating hours and seating)
- Advised patio noise would be a disturbance and parking issues
- Subsequent to the vote, I discovered there were omissions to the responses received
- The auto facility to the north cedes additional parking spaces after hours and a retail store to the south has a parking lot
- Residential building to the east is buffeted by a 30-foot edifice
- Can't hear noise at courtyard of the closest neighbor nor could I hear street noise from Hillhurst
- Knowing what I now know, I would not have voted in opposition
- Application may be about something more complex than extra seating and hours
- I have seen peculiar behavior on land use issues
- "Winning" has become a source of ego gratification for some
- Hearsay can be brought forth and not checked for validity
- Can a neighborhood council lose sight of the parameter of its own authority?

A second representative submitted two letters with the following testimony:

- I will be requesting this issue be added to an agenda for review
- I understand there are other members also supporting a re-consideration
- This case has received more scrutiny than others
- A petition was circulated in opposition
- Committee notes were not detailed enough to determine depth of discussions
- A variety of allegations against the applicant were made i.e., rude valets monopolizing street parking, public defecation, etc. None were verified
- The previous application sentiment was presented and I was not told that it was outdated
- There are no records of new investigations to determine if the prior objections were remedied, in fact quite the opposite
- Our website shows the prior application not the new one and is misleading and contributes to public sentiment in a predetermined direction. The applicant has protested and it still has not been changed
- (outlined e-mail addressing canvassing residents)
- There is ample parking per LADBS
- Proposed seating is appropriate
- Noise is from Hillhurst and traffic and sirens are louder than chatter from the restaurant

- Little Dom's at 2128 Hillhurst is very busy and open until midnight. As a result people are walking from my street to the restaurant and I have never had traffic or parking issues
- All the restaurants are busy almost all of the time
- The GGPNC and community have supported the other restaurants
- The city recognizes that we must increase density, decrease car usage; work shop and eat locally
- Subway is nearby
- Many people walk

The applicant sent correspondence addressing several issues as follows:

- If valet was rude and parked cars on the street, I would have fired them
- We accommodate at least 14 cars in our parking spaces
- Many customers bike or walk to the restaurant
- People believe my valet is rude because he is an older Armenian gentleman
- It is believed that the increase in seats will cause a parking problem
- Restaurant has never created a problem because most patrons walk
- It is a lie that the restaurant causes noise
- City's wrong notice has caused the problem
- GGPNC members spoke in opposition, are the minority and are biased
- "City Rene" spoke in opposition although we have talked to her
- Neighbors brag that they are close to Tom LaBonge and his office
- Feel I am targeted because I am Armenian
- (photos attached)

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 four 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 proposed location will be desirable to the public convenience or welfare.

The applicant has requested a conditional use for the sale and dispensing of a full line of alcohol in a 3,537 square-foot restaurant.

On March 1, 2005, under Case No. ZA 2004-5582(CUB), the Zoning Administrator granted a conditional use to permit the sale and dispensing of a full line of alcoholic

beverages for on-site consumption. The Zoning Administrator imposed 27 conditions including conditions limiting the grant to five years, required the filing of a Plan Approval within six months, limited the number of seats to 60, limited the hours to 11 p.m., seven days per week and required valet service during peak hours with no use of the street for parking.

On June 15, 2007, under Case No. ZA 2007-1045(CUB), the Zoning Administrator denied a request for an expansion from 60 seats to 112 seats and denied expanded hours of operation until 12 midnight. The Zoning Administrator in her denial of the request under Case No. ZA 2007-1045(CUB) cites the lack of parking, and failure to comply with the imposed conditions in part for the denial of the earlier request for expanded seating and hours. The Central Area Planning Commission on appeal, sustained the Zoning Administrator's denial, modified the conditions of approval and required a Plan Approval within one year to review the operation.

The applicant under the subject request, seeks to increase the occupancy from the approved 60 seats to a maximum of 96 seats and increase the hours of operation to 12 midnight. The proposed seating consists of 36 seats on the interior, with the bulk of the seating - 60 seats on an exterior patio, fronting on Hillhurst Avenue. The 96 seats requested would mirror the maximum occupancy permitted by Fire Department for site. As in the previous case, parking and failure to comply with the conditions remain the primary issues.

Compliance with conditions

The Central Area Planning Commission in its action of September 11, 2007 required the filing of a Plan Approval within one year to review the operation. Condition No. 8 reads as follows:

8. "No sooner than five months and no later than six months from the effective date of this action, the business operator shall file a Plan Approval application for review of condition compliance at the Planning Department Public Counter, together with a filing fee pursuant to Section 19.01.1 I of the Los Angeles Municipal Code, and a mailing list of all property owners and occupants within a 500 foot radius. The applicant shall also provide notification of the Plan Approval review of condition compliance to the Council Office, Los Angeles Police Department, Greater Griffith Park Neighborhood Council and Los Feliz Improvement Association, after which the Zoning Administrator shall set the matter for public hearing if negative comments are received, and for which notification shall be sent to the persons on the mailing list. After subsequently reviewing all evidence on the matter, the Zoning Administrator may impose additional conditions that alleviate any impacts generated by the restaurant that affect surrounding properties."

