

June 29, 2007

Wolfgang Puck Catering and
Events, LLC (A)
6801 Hollywood Boulevard, Suite 513
Los Angeles, CA 90028

Robert Jensen (O)
Department of Recreation and Parks
1200 West 7th Street, 7th Floor
Los Angeles, CA 90017

Nancy Patterson (R)
R.J. Comer, Armbruster & Goldsmith, LLP
10940 Wilshire Boulevard, Suite 2100
Los Angeles, CA 90024

CASE NO. ZA 2006-10405(ZV)
ZONE VARIANCE
2800 East Observatory Road
Hollywood Planning Area
Zone : OS-1XL
D.M. : 153B193
C.D. : 4
CEQA : ENV-2006-10406-CE
Fish and Game : Exempt
Legal Description: Lot 38, Rancho
Los Feliz

Department of Building and Safety

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a request for a Variance from Section 12.04.05-B, to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption during catered events at the Griffith Park Observatory, in the Observatory Café, and Special Event Catering elsewhere on the site,

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. Prior to the issuance of any permits relative to this matter, 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.
7. Approved herein is a request for a zone variance to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption during catered events at the Griffith Park Observatory, in the Observatory Café, and Special Event Catering.
 - a. There shall be no sale of alcoholic beverages from the food cart concessions.
 - b. There shall be no sale of alcoholic beverages during normal operations hours of the Observatory Café or when the Café is open to the general public.
 - c. The Observatory Café may be used as a location for special event catering and when so used for special event catering, a full line of alcoholic beverages may be sold or dispersed.
 - d. A full line of alcoholic beverages may be sold or dispensed in conjunction with food at catered events anywhere within the project area as shown on the attached exhibits including inside the Observatory and the surrounding grounds. Such areas may include but are not limited to exhibit spaces, conference areas, lawn areas, the Observatory roof, and the Observatory Café. Such events may include Observatory-sponsored events and events sponsored by City agencies and departments, non-profit group events, charity events, corporate meetings and events, political fund raisers. Private groups may be included upon the express written authorization of the Department of Recreation and Parks. All such catered events at the Observatory shall involve Department of Recreation and Parks approval and oversight.
8. This grant shall have a life of **five years** after which the grant shall lapse and the applicant shall need to file for and win approval of a new zone variance in order to continue the use of land as authorized herein.

9. The applicant shall file an Approval of Plans application 12 months from the effective date of this instant action. The application shall be accompanied by a 500-foot mailing list to property owners and occupants, a fee of approximately \$2,000, and shall be set for public hearing. The hearing shall be advertised as both for the purpose of reviewing compliance with Conditions and for possible revocation of the grant. The Zoning Administrator may modify or add to conditions if warranted. The applicant shall not seek to expand or intensify the use of the site as authorized herein via the required Plan Approval action. At that time the Zoning Administrator may also consider whether any additional public compliance reviews should be required.
10. All catering activities on-site shall fully comply with the requirements of the Operating and Concession Agreement between the Los Angeles Department of Recreation and Parks and Wolfgang Puck Catering and Events, LLC for Café and Catering Services at the Griffith Park Observatory, to the satisfaction of the Department of Recreation and Parks.
11. Sales, service, and consumption of alcoholic beverages shall be permitted only at up to 30 catered events per year, and such catered events shall be limited to between the hours of 11 a.m. and 11 p.m. any day of the week subject to approval by the Los Angeles Department of Recreation and Parks.
12. In addition to the 30 permitted catered events at which alcoholic beverages may sold, dispensed, and consumed, up to six (6) additional privately-sponsored special catered events lasting past Midnight, but not past 1 a.m. shall be permitted each calendar year at the discretion of the Department of Recreation and Parks.
13. No amplified music shall be heard beyond the boundary of the subject site. In no case shall the character of the catered events take on the character of an outdoor concert at which food and alcoholic beverages are sold and consumed.
14. Each catered event at which alcoholic beverages are to be sold, dispensed, and consumed shall submit a parking and traffic management plan two weeks prior to the event to the Department of Recreation and Parks. Such plan shall be to the satisfaction of the Department of Recreation and Parks.
15. Delivery of alcoholic beverages shall be permitted only between the hours of 10 a.m. and 9 p.m. each day of the week. (Applicant Volunteered)
16. There shall be no coin operated games or video machine maintained upon the premises at any time. (Applicant Volunteered)
17. No pool or billiard tables may be maintained on the premises. (Applicant Volunteered)
18. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
19. Although special events may be private events requiring ticket purchase by attendees, Applicant shall not require an admission charge or cover charge, and shall

- not require attendees to purchase a minimum number of drinks. (Applicant Volunteered)
20. Any music, sound or noise emitted that is under the Applicant's control shall not exceed decibel levels that are stated in the Noise Abatement laws, and shall not be audible beyond the Observatory grounds and structure walls. (Applicant Volunteered)
 21. The sale of beer, wine and distilled spirits for consumption off the premises is strictly prohibited. (Applicant Volunteered)
 22. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control, if any. (Applicant Volunteered)
 23. No wine shall be sold with an alcoholic content greater than 16% by volume. (Applicant Volunteered)
 24. No alcoholic beverage shall be consumed on any property adjacent to the premises that is under the applicant's control. (Applicant Volunteered)
 25. No person under the age of 21 shall serve alcoholic beverages. (Applicant Volunteered)
 26. Sales and delivery of alcoholic beverages to customers shall be made from behind the counter or by a waitress or clerk, although table service of bottles of wine and beer is permitted for sit-down dinner events. (Applicant Volunteered)
 27. Alcoholic beverages offered for sale at the premises shall be displayed and available for convenient inspection and purchase within the premises by the general public. (Applicant Volunteered)
 28. Within six months of the effective date of this determination, all personnel acting in the capacity of a manager of the premises shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. (Applicant Volunteered)
 29. On at least a monthly basis, the applicant shall provide a calendar of scheduled catered events to the Los Feliz Improvement Association and any Neighborhood Council that requests to be provided such a calendar of scheduled catered events. (Applicant Volunteered)

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 variance 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 not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JULY 16, 2007, 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 www.lacity.org/pln. 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.

INDEMNIFICATION

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.

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 March 13, 2007, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The site is not within its own parcel, but is merely a portion of the larger Griffith Park parcel. The Observatory grounds are located at the juncture of East and West Observatory Roads, just south of Vermont Canyon Road, in the Hollywood Hills.

The site is fully developed with an observatory, café, and ancillary parking lot.

The property is entirely surrounded by OS-1XL Zone, designated Open Space.

East Observatory Road, is an Un-dedicated or Proposed Private Street with a substandard dedication. It was a public access road to the Observatory until 2002; its access is now restricted. The roadway width is approximately 22 feet.

Previous zoning related actions on the site include:

Case No. ZA 98-0903(ZV) - On January 2, 1999, the Zoning Administrator approved a request for dispensation of alcoholic beverages for on-site consumption for a Type 47 license with 152 individuals and hours of operation from 9 a.m. to 5 p.m., daily, plus special events and accessory catering, in the PF-1 XL-H Zone, at 4700 Western Heritage Way (Autry Museum).

Case No. ZA 98-0012(ZV) - On March 17, 1998, the Zoning Administrator approved a request for the sale, dispensation, and on-site consumption of alcoholic beverages in the Los Angeles Zoo, in the PF-1XL-H Zone, at 5333 Zoo Drive.

APPLICANT'S OVERALL STATEMENT(S)

Applicant: Wolfgang Puck Catering and Events, LLC ("WPC" or the "Applicant" independently) formed in May 1998 and moved to its permanent home in the Hollywood & Highland, entertainment complex in November 2001. The 25,000-square-foot Grand Ballroom, residence to the Academy Awards) annual Governors Ball, sets the standard in special event entertaining in Los Angeles. Wolfgang Puck Catering is also responsible for the catering at the Staples Center in Los Angeles. The company also handles much of Chicago's most impressive catering including Puck's at the Museum of Contemporary Art, the University of Chicago's Gleacher Center, and the Field Museum. WPC's national expansion includes operations at Caesars Colosseum in Las Vegas and Benroya Hall in Seattle. Its newest center in St. Louis handles catering for the St. Louis Science Center, the St. Louis Art Museum and the St. Louis Contemporary Art Museum, the City Museum and Pageant. Plans are also in development for new operations in Minneapolis, Indianapolis, Washington, D.C. and Dallas to be completed in 2007

Requested Actions: The Applicant requests a variance from Los Angeles Municipal Code ("LAMC") Section 12.04.05 to offer a full line of alcoholic beverages for on-site consumption during catered events at the Griffith Park Observatory as anticipated in the Operating and Concession Agreement between the Los Angeles Department of Recreation and Parks and Wolfgang Puck Catering and Events, LLC for Café and Catering Services at the Griffith Park Observatory (the "**Concession Agreement**"). Section 16.a of the Concession Agreement grants WPC the right to serve a full line of alcoholic beverages as part of the Concession Agreement, provided that WPC obtain all necessary permits and licenses for the service of alcohol as part of the Concession Agreement.

