

CLR Enterprises, Inc.
Enr CONSULTANTS A.B.C. & C.U.P. SPECIALISTS TP.
420 S. San Pedro St. #225
7060 Los Angeles, CA 90013 0028

MEMO - LETTER

TO Mr. Kenneth OWEN
Greater Griffith Park Neighborhood
Council

DATE Jan. 18, 2007
SUBJECT 2609 N. Hyperion Ave.

Dear Mr. Owen:

Pursuant to our conversation this morning, enclosed herewith are:

- 1) Master Land Use Application,
- 2) Floor and Plot plans,
- 3) Radius Map,
- 4) Planning Department filing fee receipt.

I look forward to seeing you at your March meeting.

Thank you,

Lee Rubin

SIGNATURES of adjoining or neighboring property owners in support of the request; not required but helpful, especially for projects in single-family residential areas. (Attach sheet, if necessary)

NAME (Print)	SIGNATURE	ADDRESS	KEY # ON MAP

4. OWNER/APPLICANT INFORMATION

Applicant's Name **Steak Night, Inc.**
 Address: **2609 Hyperion Avenue** Telephone: **(323) 665-2929** Fax: **(323) 665-2930**
Los Angeles Zip: **90027** E-mail: _____

Property Owner's Name (If different than applicant) **IKUKO TAKASHIO**
 Address: **4101 Los Nietos Drive** Telephone: **()** Fax: **()**
Los Angeles Zip: **90027** E-mail: _____

Contact Person for project information - **CLR Enterprises, Inc. Attn: Lee Rabun**
 Address: **7060 Hollywood Boulevard #1001** Telephone: **(323) 463-4114** Fax: **(323) 463-1032**
Los Angeles Zip: **90028** E-mail: _____

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.

Signature: _____
 (Record owner only)

Subscribed and sworn before me this (date): _____

Print: _____

In the County of _____ State of California

Notary Public _____

Date: _____

Stamp: _____

6. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate "Special Instructions" handout. Provide on an attached sheet(s), this additional information using the hand-out as a guide.

NOTE All applicants are eligible to request a onetime, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

05-2517
ZEN
2609 N. Hyperion Avenue

INTRODUCTION

REQUEST: Code Section 12.24-W, 1 AND 1~~8~~ (a)

Pursuant to Condition No. 7 of Case No. CUB 82-277(PAB) a renewal of a conditional use permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption; in conjunction with an existing 5,650 square-foot restaurant and cocktail lounge, with live entertainment and patron dancing; accommodating 196 patrons; having hours of operation and alcohol sales from 6 p.m. to 2 a.m., daily; with a modification to Condition No. 9 to permit patron dancing on the second floor; in the C4-1D zone.

BACKGROUND:

The subject property is a sloping, irregular-shaped, corner, parcel of land, consisting of approximately 0.43 acres, having a frontage of 111.75-feet along the westerly side of Hyperion Avenue and sides for a distance of 122.70-feet along the northerly side of Evans Street. The subject property features a steep upslope in a southeast to northwest direction and is developed with a partial, two-story commercial building and three, free-standing dwelling units. Vehicular access is via a driveway along the Hyperion Avenue frontage leading to a handicapped parking space, surface parking areas for the dwelling units and a two-way driveway along the Evans Street frontage leading to twelve surface parking spaces, on a level even with the second story of the commercial structure.

SURROUNDING PROPERTIES:

Northeasterly, adjoining property is classified in the C4-1D zone and improved with a one-story commercial building occupied by an art gallery, a dry cleaner and a one-story triplex.

Southeasterly, across Hyperion Avenue, adjoining property is classified in the [Q]C2-1VL zone and improved with one and two-story commercial buildings occupied by a plant nursery business, a liquor store, a café, a travel agency and a general office use.

Northwesterly, adjoining property is classified in the R2-1XL zone and improved with a two-story single-family dwelling.

Southwesterly, across Evans Streets, adjoining property is classified in the C4-1D zone and improved with a two-story, 9-unit apartment building, a café and a duplex.

