

**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**

March 9, 2007

Office of Zoning Administration  
7<sup>th</sup> Floor  
Los Angeles City Hall  
200 North Spring Street  
Los Angeles, California 90012

Attention: Albert Landini, Associate Zoning Administrator

Case No. ZA 2006-10405(ZV)  
Griffith Observatory  
2800 East Observatory Avenue  
Los Angeles 90027  
Hearing: March 13, 2007 10:30 a.m.

Dear Sirs and Madams:

Greater Griffith Park Neighborhood Council ("GGPNC") opposes the issuance of the variance requested by Wolfgang Puck Catering and Events LLC ("Puck") and supported by the Department of Recreation and Parks of the City of Los Angeles ("LADRP") to serve alcoholic beverages at the Griffith Observatory ("Observatory") unless the variance is subject to each and all of the following conditions:

1. Alcohol shall not be served except in connection with a catered event, *i.e.*, no alcoholic beverage will be sold or served at the Observatory café or from a food cart or otherwise to the general public and will be served only in connection with a private party.
2. Alcohol shall not be served at any catered event that is not exclusively for a group whose principal function is astronomical, scientific or educational.
3. Alcohol shall not be served at any catered event more frequently than three times per month and no more frequently than 26 times during any year.
4. Alcohol shall not be served at any event not ending by ten p.m.

5. Alcohol shall not be served at any event having more than 1,000 persons (including serving and other staff) in attendance in the aggregate.
6. Alcohol shall not be served at any event which involves the use (for the catered event or for set up for such event) of any portion of the Observatory or its grounds at any time when the Observatory is normally open to the public except only those portions of the Observatory which are not open to the public in the usual course of its operation.
7. Any variance shall expire on the third anniversary of its issuance, and shall not be extended or renewed except after a fully noticed hearing.
8. None of the foregoing conditions shall diminish any authority the Department of Recreation and Parks has under any agreement with any concessionaire to limit further the sale of alcoholic beverages.

### **I. Background of Position.**

GGPNC takes this position after a lengthy process of analysis and consideration of the respective positions of Puck, LADRP and GGPNC's stakeholders. GGPNC's Planning, Zoning and Historic Preservation Committee ("PZHP") held a regularly scheduled and noticed meeting on February 13, 2007, at which it devoted two and one half hours to hearing presentations both from Puck and LADRP and from attending stakeholders. Such presentations were focused on responses by Puck and LADRP to written questions posed by PZHP to them well in advance of the meeting. The GGPNC Board received presentations by Puck in September 2006 and by Puck and LADRP at its meeting on February 20, 2007. The Board devoted more than one and one half hours to these presentations, hearing comments from its stakeholders and deliberating.

### **II. Reasons for Position.**

#### A. Applicant's Failure to Demonstrate the Existence of the Five Required Criteria for a Variance.

##### 1. There has been no showing that strict enforcement of the Open Space Zone would result in practical difficulty or unnecessary hardship.

The Observatory is over 70 years old. The absence of alcohol has not proved to be a practical difficulty or an unnecessary hardship in the operation of the Observatory during these more than seven decades. The absence of alcohol will in no way impair the scientific and educational functions for which the

Observatory was built. Alcohol was not an integral part of the Observatory's function on its opening in 1935 and is not now.

Puck asserts that the absence of alcohol will deprive LADRP "from enjoying the reasonable use of the Observatory as a public space utilized for special events approved by LADRP." There is, however, no showing that the inability to use the Observatory as desired results in a practical difficulty or unnecessary hardship any more than the practical difficulty or unnecessary hardship facing an owner of a parcel zoned R1 who wants to build a hotel.

Prior to the renovation of the Observatory LADRP proposed the construction of a "destination restaurant" at the Observatory. This was widely and vociferously decried. As a result such a restaurant was not included in the renovation. The zone variance if allowed without the strict conditions proposed by GGPNC will be viewed by the community as a breach of the tacit agreement between the City and the community that there will be no destination restaurant by substituting a "destination entertainment venue" for a "destination restaurant." The concession agreement between LADRP and Puck provides that Puck is to implement a marketing program targeting "local, regional, national, and global event customer[s] where focus is comprised [of] . . . establishing the Observatory as a corporate and convention destination by targeting meeting planners, destination management companies, event producers, and other event decision-makers." (Section 13.J) However, the practical precondition to converting the Observatory into a destination entertainment venue is the sale of liquor. The variance must be denied (or strictly limited as GGPNC proposes) to avoid perverting the purpose of the Observatory and to preserve the agreement with the community that the Observatory will not be a destination for non-scientific, non-educational purposes.