Project Description: The Griffith Park Observatory Master Plan was adopted in 1997 (the "Master Plan"). The Master Plan involved significant improvements and upgrades of the Griffith Park Observatory (the "Observatory"), including a new café. The Applicant proposes to provide food and beverage service at certain locations and for special events at the Observatory including the grounds, parking and structure addressed at 2800 East Observatory Avenue located within the boundaries of Griffith Park, which is owned and operated by the City of Los Angeles. The Applicant's concession agreement with the Los Angeles Department of Recreation & Parks ("LADRP") is an anticipated use within the Master Plan.

Scope of Alcohol Service at the Observatory

- Food Cart Service Concession

The Applicant does not intend to sell alcohol from food carts as part of the food cart concession.

- Observatory Café

At this time, the Applicant is not requesting the right to sell alcohol during normal operations hours of the Observatory Café. If at some future time, the LADRP and WPC desire that alcohol be sold in the Observatory Café, then at that time a separate application or amendment of any variance granted by this application shall be required.

As set forth below, the Observatory Café may also be used as a location for special event catering. When the Observatory Café is used for special event catering, a full line of alcoholic beverages will be served.

- Special Event Catering

In conjunction with food catering at special events, the Applicant intends to sell beer, wine, and a full line of distilled spirits at special catered events at the Observatory. The Concession Agreement with LADRP extends to the entire Observatory, including the grounds. The Applicant anticipates that catered events may take place anywhere within the Observatory or on the Observatory grounds. Most events, however, are anticipated to occur in exhibit spaces, conference areas, lawn areas, the Observatory roof, or the Observatory Café. Special events may include but not limited to Observatory-sponsored events and events sponsored by City agencies and departments, non-profit group events, charity events, corporate meetings and events, political fund raisers, and possibly private group events.

Under the Concession Agreement, all catered events are subject to LADRP approval. WPC cannot schedule any catered event at the Observatory without LADRP approval and oversight.

Background and History: The Griffith Park Observatory Master Plan was approved by the City in 1997. Implementation of the Master Plan involves major renovation and restoration of the Observatory. The planetarium theater, the Hall of Science, the rotunda are all being brought back to their original grandeur as well as being updated and made more user-friendly.

A key element of this new space will be two new exhibit spaces with state-of-the-art exhibits; new exhibits also are planned for the existing, renovated Hall of Science. A new, 200 seat proscenium arch-style presentation theater, the Leonard Nimoy Event Horizon, is planned. Classrooms and a conference room will be added. Also, an expanded bookstore, new elevators to improve access to the entire building, and more restrooms are planned. A modest food service facility will be moved on site. The Observatory closed to the public on January 6, 2002, to pack up and move everything out of the building. Construction got underway on October 30, 2002, and the Observatory opened in October 2006.

WPC was awarded the Observatory Concession Agreement by LADRP after a competitive bidding process. The Concession Agreement allows catered events at the Observatory and requires that the concessionaire secure the rights to serve alcohol at catered events. The Concession Agreement was approved by the City Council in early 2006. This application does not seek approval of catered events at the Observatory because the City Council has already approved the Concession Agreement. This application only seeks approval of serving alcohol at catered events, as required by the Concession Agreement, and always subject to LADRP approval.

Under the Concession Agreement, all catered events are subject to LADRP approval. WPC cannot schedule any catered event at the Observatory without LADRP approval and oversight. As shown on an August 9, 2006 LADRP Board Report, the LADRP has placed a moratorium on "Standard Use Rentals" or special catered events until June 30 2007. The August 9 Board Report also requires all special events at the Observatory to be concluded by 9 pm and that pa~ must be off-site. Consequently, no private catered events (distinguished from City-sponsored catered events) may take place at the Observatory until after June 30, 2007—and thereafter only subject to LADRP approval.

The August 9 Board Report is more restrictive with regard to catered events at the Observatory than are the rights sought in this variance application. The purpose of this variance application is to grant permission to serve alcohol at catered events subject to LADRP approval as it exists today or as LADRP approval may change in the future. If this variance were limited to the current LADRP restrictions on catered events at the Observatory, then a new variance would be needed if LADRP chose to minimally expand its restrictions because only the City Planning Department may grant rights with regard to alcohol service. Thus this variance requests that the City Planning Department establish appropriate limits on the service of alcohol at the Observatory, but allow the LADRP flexibility to modify its restrictions within the limits established by this variance.

In most instances, alcohol service is approved pursuant to a conditional use permit ("CUP"). The Los Angeles Municipal Code Section 12.24 W(1) requires CUPs for the sale of alcohol in commercial and industrial zones. In this instance, however, the Observatory is located in Griffith Park's Open Space zone. Consequently, a zone variance entitlement procedure ("Variance") is required to approve the Applicant's intended service of alcohol at the Observatory.

A zone variance is accompanied by a project description, site plan, and proposed conditions of approval. The Applicant is requesting that the City Zoning Administrator issue a variance that is consistent with the scope of alcohol service at the Observatory described above.

Similar variances for the service of alcohol for on-site consumption have been granted by the City Zoning Administrator for other concessions within the Griffith Park Open Space Zone. In particular, Case No. ZA 98-0903(ZV) granted a Variance for the service of alcoholic beverages for on-site consumption to Somerset Caterers for its concession at the Gene Autry Western Heritage Museum. A similar Variance Case No. ZA 98-0012 (ZV) was granted to the Los Angeles Zoo for its cafes and special events.

Zoning: The Observatory is located in Griffith Park area which is zoned OS-1XL, which is a open space zone in the Number 1XL Height District.

General Plan: The Hollywood Community Plan (the "General Plan") land use designation for Griffith Park is open space. The Zoning is consistent with the General Plan designation.

Surrounding Land Use:

- North - Zoning is OS-1XL, Griffith Park open space
- South - Zoning is OS-1XL, Griffith Park open space. There is a residential subdivision bordering Griffith Park that is over 1000 feet from the Observatory and a steep grade of approximately 330 feet below the grade of the Observatory.
- East - Zoning is OS-1XL, Griffith Park open space. The Greek Theater is approximately 1,500 feet to the east of the Property.
- West - Zoning is OS-1XL, Griffith Park open space.

Case Files and Permits:

- Griffith Park Observatory Master Plan Environmental Impact Report No. 187-97.
- Case No. ZA 98-0903(ZV) granted a variance for the service of alcoholic beverages for on-site consumption to Somerset Caterers for its concession at the Gene Autry Western Heritage Museum.
- Case No. ZA 98-0012 (ZV) was granted to the Los Angeles Zoo for its cafes and special events.
- City Council File Index No. 06-0332 (April 5, 2006) Approving the Concession Agreement between the City of Los Angeles Department of Recreation and Parks and Wolfgang Puck Catering and Events, LLC.

California Environmental Quality Act: The Griffith Park Observatory Master Plan Environmental Impact Report No. 187-97 serves as the CEQA compliance document for this application. The proposed variance for alcohol service is anticipated in the Concession Agreement with LADRP, which was contemplated in the Master Plan EIR. The General Manager of LADRP prepared a report to City Council regarding the Concession Agreement with WPC. On page 6 of the General Manager's report he notes that the 1997 Master Plan EIR included analysis of the Concession Agreement.

Applicant Submitted Findings for LAMC Section 12.24.W.1 - Not Required: Although a variance is required to permit the on-site sale and consumption of alcoholic beverages, alcohol service is typically granted pursuant to conditional use permits. CUP findings are,

therefore, included to further illuminate the appropriateness of the application for this Property and this area.

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

Approving the sales of alcohol will not adversely affect the economic welfare of the pertinent community. The use of the Property as an Observatory will continue as it has in the past. There will be no additional floor area or structures. All proposed special

events will take place on the existing Observatory grounds. The sales for alcoholic beverages will be only in connection with the sales for food at controlled catered events approved by LADRP. Food sales and special events historically have occurred on the Property.

The location of the Observatory in relation to other uses is such that there are no other sensitive uses or residential uses within 1000 feet of the Observatory. The Observatory is also located in steep hillside terrain of over 330 feet above the nearest residential property outside of the southern boundary of Griffith Park. There is no facility on the Property that serves alcohol without food, or that is open strictly for the purpose of selling alcoholic beverages.

Furthermore, the Applicant has proposed conditions of approval to limit the amount of special catered events and additional conditions designed to ensure that the variance will not adversely effect the surrounding community. As shown on an August 9, 2006 LADRP Staff Report, the LADRP has placed a moratorium on "Standard Use Rentals" or special catered events until June 30, 2007. Consequently, no private catered events (as distinguished from City sponsored catered events) may take place at the Observatory until after June 30, 2007—and thereafter only subject to LADRP approval. Consequently, catered events will be tightly controlled and limited by LADRP within the bounds set by this grant, thereby providing protection to the public welfare.

Due to the remote location of the Observatory, there is only a single controlled access point that can be policed and monitored. The Applicant has a proven track record with successfully catering special events and serving gourmet food at public venues throughout California and several other states.