CIRCULATION:

Hyperion Avenue, adjoining the subject property to the southeast, is a designated Secondary Highway, dedicated to a variable width of 80 to 83-feet and improved with curb, gutter and sidewalk.

Evans Street, adjoining the subject property to the southwest, is a designated Local Street, dedicated to a width of 60-feet and improved with curb, gutter and sidewalk.

PRIOR CASES:

Subject Property:

Case No. CUB-82-277 – On September 24, 1982, the Zoning Administrator approved a conditional use to permit the expansion and conversion of an existing restaurant with a cocktail lounge, containing 62 seats to now contain 108 seats and from a 3,557 square-foot facility to 5,302 square-feet, with the continued sale and dispensing of alcoholic beverages for consumption on the premises.

Case No. CUB 82-277(PAB) – On June 13, 2001, the Zoning Administrator approved a determination of conditional use status and approval of plans, authorizing an existing restaurant of 164 seats and 3,475 square-feet of floor area to expand to the existing second floor dining room area for the sale and dispensing of a full line of alcoholic beverages.

ADDITIONAL INFORMATION/FINDINGS FOR ZA CASES ALCOHOLIC BEVERAGES

a. Describe briefly how the proposed project will be proper in relation to adjacent uses or the development of the community.

As cited above, the subject use has evolved from a basic food service establishment to include a cocktail lounge and an increase in the seating capacity in 1982. In 2001, authorization was given to include an alcoholic beverage service on the second floor. There has been insignificant change in the land use pattern in the immediate area over the years and the subject use continues to add to the diversification of commercial activities being conducted and located along this Secondary Highway. A request to allow patron dancing on the second floor should have no discernible impact on the public's perception of patron dancing being allowed in the lounge area on the ground floor. Therefore, the overall business operation should remain proper in relation to adjacent uses and the development of the community.

b. Why does applicant believe the location of the project will be desirable to the public convenience and welfare?

Currently, the second floor may be used for dining and entertainment with the sale and dispensing of alcoholic beverages. The inclusion of patron dancing on the second floor is a

logical extension of the business activity since it will allow a smaller area within the subject premise to be utilized for smaller events and social gatherings which will allow the combination dining area and cocktail lounge on the ground floor to be an alternate area intended to accommodate and serve a larger occupancy load.

c. Describe how the proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.

A number of prior conditions were imposed on the subject uses, many of which are alcohol, parking and occupancy related issues that are in place and appear to be effective so as not to be detrimental to the character of development in the immediate neighborhood. There is no change in the liquor license status nor the seating capacity and the applicant will continue to provide a valet service with an off-site parking arrangement to meet the parking demand and code requirements. With a change in the business ownership, the Department of Alcoholic Beverage Control issued a Type 47 liquor license on July 1, 2005. The instant request is the result of the applicant's representative advising the applicant to renew the conditional use permit and place the business operation into a legal posture. The inclusion of patron dancing on the second floor is a minor request in the overall business operation and therefore, the character of the neighborhood should remain unchanged.

The Hollywood Community Plan designates the subject property for Neighborhood Office Commercial land use with its corresponding zone of C4 and Height District No. 1D. The request appears to be consistent with the general objective of the Plan to encourage economic well being and public convenience by enhancing commercial vitality in the community.

d. Will the approval of the Conditional Use at this location adversely affect the economic welfare of the community? Why?

No, the subject uses continue to provide employment opportunities to local residents, add to the economic base of the community through the exchange of goods and services with nearby commercial activities and generate tax revenue to various municipalities.

e. Will the approval of the Conditional Use result in or contribute to an undue concentration of such establishments? Why?

No, the applicant has an active liquor license and the request does not involve the creation of a new liquor outlet in the community nor does it increment the theoretical license count for the census tract.

f. Will the approval of the Conditional Use detrimentally affect nearby residentially zoned properties? Why?