The purpose of the Open Space Zone is "to implement the City's adopted General Plan . . . to protect and preserve natural resources and natural features of the environment; to provide outdoor recreation opportunities and advance the public health and welfare; to enhance environmental quality; to encourage the management of public lands in a manner which protects environmental characteristics; and to encourage the maintenance of open space uses on all publicly owned park and recreation land, and open space public land which is essentially unimproved." (LAMC sec. 12.04.05.)

Operating the Observatory free of alcohol should present no practical difficulty as one's ability to grasp the educational exhibits or even to enjoy the view are not diminished by sobriety.

Nor should it be an unnecessary hardship for the LADRP to continue to refrain from serving alcohol: the Observatory's mission is to educate not to lubricate.

2. There are no special circumstances applicable to the Observatory that do not also apply to other properties in the same zone and vicinity.

The application simply fails to show any special circumstances relating to the Observatory that do not apply to other property zoned Open Space. Rather, the application describes the Observatory's location. The purpose of this requirement is to show how a specific parcel is unfairly disadvantaged by its topography etc. in relationship to similarly zoned property in the vicinity. A comparison is required to other Open Space Zoned parcels. None has been given.

Is alcohol served at Mount Wilson or Palomar?

3. There is no substantial property right in serving alcohol generally possessed by other property in the same zone and vicinity denied to the Observatory because of special circumstances or unnecessary hardships.

As indicated in paragraph II.A.1 there is neither special circumstance nor unnecessary hardship present here.

Moreover, it does not seem that LADRP has a substantial property right to sell alcohol in Griffith Park. The park was given to the City for park purposes, and those do not ordinarily include the sale or serving of alcohol. The substantial property right that the City has in this property is to operate a park and those things normally incidental thereto. No one can rationally argue that the sale of alcohol is one of those incidental activities. However, if it were, the property owner represented by LADRP has not been deprived of such right. The Observatory is part and parcel of Griffith Park, and as indicated in the application alcohol beverages are sold at several locations in the park. (A review of easily available information from the Planning Department indicates that only two of those locations have obtained a variance to allow the sale of alcohol, and these are the only two cited in the application. It is very relevant that neither of those two variances was issued after a hearing. GGPNC believes that if hearings had been held the variances would have been opposed. Because of the absence of public hearings those variances ought not to be considered as precedent for expanding the serving of alcohol to the Observatory. )

4. The granting of the variance as requested will be detrimental to the public and be injurious to the property or improvements in the vicinity.

This is the core of the problem of the variance.

(i) The variance would be detrimental to the public welfare.

The serving of alcohol in the fashion Puck requests will be detrimental to the public at large because it allows private catered events serving alcohol at the Observatory without any practical limits on time, place, frequency or relationship to the Observatory's mission. (The proposed limits of 1 a.m. and as allowed from time by time by LADRP are not really limitations: 1 a.m. is one hour before the legal cut off for the sale of alcohol and LADRP is a financially interested party.)

The function of the Observatory is to educate the public and especially children about the fascinating world of astronomy. To convert the Observatory into a backdrop for private parties is inimical to that function and might well be a breach of the implicit agreement with the chief donor, Col. Griffith.

Griffith Park and the Observatory are to be free and open to all; to allow the closing off of any portion of this public facility for private purposes is clearly detrimental to the public good and should be prevented by denying the zoning variance request unless it is expressly limited to times (and places) when the Observatory is regularly closed to the public.

(ii) The variance would be injurious to the property in the vicinity.

The only means of access to the Observatory are Vermont and Western Canyon Road. Homes line these streets south of Griffith Park. The peace and tranquility of the people living in those homes and the value of such homes are directly affected by the amount of traffic, the time of traffic and the nature of traffic on those streets. The unrestricted serving of alcohol at catered events at the Observatory will clearly affect the residents and reduce the values of their homes.