This application does not seek permission to serve alcohol in the Observatory Café during the hours the Café is open to Observatory visitors. The Observatory Café is intended to serve visitors, staff and volunteers of the Observatory. In the Café, food will be served cafeteria-style. Grab-and-go cart programming will be based upon volume, with more availability during peak season / days. The kitchen for the Café is a finishing kitchen, and cooked foods will be prepared off-site and brought to the Café. The reason for this is to prevent cooking hoods from emitting visible particles from the café that could obstruct nighttime viewing at the Observatory.

Granting the application will not result in an undue over concentration of premises for the sale and dispensing for consideration of alcoholic beverages in the area of the City involved because the public convenience will be served by the issuance.

Over concentration is determined by a census tract's existing population compared to the total number of alcohol licenses within the same census tract. Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue, however, when approval of a license does not negatively impact the area and such license benefits the public welfare and convenience. The Observatory is within Census Tract No. 1882. According to a report issued by the California Department of Alcoholic Beverage Control on March 16,

2006, 4 licenses for on-site consumption and 1 license for off-site consumption are allowed in the Census Tract. Currently, the Census Tract is not over concentrated. Approving the requested variance will result in the existence of 1 license over the number of licenses allowed in the census tract. However, this will not contribute to the area's undue over concentration because the Observatory is a desirable attraction and located in unique setting for special events that is socially necessary and convenient. Moreover, the Applicant's proposal is intended to benefit the public welfare and convenience by creating a social gathering location that will promote social interaction for the visitor to the Observatory and at special events.

Further, the Observatory is located in LAPD's Northeast Division. In 2006, total violent crimes in Northeast Division had been reduced by 39% compared to 2004 statistics, and property crimes have been reduced by 26% during the same period. Reported crimes in Northeast Division and the area around the Observatory are below the Citywide average compared to other LAPD divisions.

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

Catered events at the Observatory will not detrimentally affect residentially zoned property that is located over 1000 feet south of the Griffith Park boundary or other surrounding uses within the Griffith Park. There are no hospitals, churches, schools, or public playgrounds in proximity to the Observatory.

The Café grab-and-go cart programming will be based upon volume, with more availability during peak season / days. The kitchen for the Café is a finishing kitchen, and cooked foods will be prepared off-site at WPC's gourmet catering kitchen in Hollywood, then and brought to the Café. The reason for this is to prevent cooking hoods from emitting visible particles from the café that could obstruct nighttime viewing at the Observatory.

The LADRP has prohibited private catered events until June 30, 2007. And the LADRP retains complete control over approving any catered event at the Observatory. In addition, special catered events are required to end by 9:00 pm until June 30, 2007. Nevertheless, the Applicant, in coordination with LADRP, is requesting permission from the City Planning Department to have the right to serve alcoholic beverages at future catered events subject to LADRP approval. In any event, Catered events are expected to be rare. The Applicant will accept a condition of approval requiring that a calendar of scheduled catered events be provided to LFIA and the applicable Neighborhood Councils.

Additional Statements made by the Applicant:

Will the approval of the Conditional Use (variance in this case) at this location adversely affect the economic welfare of the community? Why?

There will not be any detrimental effects to the economy. On the contrary additional revenue will be generated for LARP and the Observatory by special catered events

and sales in the Café.

WPC has agreed not to serve alcohol in the café during regular Observatory hours when the café is open to the public visitors to the Observatory.

In addition, special catered events will generally conclude at the time the Observatory closes. Subject to LADRP approval, some catered events may end past park closing, and on very infrequent occasions extend to midnight or 1 :00 am. In those cases, the Applicant, in coordination with LADRP, will provide for escorting parties from the Observatory and ensure that the park is secured before and after. The Applicant will accept a condition of approval requiring that a calendar of scheduled catered events be provided to LFIA and the Neighborhood Council.

The LADRP is currently holding a moratorium on special events during the first year of public operations, and thereafter would have a specific schedule of limited locations and times for event bookings so that the public is served as priority at the observatory. All bookings are at the discretion of LADRP and the Observatory. The Applicant will cater Observatory and City-sponsored events, as well as functions for outside corporate or nonprofit clients.

- Will the approval of the Conditional Use (variance in this case) result in or contribute to an undue concentration of such establishments? Why?

Granting a variance will not contribute to an undue over concentration for the area because the Observatory is socially desirable and convenient, and will contribute to the public welfare. .

In sum, the Observatory is committed to serving alcohol responsibly and within the conditions and the limitations the City may choose to impose. Consequently, granting a variance does not create an undue over concentration of alcohol licenses in the Property's census tract, because the public convenience is served and no detriment will result.

- Will the approval of the Conditional Use (variance in this case) detrimentally affect nearby residentially zoned properties? Why?

No. Effects to nearby properties are minimal because the protection afforded by the distance and steep slopes from the Observatory, the Security Plan and the Applicant's voluntary conditions of approval require and prohibit the sale of alcohol for off-site consumption. In addition, conditions of approval limiting the number of catered events and otherwise controlling the operation of alcohol service at catered events will further ensure that the variance does not detrimentally affect nearby residentially-zoned properties.

- 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?

The Café hours of operation were dictated by the City.

Hours of Café per the LADRP concession agreement are: Monday 10:00 a.m. to 8:00 p.m. Tuesday 7:00 a.m. to 8:00 p.m. Wednesday 7:00 a.m. to 8:00 p.m. Thursday 7:00 a.m. to 8:00 p.m. Friday 7:00 a.m. to 9:00 p.m. Saturday 7:00 a.m. to 9:00 p.m. Sunday 7:00 a.m. to 8:00 p.m.

In addition, special catered events will generally conclude by or about the park closing time. Subject to LADRP approval, some special events may end past park closing, and on very infrequent occasions extend to midnight or 1 :00 am. In those cases, the Applicant, in coordination with LADRP, will arrange for escorting parties from the Observatory and ensure that the park is secured before and after. Catered events after hours are expected to be rare. The Applicant will accept a condition of approval requiring that a calendar of scheduled catered events be provided to LFIA and the Neighborhood Councils.

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

The application proposes no changes of use to the facilities at the Observatory.

- 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?

Yes. Parking will be provided consistent with the Master Plan requirements. A total of 200 parking spaces is available on the Observatory grounds. Up to 400 additional parking spaces are available on the adjacent roads within the Griffith Park open space. In addition, if required by LADRP for any special catered event, parking could be provided off-site and shuttle service could be provided.

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

No entertainment such as a piano bar, jukebox, dancing, live entertainment, movies is planned as part of the concession for regular Observatory hours and patrons. Live music, recorded music, and dancing may be provided as part of special events at the Observatory.

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

A full line of alcoholic beverages is proposed for on-site consumption at catered events only.

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

Applicant does not propose to sell alcohol for off-site consumption.

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

There will be no cocktail lounge maintained incidental to the Café.

- 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?

No.

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

No.

- Will you have signs visible on the outside, which advertise the availability of alcohol?

No.

- Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in Section 12.03 of the Los Angeles Municipal Code?

A finishing kitchen exists for food service in the Café. However, cooked food and food for catered events are prepared offsite at WPC's gourmet kitchen in Hollywood, then brought to the Observatory and may be finished at the Observatory Café. At no time will alcohol be sold when food is not available. Food will be available at all special events and at all times alcohol is being served.

- Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?

Beer may be sold in individual 12 ounce bottles. Wine will be sold by the glass. All other alcoholic beverages will be sold in glasses. Wine may be served in bottles at special catered events.

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

No.

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

No.

- Will discount alcoholic drinks or a "Happy Hour" be offered at any time?

No.

- Will security guards be provided and if so, when and how many?

The Observatory provides on-site security. Additional security will be provided as-needed for special events. Security for special events will be coordinated with the Los Angeles Police department and the LADRP Park Police.

- Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?

No. There are no adjacent properties under the control of the Applicant.

- Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?

Yes. A catering operation is inclusive of both food and alcohol sales.

- Provide a copy of the proposed menu if food is to be served.

See the attached Café menu and catering menu.

- How many employees will you have on the site at any given time?

Approximately twenty employees will be on-site during catered events, but the amount of employees will vary depending on the size of the event.

- What security measures will be taken including:

Conditions of approval, use permits and alcohol licenses will be kept on-site and available for inspection.

The Observatory has a security force on-site.

The Observatory provides security on-site. Additional security will be provided as-needed for special events. Security for special events will be coordinated with the Los Angeles Police department and the LADRP Park Police

- Will there be minimum age requirements for patrons? If so, how will this be enforced? All ages are welcome to the Observatory and no age restrictions are anticipated for catered events at the Observatory, but age verification for service of alcoholic beverages will be required.

- Are there any schools (public or private and including nursery schools) churches or parks within 1,000 ft. of your proposed business? Where?

No. The Observatory is located in Griffith Park but there are no active recreational facilities within 1,000 feet of the Observatory.

Applicant's Proposed Conditions of Approval: The Applicant proposed 18 conditions of

approval for the requested variance. They have been in adopted by the Zoning Administrator and can be found in the conditions section of this Letter of Determination. In some instances the conditions were redundant to those in common use by the Office of Zoning Administration and were thus not repeated twice. A complete list of all conditions can be found in the subject file.