No, there are three dwelling units on the subject property and there are numerous examples of mixed use involving commercial uses and residential units within the same ownership, on Hyperion Avenue, with no apparent disruption to one another.

g. What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?

Condition No. 8a:

The hours of operation are from 6 p.m. to 2 a.m., daily [Volunteered by Applicant]

h. What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?

Condition No. 8b:

The second floor expansion of use shall not exceed the addition of 738 square feet and 32 seats, for a total of 196 seats and 4,213 square feet of floor area including the first floor.

Condition No. 15:

Within 30 days of the effective date of the subject action, submit proof from the Fire Department of the occupancy load for the first and second floor uses. Prior to utilizing rights herein authorized, signs shall be posted as required by the Fire Department. The instant authorization is not a grant to exceed the occupancy load.

Note: It appears that the graphics submitted in the prior filing, were inaccurate and understated, insofar as the building footprint has not changed since construction was completed in September, 2002. The ground floor has an area of 4,161 square-feet and the second floor has an area of 1,489 square-feet for a total of 5,650 square-feet.

i. Is parking available on the site? If so, how many spaces? If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Where? How many off-site spaces?

Condition No. 11:

Parking. Prior to utilizing the rights herein authorized, submit to the Zoning Administrator proof of compliance with Municipal Code Sections 12.21-A, 4 (c)(3) and (4) and ZA 92-1171(ZAI).

Condition No. 12:

If parking is required beyond the 13 on-site parking spaces, submit a lease agreement contracting for the use of parking spaces within 750 feet of the subject site. Use of these spaces shall be provided via valet service. A copy of the contract with the valet parking company shall be submitted to the Office of Zoning Administration and to the Los Angeles Police Department Northeast division for placement in the case files.

- a. *Valet service shall be made available to customers of the subject facility between the hours of 6 p.m. and one-half hour after closing.*
- b. *Valet service shall be provided free of charge (except for tips) to patrons.*

Note: See attached lease agreement for off-site parking under valet supervision, which provides 35 parking spaces at 2525 Hyperion Avenue.

j. Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc.? Specify. (On-site only).

Condition No. 9:

No dancing is permitted on the second floor [Volunteered by the Applicant to the community, May 23, 2000.]

Condition No. 14:

Within 30 days of the effective date of the subject action, submit proof of compliance with Los Angeles Municipal Code sections related to dancing and live entertainment.

Note: The applicant requests Condition No. 9 to be modified to include patron dancing on the second floor.

k. Is a full line of alcoholic beverages to be served or just beer and wine?

Condition No. 19b:

The grant of approval is for the continued utilization of an existing license to sell and dispense a full line of alcoholic beverages for off-site consumption.

l. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? (Off-site only)

NA

m. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plan must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only)

On September 24, 1982, authorization was granted under Case No. CUB-82-277 to permit the expansion and conversion of an existing restaurant with a cocktail lounge.

n. Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons?

The lessee of the subject premise has never been suspended from the sale of alcoholic beverages on the subject property or fined by the Department of Alcoholic Beverage Control.

o. Will video game machines be available for use on the subject property and if so, how many such machines will be in use?

Condition No. 19i:

Coin operated games, pool tables or similar game activities or equipment is not permitted. [Volunteered by the Applicant]

p. Will you have signs visible on the outside which advertise the availability of alcohol?

Condition No. 19k:

There shall be no exterior advertising (e.g., window, sandwich boards, awning signs, poster, or banners) of beverages without being accompanied by the advertising of food items. [Volunteered by the Applicant]

q. Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in the Los Angeles Municipal Code?

Condition No. 19f:

The premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods. The licensee shall be prepared to serve the food listed on the menu at all times during the hours which the premises are open for business.

r. Will beer or wine coolers be sold in single cans or wine in containers less than 1 liter?

NA

s. Will "fortified" wine (greater than 16% alcohol) be sold?

"Fortified" wine will not be sold.

t. Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e. take out)?

Off-site sales of alcohol as a secondary use to on-site sales will not occur.