5. The granting of the variance will adversely affect the general plan.

One of the principal goals of the General Plan, found in the Open Space Element, page 7, is "to conserve unique natural features, scenic areas, cultural and appropriate historical monuments for the benefit and enjoyment of the public."

The Observatory is City of Los Angeles Historical-Cultural Monument No. 168 and is located in an Open Space Zone. The express goal of the General Plan is to preserve the enjoyment of such a monument by the public. The variance request proposes closure of the monument to the public whenever Puck and LADRP would prefer to have a private party.

B. Applicant's Failure to Meet the Requirements for a Conditional Use Permit to Sell Alcoholic Beverages.

1. The proposed use of the Observatory to sell with very limited restrictions as to time, place, frequency, or relationship to the mission of the Observatory will adversely affect the pertinent community.

The "pertinent community" are two: (1) the community that is adjacent to the Observatory and adjacent to the two roads to the Observatory and (2) the community that is the city as a whole. Both will be adversely affected if the zone variance is granted.

The adjacent community will suffer from additional traffic at late hours and possible noise late in the evenings emanating from parties at the Observatory. The values of their homes will be adversely affected.

The community as a whole will suffer by having the potential experience normally provided by the exhibits or the views at the Observatory closed to allow for private functions.

The application asserts that "The use of the Property as an Observatory will continue as it has in the past." How can this be so? Has there ever been the sale of alcohol at the Observatory? Has there ever been an executed plan to have private alcohol-related events conflicting with public use of the Observatory? Has there ever been use of the Observatory for private events during ordinary operating hours? That is what is requested by the application. We do not believe that is consistent with the best interests of the pertinent communities.

2. The allowance of the serving of alcoholic beverages at the Observatory will result in undue overconcentration of such locations.

According to the 2000 federal census there were 5,767 residents in Census Tract 1882 (in which the Observatory is located). California Business and Professions Code, section 23816 limits the number of on-sale general licenses to one for each 2,000 in the county. Although such limitation applies only on a county basis -- not on a census tract basis, it is indicative of legislative intent regarding concentration of such licenses.

According to the Alcoholic Beverage Control Board website there are three type 47 (general on-sale) licenses in this census tract (one at the Greek Theatre and two at the Zoo). In addition, we are informed that the Griffith Park Golf Clubhouse at 4730 Crystal Springs Road holds a type 47 license and is in census tract 1882. (The ABC website lists three other liquor licenses in the census tract. There are also on-sale beer licenses issued for eating places at Roosevelt and Los Feliz golf courses, but they are in different census tracts.)

Thus, allowing Puck a variance to sell alcohol beverages at the Observatory would facilitate a fourth or fifth such license in a census tract that, applying the county-wide formula, would indicate there should not be more than two.

3. The proposed use for the sale of alcohol would detrimentally affect the nearby residents and public playgrounds.

As discussed above, the residents along Vermont Avenue and Western Canyon Road would be adversely affected by the increased traffic at late hours and the value of their property would be adversely affected. The residents of Glendower may also be adversely affected by noise emanating from large parties at the Observatory depending on the portions of the Observatory open to party goers.

The area of Griffith Park surrounding the Observatory clearly falls within the general meaning of playgrounds, and the addition of private parties competing for access to those playgrounds indicate that a conditional use permit would not be granted to the Observatory for the sale of alcoholic beverages.

In conclusion, we believe Puck has failed to show that (1) any one, much less all, of the preconditions for a variance exists or (2) it could qualify for a conditional use permit to sell alcohol at the Observatory.

However, if you were to find that Puck is able to show that all five criteria exist, GGPNC strongly urges that the effect of such a variance be mitigated by the conditions set forth in the statement of our position on pages 1 and 2.

### **III. Reasons for, and comments on, Conditions.**

Puck acknowledges in its application that conditions on a variance are necessary to “protect neighboring properties” (Attachment A, page 5.) However, the conditions proposed in no way do so. GGPNC invited Puck and LADRP to reconsider the proposed conditions to provide protection to neighboring properties. They have declined to do so.