Dates the Applicant has met with the Community: To present and discuss the application for a Variance to permit On-site service of Alcoholic Beverages, at Griffith Park Observatory - 2800 East Observatory Avenue

September 19, 2006	Greater Griffith Park Neighborhood Council (GGPNC)
September 25, 2006	Los Feliz Improvement Association (LFIA)
October 9, 2006	Parks, River and Open Space Committee (PROS)
November 20, 2006	Hollywood United Neighborhood Council (HUNC)
December 19, 2007	Greater Griffith Park Neighborhood Council (GGPNC)
January 16, 2007	Oaks Homeowners Association
February 13, 2007	Greater Griffith Park Neighborhood Council (GGPNC) Planning, Zoning and Historical Preservation Committee
February 20, 2007	Greater Griffith Park Neighborhood Council (GGPNC) Request for letter of recommendation to Zoning Administrator
March 14, 2007	Hollywood United Neighborhood Council (HUNC) sub committee
March 20, 2007	Hollywood United Neighborhood Council (HUNC) Request for letter of recommendation to Zoning Administrator

APPLICANT'S SPECIFIC RESPONSE TO GGPNC - March 12, 2007

Introduction: This memorandum responds to the conditions of approval proposed by the Greater Griffith Park Neighborhood Council ("GGPNC") in its March 9, 2007 communication to the City of Los Angeles Zoning Administrator ("GGPNC Conditions"). For the reasons explained below the applicant, Wolfgang Puck Catering & Events, Inc. ("Puck"), and the Los Angeles Department of Recreation and Parks ("LADRP") oppose all but one of the GGPNC Conditions.

Puck met with the GGPNC on three separate occasions to present and discuss the application: Sept. 19, 2006; December 19, 2006; and February 20, 2007. The LADRP joined Puck at two of these meetings to answer questions and explain the Operating and Concession Agreement between the Los Angeles Department of Recreation and Parks and Wolfgang Puck Catering and Events, LLC for Café and Catering Services at the Griffith Park Observatory (the "Concession Agreement"). The GGPNC has devoted considerable time and attention to this application, and Puck appreciates the dedication to the Observatory that each member of the GGPNC demonstrated throughout this process.

During meetings with GGPNC it became clear that GGPNC primarily opposes the concept of allowing any special events at the Griffith Park Observatory ("Observatory"). GGPNC's primary objection is to this aspect of the Concession Agreement, which has already been approved and adopted by the City Council. See City Council File Index No. 06-0332 (April 5, 2006). The GGPNC did not appear at any of the hearings on the Concession Agreement, nor did the GGPNC object to the Concession Agreement before it was approved and

executed.

GGPNC's objection to the request for a variance to serve alcohol at catered events and its proposed conditions are a thinly-veiled attempt to prevent special events at the Observatory.

The issue of whether catered events may be allowed at the Observatory is not before the Zoning Administrator, and the LADRP's exclusive right to approve the time, place, and manner of all catered events at the Observatory is not within the authority of the Zoning Administrator to regulate or condition in the variance application. The Zoning Administrator's authority is limited to whether alcohol may be served at catered events and the conditions relating to the service of alcohol at catered events. In consultation with both the LADRP and Councilman Tom LaBonge's office, Puck has proposed conditions of approval to Zoning Administrator.

Responses to GGPNC Conditions

Below are Puck's Responses to each of the GGPNC 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.

This condition is consistent with the application. Therefore Puck has no objection to this condition.

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.

This condition impermissibly restricts the discretion of the LADRP under the Concession Agreement. Furthermore, this condition attempts to impose a policy restriction that is within the exclusive jurisdiction of LADRP. It is not within the Zoning Administrator's legal authority to impose policy restrictions that are within the discretion of another City agency.

Furthermore there is no legal nexus to impose this condition. The law requires that conditions of approval for a variance must be narrowly-tailored and roughly proportional to address the reasonably foreseeable potential impacts arising from the request. The reasonably foreseeable potential impacts arising from alcohol service at catered events regard public safety, lawful and responsible alcohol service, service of food with alcohol (as proposed by the applicant), and neighborhood impacts relating to alcohol service. None of these issues have any relation whatsoever to whether the "principal function" of the catered event is "astronomical, scientific or educational." Consequently, imposing this condition would be unlawful because it is not roughly proportional to the reasonably foreseeable impacts of alcohol service at catered events.

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.

This condition impinges on the LADRP's right and desire to approve any and all catered events at the Observatory, and to approve whether alcohol is served at any such events. Furthermore, under state law, alcohol may be served at a single location a maximum of 28 times per year under a catering license without any need for a local permit to serve alcohol. Consequently, this condition limits the annual amount events at which alcohol may be served to less than the number that would be allowed under state law without any local permit.

This condition is also arbitrary and is without a legally-appropriate nexus. There is no evidence supporting that limiting alcohol service at catered events to 26 times per year would address the reasonably foreseeable potential impacts arising from alcohol service at catered events, i.e., public safety, lawful and responsible alcohol service, service of food with alcohol (as proposed by the applicant), and neighborhood impacts. LADRP has complete discretion to approve as many catered events at the Observatory as it deems appropriate. GGPNC has provided no basis for imposing this arbitrary limit.

4. Alcohol shall not be served at any event not ending by ten p.m.

Both Puck and the LADRP foresee that some catered events may end later than 10:00 p.m. LADRP desires to have the right to approve alcohol service at catered events that end past 10:00 p.m. This application requests the right to serve alcohol at catered events until 1:00 am, but Puck and the LADRP have suggested a condition of approval that alcohol service at privately-sponsored catered events lasting past midnight be limited to 6 such events per year. Such events are expected to be very rare.

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.

Again, this condition impinges on the LADRP's discretion to approve the time, place, and manner of all catered events at the Observatory. As previously-stated, LADRP has complete discretion to approve the number of attendees at a catered event.

Furthermore, the number of attendees bears no relation to the responsible service of alcohol at catered events. Enforceable conditions of approval intended to ensure responsible alcohol service and responsible consumption of alcohol are equally applicable and reliable without regard to the number of attendees at a catered event.

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.

Similar to GGPNC Condition this condition impermissibly restricts the discretion of the LADRP under the Concession Agreement. LADRP has exclusive discretion regarding

the time, place, and manner of catered events—including where such events may be held on the Observatory grounds. This condition also attempts to impose a policy restriction that is within the exclusive jurisdiction of LADRP. It is not within the Zoning Administrator's legal authority to impose policy restrictions that are within the discretion of another City agency.

Furthermore there is no legal nexus to impose this condition. As previously stated, the law requires that conditions of approval for a variance must be narrowly tailored and roughly proportional to address the reasonably foreseeable potential impacts arising from the request. The reasonably foreseeable potential impacts arising from alcohol service at catered events regard public safety, lawful and responsible alcohol service, service of food with alcohol (as proposed by the applicant), and neighborhood impacts relating to alcohol service. None of these issues have any relation whatsoever to where on the Observatory grounds alcohol is served at a catered event. Consequently, imposing this condition would be unlawful because it is not roughly proportional to the reasonably foreseeable impacts of alcohol service at catered events.

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.

This condition ignores the length of Concession Agreement. The variance should be granted for as long as a concession agreement allowing alcohol service by the concessionaire is in force.

LETTERS FROM OTHER GOVERNMENTAL AGENCIES

Department of Recreation and Parks, Kevin W. Regan, Asst. General Mgr. - May 17, On behalf of the Department of Recreation and Parks, I would like to offer a few thoughts regarding Case No. ZA 2006-10405(ZV), the variance requested by Wolfgang Puck Catering and Events LLC to serve alcoholic beverages at catered events at Griffith Observatory. The Department supports the request made by Wolfgang Puck.

Department officials have met several times with representatives of neighborhood groups since the March 13, 2007, hearing. We have come to a greater understanding of the concerns expressed by our neighbors with regard to events at the Observatory, particularly those at which alcohol may be served. In response, we have worked with them to formulate guidelines that address many of the most pressing issues. The following is a summary of some of the most significant issues addressed by our proposed guidelines:

- How and When Events are Permitted. All rental requests must be filed directly with the Observatory as specified in defined procedures. Applications will be evaluated according to the following criteria:
 - a) linkage with Observatory educational mission and purpose;
 - b) level of disruption to public operation;
 - c) impact on other Griffith Park venues and nearby neighborhoods;
 - d) degree of required event support by Observatory staff; and,
 - e) the Observatory calendar and schedule availability for the proposed event.

The Observatory Director will make a determination regarding the request and will forward to the General Manager, Department of Recreation and Parks, for final approval. Decisions of the General Manager are final. To avoid impact to public operation, it is the Observatory's expectation that most rental or filming usage except for that of the classroom and public conference room - will fall into the Standard Rental Use category (i.e., when the building is not being used for public operation, which is essentially Mondays and selected weekday mornings).

