

GGPNC OFFICERS

PRESIDENT
Charley Mims
VICE-PRESIDENTS
Philip Gasteier - Administration
Rosemary DeMonte - Outreach
TREASURER
Joel Friedman
SECRETARY
Kurt Rademaekers



**Greater Griffith Park
Neighborhood Council**
*Your Neighborhood. Your Voice.
Your Council.*



**PO Box 27003
Los Angeles, CA 90027
323-908-6054
www.GGPNC.org
GGPNC@GGPNC.org
Certified Council #35**

May 29, 2007

Albert Landini, Associate Zoning Administrator
Office of Zoning Administration
7th Floor
Los Angeles City Hall
200 North Spring Street
Los Angeles, California 90012

Case No. ZA 2006-10405(ZV)
Griffith Observatory
2800 East Observatory Avenue
Los Angeles 90027
Heard: March 13, 2007.

Dear Mr. Landini:

At the hearing on this matter you held the record open until May 30, 2007, for the receipt of rules established by the Los Angeles Department of Recreation and Parks ("DRAP") for the conduct of events involving the use of alcoholic beverages at the Griffith Observatory so that you might have them as the basis of conditioning any variance that you might deem appropriate.

You also allowed the public to make further comments regarding the variance application. Naturally, one of the matters upon which the public would be expected to comment is any set of rules, akin to conditions of a conditional use permit, proposed by the applicant and/or DRAP.

As far as we know no such rules have been issued by DRAP, and no additional conditions have been proposed by the applicant.

We have however become aware (through the kindness of one of the recipients of a courtesy copy) of a letter to you dated May 17, 2007, from an assistant general manager of DRAP, setting forth "some of the most significant issues addressed by our proposed guidelines."

That letter says "we [DRAP] have worked with them [the community] to formulate guidelines." This suggests the guidelines which staff proposes are agreed to by the community. They are not.

A substantial portion of the community is opposed to any variance without regard to conditions.

Another portion of the community, including the Greater Griffith Park Neighborhood Council ("GGPNC"), also believes a variance is not justified under the Municipal Code. However, we would accept (that is, not object by appeal or litigation) a variance provided it were subject to strict conditions. Those conditions were set forth at pages 1 and 2 of our submission to you dated March 9, 2007.

Following the March 13 hearing there were substantial efforts made to achieve some agreement among the interested parties. On March 29, DRAP sponsored a meeting at the beginning of which DRAP announced agreement with conditions 1, 2, 5, 6 and 8 of our letter to you of March 9. (A recording of the meeting may be heard at our website by going to the Planning, Zoning and Historic Preservation Committee page.) Subsequently, DRAP indicated general agreement with conditions 3 and 4 of our letter. (See, for example, the second and third bullet points of page two of the letter of May 17 to you.)

Guidelines incorporating these agreed conditions were promised by DRAP shortly after that meeting, but were not produced until the meeting of our PZHP Committee on April 11. Those guidelines suffered from a number of infirmities; most particularly they did not constitute anything like conditions: They did not limit DRAP's ability one whit.

The general dissatisfaction with DRAP's proposed guidelines resulted in a meeting called by Councilmember LaBonge attended by him, much of his staff, DRAP's general manager and much of his staff, the Director of the Observatory and his deputy, and representatives of GGPNC, Hollywood United Neighborhood Council, Los Feliz Improvement Association, the Oaks Homeowners Association, the Friends of Ferndale, and Friends of the Observatory. DRAP agreed to redraft guidelines consistent with those discussions.

Again, the DRAP draft guidelines were found to be unsatisfactory, and GGPNC requested the President of the Board of Commissioners of Recreation and Parks to call a special meeting of the Board to adopt rules for events at the Observatory involving the serving of alcoholic beverages. A set of rules, being the conditions of our letter to you of March 9, modified to accommodate reasonable requests of Councilmember LaBonge and DRAP, were submitted to the Board. Our request is pending. A copy of those proposed rules is enclosed.

We think it clear the letter to you of May 17 is not satisfactory for any purpose. It does not represent an agreement with the community; it does not represent rules established by the proper authority, the Board of Commissioners; it does not even establish firm rules binding the staff; it fails to address the most basic issue of protecting the integrity of the Observatory and the rights of the public or respecting the intentions of the donor that the park and its appurtenances, such as the Observatory, be for the "plain people." Rather, it facilitates the conversion of the Observatory from an educational institution into "a destination venue for world class conventions."

At the hearing you suggested that given the approval by the City Council of the Concession Agreement with the applicant that you had to grant the variance substantially as requested. We respectfully suggest otherwise. The City

Council is the ultimate legislative body of the City and has the power to change zones. However, the courts have consistently required the City Council to comply with its own ordinances and the Municipal Code. The Municipal Code provides a mechanism for zone changes. The City has not followed that procedure in this instance. The Municipal Code also provides a mechanism for the granting of variances to allow uses other than generally permitted by the existing zone. That is the process which the City has contemplated by the Concession Agreement. That process requires specific findings. Thus, the City by allowing the normal zoning variance process to be adopted has required you to determine if the necessary criteria have been met. The City Council in granting the Concession Agreement requiring an application for a zone variance has presumed that it will not be granted unless the applicant can prove the existence of all five criteria.

Given the status of matters we reiterate our opposition to the application for a variance and reassert our position expressed in our letter to you of March 9, 2007, that there is no proper or legal basis for the granting of a variance. Not only was there no showing in the application that the five criteria required for a variance had been met there was no presentation of evidence at the hearing providing the basis for granting a variance. Moreover, any variance which incorporates the May 17 letter would be improper as there has been no action taken by the proper body, the Board of Commissioners of Recreation and Parks, and no public hearing on the conditions.

Respectfully submitted,
Charley M. Mims, President

by Kenneth E. Owen, Chair
Planning, Zoning & Historic Preservation Committee

cc: Honorable Antonio Villaraigosa
Honorable Tom LaBonge
Daniel Grunfeld, President, Recreation & Parks Commission
John Kirk Mukri
R.J. Comer, for Wolfgang Puck Catering and Events, LLC
Kurt Rademaekers