We think Puck has failed to show, and can not show, that it can meet the requirements for a variance or even a conditional use permit. If, however, you conclude that Puck has, the following conditions are absolutely essential to protect the interests not only of the neighboring properties but of the community at large, whose ability to benefit from the Observatory ought not to be diminished by Puck's and LADRP's use of public premises during regularly scheduled hours of operation.

#### A. Limitation to catered events.

The application is unclear whether Puck seeks to serve alcohol in the café to the general public (see, e.g., first full paragraph of page 6 of attachment A). It is quite one thing to serve alcohol to a supervised pre-existing group and another thing to sell to the public, who may wander off from the café (it has outdoor seating). The problems of control and effect on the Observatory's mission are of a much greater order if alcohol were sold to the public in the café. (This comment is not to be considered as opposition to the use of the café site for the dispensing of alcohol provided all other conditions are met.) Puck and LADRP have represented to GGPNC in their presentation on February 20 that it would not oppose this condition.

#### B. Limitation on character of groups being catered.

The only way to make an alcohol-related event at the Observatory acceptable is to limit it to a function that clearly is related to the mission of the Observatory. Otherwise, the Observatory is converted into a venue, a “scene” which, depending on the concessionaire and management of the park, could be a site for wholly inappropriate events. A catered event (which might be for as few as a dozen persons) for visiting scientists or science-oriented educators could well be accommodated and would not be inconsistent with, or disrespectful to, the purpose of the Observatory.

C. Limitation on frequency of alcoholic-related events.

Even with the natural limitation implicit in the limitation on the character of the function, the total number of events must be limited to prevent both abuse of the facility and the neighborhood. A limitation of 3 events a month but no more than 26 in any year is a reasonable compromise between any need the Observatory management may have to entertain scientists and educators and the interests of those living along the travel paths and living within earshot of the Observatory.

D. Limitation on the cessation of serving.

The LADRP in its currently effective procedure dated August 9, 2006, requires all events to end by 9 p.m. We agree with the LADRP that that is a reasonable hour to conclude events and will reduce the inconvenience to the neighbors. We expect the LADRP to continue such a policy. However, since the conditions of any variance will control the LADRP we are willing to allow the LADRP latitude, limited to 10 p.m.

E. Limitation on the number of attendees at alcohol-catered events.

Again, we would expect the LADRP to be much more restrictive than 1,000 persons (including support staff), but we are willing in the conditions to allow this as the absolute maximum of people at an event. It is the total number of people at the event rather than the number of people present at any one time that is intended by this condition. No more can be allowed given the limited parking, the limited routes of ingress and egress and consequently the noise that is likely to be the result of traffic to and from such an event. This would allow for an occasional large event such as, for example, a party for visitors to an American Astronomical Society convention in Los Angeles.

F. Limitation on events to avoid interfering with public access to the Observatory.

By this limitation we believe any event should be held only on Monday, when the Observatory is closed to the public, or be a very small group held in private areas of the Observatory during its regular opening hours. It is very important to GGPNC and its stakeholders that the public be welcomed at the Observatory and that no part of it be "off limits" during established open times.

G. Any variance be subject to review in three years.

If the Planning Department believes it appropriate to grant a variance in this matter it seems appropriate to limit it to three years to allow the operator, the community and LADRP to consider whether the conditions are sufficient or reasonable. The process must however be subject to a new variance request with the attendant public notice and hearing.

H. The conditions will not limit the right of LADRP to further restrict the events at the Observatory serving alcohol.

This condition is simply to make clear that LADRP retains the natural right to limit Puck or any subsequent concessionaire more stringently than the conditions, which are outer limits. GGPNC expects LADRP to be responsible and to limit the events as required by the circumstances existing at the time a request is received and not to abdicate its primary obligation to protect the Observatory from abuse.

Respectfully submitted,

Charley M. Mims, President

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

cc: Tom LaBonge, Councilmember for Fourth District  
John Kirk Mukri, General Manager, Los Angeles Department of Recreation  
and Parks  
R.J. Comer, for Wolfgang Puck Catering and Events, LLC  
Kurt Rademaekers