- Attendance at Events. No event will have more than a maximum 1,800 total participants (participants include both attendees and all required event staff).
- When Alcohol May Be Served. Hours of alcohol service will be specified in the rental agreement, as will the manner and nature of service. Alcohol service, if applicable, will conclude by 10:00 p.m. and events at which alcohol is served will conclude by 10:30 p. m. Exceptions to the 10:00 p.m. cut off of alcoholic service and the 10:30 p.m. event ending time may be granted only by the expressed advance written approval of the Department of Recreation and Parks General Manager. If an event at which alcohol is served occurs during public operations, service and consumption of alcohol must take place out of public view. Alcohol may never be served as part of regular operations of the Café at the End of the Universe.
- How Many Alcohol-Serving Events Are Permitted. There shall be no more than 26 significant events per year (and no more than three in a particular month) at which alcohol is served, where a "significant" event is defined as occurring anywhere in the building other than the classroom or conference room.
- Parking and Noise Restrictions. All applicants for rental use must define a detailed traffic and parking plan. As Observatory parking is extremely limited, the Observatory is located in a park adjacent to residential areas, and the park roads are not designed for commercial traffic, any proposal for more than 200 attendees should include multi-passenger vehicles. Such vehicles should be as quiet and non-polluting as technologically possible. Amplified sound shall be permitted only if the sound cannot be detected from the neighborhood below.
- Plan Approval. The applicant shall apply for Plan Approval one year after the first qualifying event takes place at the Griffith Observatory.

LETTERS AND EMAIL IN SUPPORT OF THE APPLICATION

John McIlwee - Support - March 9, 2007

I'm very busy at work but wanted to take a brief minute to extend my MOST FAVORED SUPPORT of issuing a liquor license or whatever the request is for the Observatory for private parties. City of LA did an amazing job with the restoration and it should be a destination and revenue source for the city. I'd love to go to an event up there!

LETTERS AND EMAIL IN OPPOSITION TO THE PROJECT SUBMITTED BY GROUPS

OR ORGANIZATIONS

ZA Note: The large volume of correspondence on this matter has caused the Zoning Administrator to limit quotation of letters received from groups or organizations to just excerpts. The full letters can be found in the file.

Equestrian Trails, Inc. - Lynn Brown, Natl. Trail Coordinator - March 4, 2007

- It is irresponsible to consider serving alcohol to patrons who will then drive the curving roads back onto public streets.
- . . . sections of the Observatory should not be closed off for parties/events, nor should there be privatization of public areas. The Observatory should be open to the public during hours of their operation.
- I don't object to events/parties scheduled after operational hours, if no alcohol is served, and if all the financial profits go exclusively for the benefit of the Observatory.

Franklin Hills Residents Association - Charley Mims, President - March 8, 2007

Representing an area of about 1500 homes south of Los Feliz and Griffith Park, the FHRA Board requests that the above referenced application for service of alcohol at the Griffith Observatory if not rejected, be limited by conditions no more lenient than those proposed by the Greater Griffith Park Neighborhood Council.

Those conditions include:

- Restricting frequent to no more than 26 events per year or three per calendar month.
- Requiring all events to have an Astronomical, Scientific or Educational purpose.
- Prohibiting the denial of public access to any public area, inside or outside, for event use.
- Limiting alcohol service to no later than 10pm, and attendance, including staff, to 1,000.

Friends of Fern Dell, Lucinda Phillips - March 5, 2007

. . . we oppose the alcohol variance in its entirety due to concerns of safety and the over-concentration of the number of alcohol licenses in the area.

We are also concerned that the mission of the Observatory to be a public educational facility will be diminished by an alcohol variance being granted.

Greater Griffith Park Neighborhood Council, Charley M. Mims, President and Kenneth E. Owen, Chair Planning and Zoning and Historic Preservation Committee - March 9, 2007

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 R 1 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 nonscientific, 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. I 2.04.05.)

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 over concentration 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 Theater 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.

Greater Griffith Park Neighborhood Council, Charley M. Mims, President and Kenneth E. Owen, Chair Planning and Zoning and Historic Preservation Committee - May 29, 2007

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.

GREATER GRIFFITH PARK NEIGHBORHOOD COUNCIL SUGGESTED RULES FOR CONCESSIONAIRE'S USE OF GRIFFITH OBSERVATORY. (Alcoholic Beverages)

The following rules and regulations shall be strictly adhered to by Wolfgang Puck Catering and Events LLC and any and all subsequent concessionaires ("Concessionaire") in performing its obligations and exercising its rights under the Operating Concession Agreement with the City of Los Angeles number 248 relating to the Griffith Observatory:

1. No alcoholic beverage shall be sold or supplied by Concessionaire or anyone under its control at any time in any part of the Observatory except as may be permitted from time to time under these rules. Specifically, no alcoholic beverage will be sold or supplied at the Café or from carts or otherwise to the general public.
2. No alcoholic beverage shall be sold or supplied by Concessionaire or anyone under its control except at a catered event, authorized by the Department of Recreation and Parks ("Parks") acting through its general manager, which event meets each and all of the following conditions:
 - (a) The event consists principally of persons who have a preexisting relationship with each other as members of a preexisting, recognized group whose principal function is astronomical, scientific or scientific education; provided, however, no more than two events a year, meeting other conditions of these rules, for persons not meeting the scientific or educational function requirement, may be held so long as they are sponsored by the Mayor of the City of Los Angeles, the City Council or the Councilmember for the Council District in which the Observatory is located and the invited guests are primarily non-residents of the City of Los Angeles.
 - (b) The event is one of not more than three held in a calendar month and shall not be one that exceeds twenty-six in that calendar year.
 - (c) The event shall terminate no later than 10:00 p.m. and all functions relating to the event, including tear down and clean up, shall conclude by 10:30 p.m., with no event-related vehicles leaving Griffith Park later than 10:45 p.m. or arriving earlier than 9:00 a.m.
 - (d) The event shall not involve the attendance either as guests or as service

personnel of more than 1,000 persons in the aggregate (that is, if the event is in stages the total number of persons involved shall not exceed 1, 000 and the test is not the number of people at the Observatory at the same time).

- (e) The event shall not directly or indirectly involve, or limit public access to, any public portion of the Observatory or its grounds at any time the Observatory is regularly scheduled to be open to the general public. (As a practical matter this means that an event may be held at any time in the conference room or the classroom, areas which are not open to the general public at any time and any such events if limited to private luncheons hosted by the director of the Observatory for scientific colleagues or major donors to the Observatory will not be included in the maximum number of events in (b). It also means as a practical matter that events in the balance of the Observatory may be held only on a Monday, so long as the Observatory's normal schedule provides that it shall not be open to the public on that day.)
 - (f) The event shall not involve the use of any amplified sound outside the Observatory structure, and any amplified sound within the building shall not be audible outside the structure.
3. Any person or entity holding an event at the Observatory will be advised by Parks that (a) the Observatory is located in a park and adjacent to residential areas and is dependent upon no more than two streets for ingress and egress, (b) the parking available at the Observatory is limited and must be shared with the public using hiking trails and the park generally and (c) the access roads are winding and not well lighted. Therefore, Parks shall require that in respect of any event involving more than 200 invited guests all guests shall be delivered to the Observatory by means of multi-passenger vehicles, such as buses and vans. In consideration of the residents living along the access roads and users of the park generally such vehicles shall be as quiet as a normal gasoline operated sedan if technology will permit, and as non-polluting as is technologically practicable.
 4. Concessionaire and all of its employees, contractors and agents working at the Observatory shall strictly comply with all laws, rules and regulations applying generally to the sale and service of alcoholic beverages and any special conditions contained in any and all licenses (whether general or catering) issued for use at the Observatory.
 5. Parks shall maintain for at least one year a log of all events at which alcohol has been served, and such log shall be available for inspection at the office of the Director of the Observatory by any member of the public upon at least three days' notice. As to each event there shall be recorded the name of the sponsoring organization, the number of persons in attendance (both members and support staff), the date and beginning and ending times of the event and the beginning and ending times of the arrival of support personnel at Griffith Park.

These rules shall be strictly followed by the general manager and staff of the Department of Recreation and Parks in acting under the Concession Agreement. The general manager and

staff shall have discretion within the restrictions of these rules and shall not be obligated to allow the maximum number of events or to allow events to run as long as provided or to involve the maximum number of people. The general manager and staff shall exercise their discretion within these rules with the view to impose as little burden on the Observatory,

Griffith Park, their respective personnel and the neighborhood surrounding Griffith Park as possible.

These rules shall be amended only by action of the Board of Recreation and Park Commissioners, and then only after a public hearing, notice of which shall have been given generally to the public and specially to the neighborhood councils abutting Griffith Park.

Greater Griffith Park Neighborhood Council - Ken Owen Email

- May 30, 2007
- May 27, 2007 (2)
- May 12, 2007
- Mar 29, 2007
- Mar 26, 2007

Hollywood Neighborhood Council, David Schlesinger - March 29, 2007

At your March 13 hearing I explained to you that I represented the Hollywood United Neighborhood Council as Board member and Chair of our PLUM committee and that my mission was inform you that my constituency wanted no alcohol served at the Planetarium.

Hollywood United Neighborhood Council, Susan Swan, Pres. - February 27, 2007

At the regular public meeting of the Board of Directors of the Hollywood United Neighborhood Council on 20 February 2007, the Board voted to oppose the sale of alcoholic beverages for on-site consumption at special events at the Griffith Observatory. The Board and the members of the public attending refused a proposal for approval of the Puck Request with certain modifications, rejecting any sales under any circumstances.