Hence, the filing of the Plan Approval was required no later than March 11, 2008. No evidence of notification to the required groups was provided nor was a Plan Approval filed. The previously imposed conditions were also retained and therefore

all the conditions under ZA 2004-5582(CUB) remained in full force and effect including the addition of the APC's condition until March 1, 2010. The applicant, Aram Serobian was the applicant at the time of the 2005 action and therefore has been aware of the conditions imposed upon the subject grant. A covenant for the 2005 conditions was recorded as required on June 15, 2005.

Parking issue

As in the previous case on the site, parking remains an issue. The same issues, parking on the residential streets, that were raised at the prior hearing were raised at the hearing before the Zoning Administrator on May 28th of this year. The plans submitted for the subject case identify five parking spaces at the rear of the building adjacent to Kingswell Avenue. The Zoning Investigator upon site visit only found three spaces. The applicant in correspondence subsequent to the hearing states that the valet parks 14 cars on-site. As the spaces are identified as 9 and 11 feet in width on the plans, (3 are 9 feet, 2 are 11 feet), it is unlikely that 14 cars even with valet parking can be accommodated in these spaces. The representative for the applicant in a submittal, provided a valet parking agreement for parking at 1776 North Vermont for 25 parking spaces for the exclusive use of the restaurant during the hours of 11 a.m. to 3 p.m. and 6 p.m. to 10 p.m. As the restaurant has requested hours until 12 midnight, it is unclear how patrons would retrieve their vehicles, or if valet parking would be available to patrons desiring seating at 9 p.m. The valet contract was entered into on May 15, 2007 and limited to a period of three years, with a renewable option. It isn't clear that there currently is parking available at this site. The site of the parking lot is approximately 1,236 feet or .23 miles from the restaurant. As in the previous case, the distance, in the instant case is greater than the distance in the previous case as in the previous action, it is of concern that it will be too far away from the site to be feasible. Section 12.21-A,4(g) limits the distance to a maximum of 750 feet. The applicant has identified his valet as a single person. If this is the case, the valet parking would be completely unworkable. The applicant has also stated there are 40 employees and this also affects parking demand.

While testimony was provided that noise is typical in a city and sirens and traffic on Hillhurst are more of an impact than chatter at the restaurant, the ambient noise level drops during the evening hours, further decreasing in late night hours. As a result, noise normally blocked by daytime activities such as traffic on a major street at late night hours becomes far more obvious. At late night hours, a normal conversation on the street can be heard far more clearly than during the daytime. Hence, the use of the patio can be more disruptive at late night hours than during the daytime as is vehicular traffic on a residential street.

The restaurant, has a demand for additional service. While the patio may be able to accommodate some additional seats, sufficient parking is essential to ensuring that patrons and valets do not use the adjacent streets. The owner of the adjacent auto repair has stated in correspondence, that only one parking space can be accommodated on the street in front of his driveway after closing hours. This does not provide sufficient parking to accommodate the additional seating and hours

requested and it is unclear that the parking of a vehicle on the street, across a driveway would not result in a parking citation.

The intent of the plan approval condition was to provide for a review of the operation with the imposed conditions. The failure to provide for this review has denied the community an opportunity to testify on the operation with the review. The Plan Approval would provide for the investigation which a member of the neighborhood council called for in their correspondence. While the conditional use for alcohol has been approved, in light of the above stated circumstances, the requests for the expansion of seating and hours of operation have been denied.

Conditional Use

The restaurant has a conditional use for the sale of a full line of alcohol on the site. This grant will expire in early 2010. The application herein is for the continuation of the on-site sale of alcohol. The applicant has also requested an expansion. The failure of the applicant to alleviate the parking problems and comply with the imposed conditions has resulted in the denial of the expansion. The conditional use for the continued sale of alcohol has been granted, however for a limited time and for the previously approved seating and hours. The testimony and other evidence submitted to the file, did not indicate a problem with the alcohol sales. Of concern is the failure to comply with the conditions. Therefore, a plan approval is required within six months and the term of the grant limited. It is hoped that the applicant will take the concerns raised repeatedly seriously and remedy the parking problems.

2. **The location is proper in relation to adjacent uses or the development of the community.**

The applicant seeks to continue the on-site sale of a full line of alcohol on the site. The site is developed with a structure utilized as a restaurant with patio in front. The continuation of alcohol sales with the sale of food at the restaurant would not result in new impacts.