HPOZ Alliance, Murray Burns, Chair - April 17, 2007

1. The Operating Concession Agreement between the City and Wolfgang Puck was approved as to form on September 6, 2008 without any notification to adjacent property owners as required by the City. Since the property involved is Griffith Park, all adjacent property owners should have been notified. Failure to do so effectively denied the public its right to due process.
2. The Griffith Observatory is located in open space (OS-1XL) where serving alcoholic beverages is explicitly prohibited. The Observatory has never needed to serve alcohol in the past.

Los Feliz Estates Owners Assoc., Bruce Jay, Pres., Bruce Carroll, Sec. - March 9, 2007

We urge you to adopt conditions no more lenient than those suggested by the Greater

Griffith Park Neighborhood Council.

We believe that allowing the sale and service of alcohol at a maximum of 26 event per year or three per month will amply satisfy any Observatory mission of promoting astronomical and scientific education to catered special events.

Additionally limiting the times of service to those hours before 10p.m is crucial to preserving the peace and quiet of our community which lies within a stone's throw of the Griffith Observatory.

We also support restriction on the number of event attendees and staff to no more than 1000 and feel that during the times the Observatory is normally open to the general public everyone has the expectation and the right of full use of the Observatory and its grounds, including all parking. (once the current shuttle system has been phased out.)

We also believe that if any alcohol service is permitted that there should be some mechanism for public input on renewal or refining of the conditions after two to three years of experience.

Los Feliz Improvement Assoc., Marian Dodge, President - March 2, 2007

The Los Feliz Improvement Association opposes the application of Wolfgang Puck Catering and Events, LLC for a Zoning Variance to serve alcoholic beverages at the Griffith Observatory for the following reasons:

1. The Operating Concession Agreement between the City and Wolfgang Puck was approved as to form on September 6, 2006 without any notification to adjacent property owners as required by the City. Since the property involved is Griffith Park, all adjacent property owners should have been notified. Failure to do so effectively denied the public its right to due process.
2. The Griffith Observatory is located in open space (OS-1XL), where serving alcoholic beverages is explicitly prohibited. The Observatory has never needed to serve alcohol in the past.
3. The primary mission of the Griffith Observatory is that of scientific education. The serving of alcoholic beverages at special events will not further that mission in any manner. Furthermore, special events may exclude legitimate Observatory visitors from all areas typically open to the public. In addition if alcohol is served, it may negatively impact the usually wholesome educational experience that patrons have come to expect. The variance requests "alcoholic beverages be permitted at special catered events between the hours of 11:00 a.m. and 1:00 a.m. any day of the week" (P. 14, 1.). This means that alcohol could be served while bus loads of school children are visiting the Observatory.
4. The Observatory is within walking distance of many single-family residences, and; is located at the terminus of several winding, dangerous roads. Contrary to the variance request statement that the Observatory is "well bounded and easily secured (p. 6), there are many hiking trails leading to the Observatory which are not secured. There

is not "a single controlled access" (p. 7), there are two roads in addition to the trails. The Zoning Administrator should consider the impact of drunk drivers on the neighborhood, especially when events may last until 1:00 AM.

5. The special events will bring added traffic, congestion, pollution, noise, and litter to the adjacent residential neighborhood which is already impacted by the operation of the Greek Theater.
6. The concession agreement specifies that "CONCESSIONAIRE shall have the option to sell alcoholic beverages (beer, wine, and spirits) at the CONCESSION... CITY/Observatory Management shall cooperate fully with CONCESSIONAIRE with regard to obtaining such license." (p. 15, Section 16.A) The terms of the contract give the appearance that the open, public variance process has been circumvented by the City of Los Angeles.

The community strongly opposes the sale of alcohol at the Observatory and we ask the Zoning Administrator to consider the negative impact that the presence of alcohol may have on Observatory patrons, visiting school children, nearby residents, and other citizens who may be affected. The Observatory has not needed to sell alcohol in its 71 years of existence, and we see no compelling reason to start now.

Los Feliz Improvement Assoc., Marian Dodge, President - April 3, 2007

The Los Feliz Improvement Association opposes the Observatory being used for any purpose that limits public access, or does not further the Observatory's public education mission.

These are neither radical nor novel notions. In fact, they are taken directly from the Recreation & Parks General Manager's Report on Observatory Event Use, as approved and adopted on August 9th, 2006 by the Recreation & Parks Board of Commissioners.

This report mandates that:

- 1) alcohol service at catered events conclude by 9:00 p.m.
- 2) all facilities at Griffith Observatory are primarily for use of the Observatory in accomplishing its public educational mission
- 3) purposes of the Observatory have priority over any other proposed use
- 4) rental of any facility spaces ordinarily used in public operations will be permitted generally only when the Observatory is closed to the public and only during the Events Season, defined as October 1st through April 1st each year
- 5) as the designated non-profit partner with the Griffith Observatory, Friends~ the Observatory usage has priority over all other use except by the Observatory
- 6) load-in and load-out cannot be done after 10:30 p.m. or before 6:00 a.m.

Because the August 9th Report has already been endorsed and approved by the General Manager and the Board of Commissioners, that should be the document the Department uses to govern Observatory events and concessions. The LFIA can see no valid reason for there to be a new set of guidelines. If, however, for some unknown reason, the Department

feels there is a compelling reason to create a new set of rules, then those rules should and must be bound in large part by the August 9th Report, and a draft of those rules must be made available to the public before they are finalized and approved.

The LFIA strongly supports the Observatory's public education mission. The General Manager and the Board of Commissioners, under whose guidance and authority the Department functions, strongly support the Observatory's public education mission. The Department of Recreation and Parks should follow their guidance and do likewise.

Los Feliz Improvement Assoc., Marian Dodge, President - May 23, 2007

Because you have clearly stated that you cannot make a proper ruling based on guideline which do not yet exist, the Los Feliz Improvement Association requests that you postpone your decision until after you have received guidelines that have been submitted for public review and Board of Commissioners approval.

(ZA Note: The deadline of May 30 for comment was not extended. The Department of Recreation and Parks did not submit any copy or draft of "guidelines" for consideration by the Zoning Administrator.)

Los Feliz Improvement Assoc., Juliet Kipperman - Undated

The applicant is simply playing one City department off against another, attempting to get its way through subterfuge and confusion. We ask that you not grant this variance which would allow the applicant to break the rules established by the Department of Recreation and Parks, and which it agreed to in the Concession Agreement.

Los Feliz Village Business Improvement District, Dora Herrera, Pres. - March 7, 2007

Despite the limitations on the scope and frequency of Observatory events spelled out in the RFP and the Board of Recreation and Parks Commission policies approved on August 9th, 2006, Puck's contract with the City states that it intends to transform Griffith Observatory into "a corporate and convention destination² serving "a broader . . . regional, national and global event customer." The company envisions holding as many high-end events annually as the City will allow and plans to stage them at will in visitor areas during operating hours. Effectively, this will evict the public from the Observatory and privatize a publicly owned educational institution whose mission is free public astronomy.

The Oaks Homeowners Association, Gerry Hans, President - March 7, 2007

The Oaks Homeowners Association represents the residential community immediately to the west and southwest of the Observatory, an area known as "The Oaks". Our community has been attentive to the many issues surrounding the renovation and reopening of the Observatory. For many years, our organization has been supportive of the Observatory as one of the City's most valued educational, historical and cultural sites.

We have encouraged community dialog with the applicant, Wolfgang Puck Catering, since we first received word of their RFP award in April, 2005. The Puck company turned down

multiple invitations to speak with our Association until, finally, in January, 2007, a Puck representative attended one of our monthly meetings.

By then, Recreation and Parks (RAP) had put in place the "Operating Concession Agreement". It concerns us that the City has already agreed to "cooperate fully" with the applicant to obtain its liquor license (page 15), both before notifications were given to appropriate parties (if, in fact, they were) and before the variance request has been heard by the Zoning Committee.

It also concerns us that many items contained in the Operating Agreement are incongruent with the educational mission of the Observatory. For example, "establishing the Observatory as a corporate and convention destination" (page 24), would clearly degrade the image of this prestigious institution.

Recognizing that RAP has the power to select and limit the number of catered events operated by the applicant, and also recognizing the practical limitations that RAP has in terms of facility availability, staffing and adherence to stated policy for such events, we feel that the open-ended terms the applicant is requesting are excessive.

In keeping with a more reasonable level of alcohol usage at catering events at the Observatory, we oppose the applicant's request for a variance to the Open Space (OS-1XL) zoning, unless there is an agreement to the following conditions, in addition to the conditions the applicant has already proposed in its application:

1. Alcohol shall only be served in connection with catered private parties.
2. Alcohol shall be served at catered events no more frequently than three times per month, and no more frequently than 26 times per year.
3. Alcohol shall not be served at any event past the hour of 10:00 P.M.
4. Alcohol shall not be served at any event having more than 1,000 persons (including all staff and servers) in attendance.
5. Alcohol shall not be served at any catered event which involves the use (including the set-up for the catered 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.
6. The foregoing conditions shall not diminish the authority of RAP has under agreement with applicant to limit further sale of alcohol.

The Oaks Homeowners Assoc., Gerry Hans, Pres. - May 30, 2007

GGPNC has taken a leadership role and has acted to request a special meeting of the Board of Commissioners of the DRAP for resolution of this matter. The Oak Homeowners Association supports this effort.

As of today (May 30, 2007), the latest date for comment on this (instant) application as set forth by you at the hearing of March 13, 2007, we have not been satisfied that a complete and valid set of rules are in place for the Observatory operations which include the service of alcohol. Without such rules in place, we oppose the granting of this variance.

Vermont Neighborhood Association, Tom Ford, April 10, 2007

Enclosed please find 84 signatures from the residents of the Vermont Neighborhood. We are very concerned about the proposed guidelines written by the Department of Recreation & Parks that will govern special events at which alcohol will be served at the Griffin Observatory. The public has largely been excluded from the City's process of Choosing a Concessionaire for the Observatory, the seeking of an alcohol variance, and the creation of the guidelines and regulations.

After a well attended alcohol zoning variance hearing on March 13, 2007, at which Many neighborhood representatives and association members spoke out in opposition to The granting of the variance to serve alcohol at the Observatory, zoning administrator Albert Landini (case #ZA-2006-10405-ZV) delayed his decision until May 30, 2007. The public has been told that we will not be able to attend the May 30th meeting.

At the behest of Councilmember Tom LaBonge to appease concerned citizens, Recreation and Parks held a community meeting on 3/29/07 to listen to neighborhood concerns and consider incorporating them into guidelines. We were told by Recreation and Parks at this meeting that we, the public, would have no further chance to review the guidelines Until the Board of Commissioners hearing at which the guidelines will be approved, if a variance is given. This is unacceptable to the neighborhood as the City has already allowed us precious little input on these guidelines which will affect our quality of life, for many years to come.

We strongly request we be given a copy of the guidelines for review and comment before they go before the Board of Commissioners to ascertain if we, the neighbors, are being provided appropriate and adequate protection by the City as they use the Observatory as a source of revenue. Our neighborhood already puts up with the seasonal Greek theater traffic and noisy buses six days a week from 10am to after 10pm, which ferry visitors to and from the Griffith Observatory. Any additional intrusion on our neighborhood for the benefit of the City must take our needs and concerns into serious consideration.

We request access to the guidelines no later than two weeks following the 3129107 community meeting noted above. Written submission of the guidelines to the Greater Griffin Park Neighborhood Council and posting on the RAP website are acceptable forms of publication.

By the way, the petition was signed by every neighbor who answered their door when we went around. The busses and noise and concern about drivers who have been drinking going through our neighborhood was a very, very serious issue to every person on that signed the petition. Also, I want to commend you on the March 29th meeting, I found you very helpful in cutting to meat of the issues, and helping me understand the process.

Vermont Neighborhood Association - Petition in Opposition - 84 Signatures

We, the undersigned, strongly request that the RAP Guidelines that will apply to future special catered events at the Griffith Observatory be made available to the public prior to their submission to and approval by the Recreation and Parks Board of Commissioners. Two weeks from the 3/29/07 meeting is a reasonable deadline for their release to the public.

Written submission of the Guidelines to the Greater Griffith Park Neighborhood Council and posting on the RAP website are acceptable forms of publication.

We believe this is an important step to insure that the policies presented to the Board of Commissioners accurately reflect the input of the community.

Vermont Neighborhood Association, Tom Ford - May 23, 2007

The Vermont Neighborhood Association strongly opposes Wolfgang Puck's request for liquor variance at the Observatory.

In meetings (Aug, 9th 2006, March 13th, March 29th, April and May 15th, 2007) with Rec and Park's representatives, we have received little assurances that the Department of Parks and Recreation has any regard for our Neighborhood in deciding the guidelines for the use of the Observatory. Neighbors have attended meetings with RAP's Vicki Israel and city parks chief, Jon Mukri, (Aug. 9th 2006, March 13th, March 29th and May 15th) where we discussed our concerns and believed we were working towards a compromise on guidelines that were acceptable to the neighborhood. However, when the latest draft of guidelines was presented, they were not the ones we understood we'd agreed to. We feel we've been misled and that our input has been dismissed on a matter that greatly concerns and affects our neighborhood. Due to this, we now must oppose a variance for liquor at the Observatory.

Further, we have asked repeatedly for meetings on the noisy, polluting buses that are going up and down our street Vermont Canyon and Ferndale. We were assured a meeting would take place in May. June is fast approaching and no meeting has been scheduled.

We will await the decision of the zoning administrator on the variance, and then determine if legal action needs to be taken.

LETTERS AND EMAIL IN OPPOSITION TO THE PROJECT SUBMITTED BY INDIVIDUALS

ZA NOTE: Because of the extensive amount of correspondence received regarding this case, the Zoning Administrator has opted to only quote a few of the many letters of opposition he received from individuals. The selection was a subjective decision on the part of the Zoning Administrator to select document he believed best represented the bulk of writers. All letters can be found in the file

Jacqueline Kerr, Chair, Transportation Committee, Greater Griffith Park Neighborhood Council, - Opposed - March 22, 2007

Below are the traffic aspects of Griffith Observatory relative to the Puck Catering Contract, and the reasons for use of limo or shuttle only for the guests.

First, the Zoo, Autry and Greek are always cited as facilities in Griffith Park that have successfully served alcohol without incident, and all are located on flat ground. The Observatory is situated atop a steep hillside with only two mountain roads giving access: the East Observatory Road (EOR) and the Western Canyon Road (WCR).

The EOR, while considerably shorter than WCR, still sharply winds and hairpins on poorly banked pavement, and the much longer WCR is equally ill-engineered.

There is adequate street lighting around the Observatory proper and the EOR leading downhill to the Greek parking area. There is also lighting at the entrance to WCR from the Observatory, but this Road is dangerously dark for almost two miles until reaching the Fern Dell parking area below.

Both the EOR and WCR have experienced fatalities due to street conditions, and both should be driven at night to understand why a completely sober motorist is s necessity.

Also, it has to be realized that when the Greek Theater has one of their numerous concerts at the same time as the Observatory, all Puck traffic will be diverted to the Western Canyon Road.

Rec & Parks or the 4th Council office can arrange for Puck corporate to drive both roads at night. Afterward, they will understand why it is in their best legal interests to contractually require limo or shuttle conveyances only for their Observatory guests, and should insist that such a provision be included in their contract with the City of LA.

Tess Nelson - Opposed - March 7, 2007

One of the most common complaints about the discredited Melendrez Draft of the Griffith Park Master Plan is that it will introduce commercial restaurants and other privatized venues to Griffith Park making it more like Universal City Walk than the great park it is.

Although thoughtful users oppose this direction for the Park, and previously defeated a 2004 plan to construct a destination restaurant and banquet hall next to the Observatory, Wolfgang Puck Inc, operator of the Observatory's interior café, is attempting to expand the food concession into an elite catering venue. Their stated purpose is to transform Griffith Observatory into "a corporate and convention destination" serving "a broader...regional, national and global event customer." Puck envisions holding hundreds of high-end events annually and plans to stage them in visitor areas during operating hours. Effectively, this will evict the public from the Observatory and privatize a City-owned educational institution whose mission is free public astronomy.

The first step in the privatization process is securing a variance which will allow Puck to serve liquor on the hill. Despite a City ordinance prohibiting alcohol service in open spaces, i.e. Griffith Park, there are already two liquor licenses in its Vermont Canyon corridor (the Greek Theater and Roosevelt Golf Course). If the Puck's variance is approved, all three facilities in Vermont Canyon will serve liquor. Did someone mention City Walk?

It should be noted that even without the variance, Puck's own catering liquor license can be transferred to the Observatory 28 times a year, so liquor can already be served at

Observatory special events twice a month. Are more necessary?

Tom Ford - Opposed - April 27, 2007

As a resident of Vermont Avenue i must strongly protest that any Liquor Variance be given to Wolfgang Puck Organization or the Observatory. In the numerous meetings we have had on this matter in the neighborhood and with the various representatives the RAP and Wolfgang Puck they have not be forthright in providing any assurances on the number of large events they plan on having at the Observatory. We can be reasonable as a neighborhood but they are unreasonable in assuming that we trust them in this matter. As a neighborhood we are already besieged by the Greek and the noise and drunken participants that travel through our neighborhood. That RAP which is suppose to have stewardship on protecting the wildlife and the use of the park and minimizing the adverse affect on the neighborhood and will not limit the number of events is unacceptable.

Wolfgang Puck already has its own variance for either 24 or 26 events that can have liquor, since they will not tell us how many of these will be large events, we as a neighborhood think that it is more than enough events with liquor to be served and the impact on our neighborhood. In all the guidelines by the various neighborhood groups and boards, the limit of 26 was what everyone agreed on . so they already have access for alcohol to the number of agreed upon events--so they do not need a variance.

In the Variance they keep bringing up the Autry Museum and the Zoo as venues with a liquor variance.--both of these venues have nothing in common with the Observatory, they are not accessed through a residential neighborhood, and they are on flat ground, not at the top of a winding hill.

The Observatory is in a wildlife corridor and the nighttime activity is already disrupting the wildlife in the area. Has any studies been done on the impact of 1000 to 1500 people up there with lights and gas generators and cars and busses traveling through this area?