The surrounding uses to the east, south and westerly of Hillhurst are developed with residential uses. The limited on-site parking, identified as five parking spaces on the site plans, the proposed increase in patrons from 60 to 96 seats and the proposed hours extending to 12 midnight would have an adverse impact upon the surrounding development.

3. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

As stated above, the continuation of on-site only alcohol sales would not result in new impacts, however the expansion requested would have an increased detrimental impact on the immediate neighborhood.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Hollywood Community Plan designates the property for "Neighborhood Office Commercial" land uses with corresponding zones of C1, C2, C4 and P and height limited to District No. 1D.

The restaurant use is consistent with the plan designation. The granting of the conditional use for the continued sale of alcohol will permit the service of alcohol with food service in a restaurant. The expansion proposed will have adverse impacts upon the surrounding residential uses. The parking for the use is insufficient to meet the needs of additional patrons and an expansion of hours of operation will result in parking impacts on the surrounding residential uses into the very late night hours seven days per week. The impact of a commercial use on the surrounding residentially zoned and developed uses is not consistent with the intent of the Hollywood Community Plan.

5. **The proposed use will not have an affect the welfare of the pertinent community.**

The continued sale of alcoholic beverages will not result in new impacts upon the surrounding community. The expansion of the use with an increase of 36 seats above the previously approved 60 and the extension of hours with no additional parking will have an adverse impact upon the welfare of the community. The applicant has presented a valet contract for a lot more than 1,000 feet from the site which according to the document submitted has been in effect since May 2007 and limited to three years. While there is conflicting testimony, as the applicant has stated there are seven parking spaces available, the contract identified 25 off-site spaces.

6. **The proposed use will not result in an undue concentration of premises for the sale and dispensing for consideration of alcoholic beverages in the area of the City involved.**

According to the California State Department of Alcoholic Beverage Control licensing criteria, 6 on-site and 4 off-site licenses are allocated to the subject Census Tract No. 1891, which has a population of 6,271. There are currently 29 on-site and 5 off-site licenses in this Census Tract.

The License Query System of the California Department of Alcoholic Beverage Control revealed that the applicant's restaurant as of May 13, 2009, has no past or current disciplinary action and that the on-site, full line of alcoholic beverages license (Type 47) is currently active and was set to expire on August 31, 2009.

Statistics from the Los Angeles Police Department's Northeast Division Vice Unit reveal that in Crime Reporting District No. 1142, which has jurisdiction over the subject property, a total of 269 crimes were reported in 2007, compared to the citywide average of 256 crimes and the high crime reporting district average of 307 crimes for the same period. These numbers do not reflect the total number of arrests in the subject reporting district of the accountable year. In 2007, there were 4

Narcotics, 3 Liquor Law, 1 Public Drunkenness, 0 Disturbing the Peace, 0 Disorderly Conduct, and 7 DWI related arrests. 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.

The granting of the conditional use will not result in a new premise selling alcohol. The grant will permit the continued sale for a period of five years.

7. **The proposed use will not detrimentally affect nearby residentially zoned property or other sensitive uses such as hospitals, schools, churches or public playgrounds.**

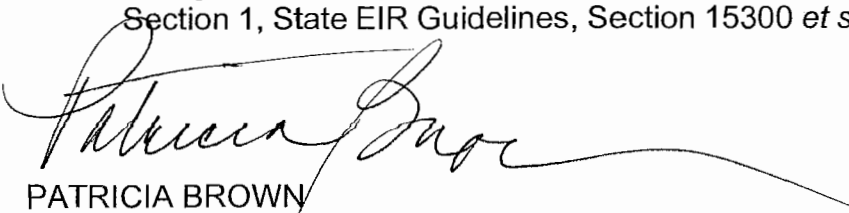
The following sensitive uses were observed within a 1,000-foot radius of the subject property:

1. Los Feliz Branch Library – 1874 North Hillhurst Avenue
2. Mt. Hollywood Congregational Church and Pre-School – 4607 Prospect Avenue

As approved and conditioned herein with the existing seating and hours, the grant will not have an adverse impact upon sensitive uses in the area including residential uses.

ADDITIONAL MANDATORY FINDINGS

8. 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.
9. On September 9, 2008, the project was issued a Notice of Exemption (Article III, Section 1, City CEQA Guidelines), log reference ENV 2008-3700-CE, for a Categorical Exemption, Class 5, Category 34, City CEQA Guidelines, Article III, Section 1, State EIR Guidelines, Section 15300 *et seq.* I hereby adopt that action.



PATRICIA BROWN
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PB:Imc

cc: Councilmember Tom LaBonge
Fourth District
Adjoining Property Owners