It is the driest year on record for a very long time, as a party planner i know they plan on using propane gas heaters (they are in the pictures of the Observatory gala opening), gas generators and for the opening the set up a kitchen outside on the loading dock (, i assume they used gas for this also) This puts our neighborhood in danger for wildfires, not to mention any guest who smokes. Has the Fire Marshall for this area signed off on this use of open flames in this area. Does the Observatory RAP and Wolfgang Puck have extra fire insurance to cover all our houses?

The RAP and Wolfgang Puck has not come up with an acceptable plan for parking and Guest transportation. I think until this matter is resolved a Liquor Variance should not be issued, it is a main concern for the Neighborhood and no acceptable plan has been brought forth by RAP or by Wolfgang Puck. (I suggest they use the mini-busses and parking at the Greek Parking Lot and the Ferndale lots, they used for the opening of the Observatory). The Observatory and RAP have not committed to any plan for the neighborhood to examine.

I vote for no Variance granted and when these concerns of the neighborhood are addressed they can apply again for a variance. They are still allowed the 24 to 26 they are already have a caters variance for. Although I personally like Wolfgang Puck Organization, it is not our responsibility as a Neighborhood or the RAP's responsibility to make sure they have a

profitable year at the Observatory. It is RAP and our representatives responsibility to serve the needs of the neighborhood and the people who are affected by this decision.

Other Letters Received From

Alexander, Peter	Kerr, Jacqueline
Amer, Les	Leaman, Toby
Anthony, Christine	Miller, Laurie Ann
Barden, Lane	Moggia, Al
Bautista, William and Maria	Mollinedo, Marily E.
Beck, Brandee	Nelson, Tess
Benedict, Martha	Neutra, Dion
Brusha, Carol	Oliver, Marilyn T.
Burk, Celine	Owen, Martha R.
Button, Mary	Pena, John David
Cassyd, Donna	Peters, Tom and Melinda
Cetrone, Carol	Phillips, Lucinda
Corngold, C.E.	Pottlerr, Nathan
Darsa, Amy	Roose, Craig
Dobos, Frank	Rosen, James
Doniger, Thomas	Schlesinger, David
Ford, Tom	Seaman, Simie
Fortades, Marisel A.	Shelton, Carol
Garretson, Louise B.	Soter, Bernadette
Geltmaker, Ty	Standish, Chuck
Guthrie, Elin	Steinman, Louise
Handel, Eric	Trowbridge, Delphine
Henning, Carol	Waddell, Linden
Heppes, Cecelia T.	Wasko-Pena, Denise R.
Herrman, Lianne and Dino	Winchester, Evelyn Ortiz
Horn, Toby	Woollard, Deidre
Jacobs-Robinson, Dave and Debbra	Zenor, Donna

PUBLIC HEARING

The Office of Zoning Administration conducted a public hearing in Los Angeles City Hall on Tuesday, March 13, 2007 at approximately 10:30 a.m. The applicant was Wolfgang Puck Catering and Events, LLC.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the hearing. The environmental impact was among the matters considered at the hearing.

The issue before the Zoning Administrator was a request made pursuant to the provisions of Section 12.27-B of the Los Angeles Municipal Code, a Variance from Section 12.04.05-B, to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption during catered events at the Griffith Park Observatory in the Observatory Café and Special Event Catering. The hours of operation of the café were stated as follows: Monday, 10 a.m. to 8 p.m.; Tuesday through Thursday, 7 a.m. to 8 p.m.; Friday and Saturday, 7 a.m. to 9 p.m.; and Sunday, 7 a.m. to 8 p.m.

The involved property was identified as being located at 2800 East Observatory Avenue, legally described as Lot 38, Rancho Los Feliz, as more specifically described in the application. The property is zoned OS-1XL.

At the public hearing only the applicant appeared. The project and the instant file were reviewed. In reviewing the instant file the Zoning Administrator read the materials contained within said file and reviewed the exhibits and radius maps indicating the various land uses within the affected radius. In conducting his review of the file the Zoning Administrator identified the following key areas that he believed testimony should focus on.

- Hours
- Noise
- Security
- Parking
- Number of Events
- Venues Inside/Outside
- Existing café
- Other Muses
- Special Events Numbers and Hours

After his opening remarks the Zoning Administrator opened the public hearing to comment and the following points were made in testimony.

Applicant

- Law Firm representing Café - amended application to not seek alcohol sales for regular café operation at this time
- Only alcohol service to special events
- Our request is similar to other public venues in Griffith Park - Gene Autry, Zoo, Greek
- There is an approved concession agreement between the City and the applicant - April 2006 -
- This current hearing is not about the concession agreement
- Variance allows the sale of alcohol when the zone not allowed in CUB list

Wolfgang Puck VP Operation WGP

- Staff trained - Leads Trained - Tips Trained
- No violations on liquor license
- Wolfgang Puck runs the Café

Speakers in Support

Patricia Bergougnoux

- Drives through the park
- Nothing draws her there
- WGP is responsible
- Nightclub Owner
- Relates her training and her operation to the instant request
- Good operation is responsibility of both the applicant and the customer

Barbara Brass

- WGP - employee, responsible, 10 p.m. noise cut off, no issues serving alcohol, not having concerts and family events

Debbie Geller

- Event Planning 16 years, WGP last 10 years
- WGP is responsible and understands the nature of the business

Speakers in Opposition

Kenneth Owen Neighborhood Council

- Applicant can't make the required findings.
- Applicant won't make anybody other than the Department of Recreation and Parks responsible for his conditions
- Function of the Observatory is educational - not private parties

David Schlesinger, Chairman Hollywood United Council

- WGP did not appear before the Council - wants no license - did not go along with conditions

Julia Kiperman - Los Feliz Improvement Assoc.

- Letter to the file. Opposed.
- Echo other groups.
- Recreation and Parks compromised the Observatory. This application is all about revenue to the City

Gerry Hahns, Oaks Homeowners Group

- Met with Nancy Patterson - did not meet but once - operating agreement already in place by then. Incongruent with educational mission.

Bruce Carroll, Franklin Hills Resident Assoc, Los Feliz Improvement Assoc., Greater Griffith

Park Neighborhood Council

- Reasonable number of events would be OK.
- Number of events, scope of the events needs to be carefully defined.

Joseph Cisneros, Zoning Comm, Greater Neighborhood Council

- Never got a list of other operations
- Family events not made clear
- Number of Events not made clear
- Magnitude of operations not revealed

Dora Herrera, President, Las Feliz Village

- Issue of summer revenue - community should take precedent
- Not partners in the community
- These events are for a small privileged group
- Observatory is educational mission
- Los Feliz is destination dining

Jacquilyn Kerr

- Public Safety - other alcohol venues are in the flats - Observatory is on a hill corkscrew road, 22 foot wide road, not banked, there is an east and west road ... roads are treacherous ... Hal Bernson daughter died there.

Susan Swan, Oaks HOA Board Member

- Western Road is closed at sunset ... this should be maintained.
- Observatory is not the Gene Autry or the Zoo

Tom Ford

- Event Planner, worked with WGP good folks, concerned about the number of events, how long will event breakdown take place. Shuttle busses, are very big and diesel

Richard Spicer

- Greater Griffith Park ... active helped form conditions
- Applicant should have business plan ... if it exists it could help Decision Maker, if not ...
- Use the ABC rule of 28 events in a year for catering without the need for a variance
What kind of ABC conditions ... what are ABC conditions for Zoo and Gene Autry
Security West Road unsafe.

Lucinda Phillip, Friends of Ferndale, Hollywood United Council

- Special events - time may be infraction of park rules

- Lots of concern over noise

Joe Young, Sierra Club Representative

- This is unwanted commercialization of the Griffith Park
- Is the City being an enabler - interim approval could be dangerous - what about the conditions ?
- Conditions have way of being changed.

Al Moggia

- Opposed
- No clear picture, how many events, types of events, hours of events, alcohol security screening
- Not for the rank and file

Sarah Napier, Education Committee Greater Neighborhood Council

- Don't want it to become expensive venue, want it for folks, special events rule out the general public, wants guidelines in place

Tom Wilson, Greater Neighborhood Council

- Paid people in support, public not in support, public is not served by alcohol serving

Vicki Israel, Department of Recreation and Parks

- Did go to the Master Plan meeting
- Support the request
- They have exclusive status WGP
- No. 1 concern safety, then public education,
- \$93 million put into renovation,
- Driving force is to show case the institution still no number of events ...
- Dr. Krupp will make the final determination of events.
- They could live with idea of 36 events

Tom LaBonge, Councilmember

- Alcohol only for special catered events
- 10 o'clock in the evening shut down seems reasonable

Zoning Administrator Closing Remarks

- Applicant suggests 2 year PAD review
- Question is raised about alcoholic beverage sales approved at the Zoo, Gene Autry Museum, and the Greek Theater
- There is considerable discussion and reference to Department of Recreation and Park Guidelines, but no such guidelines are forthcoming position on formulating the

- guidelines.
- Discussion of short term grant to Jan 3rd of 2008 to give brief trial period and for guidelines, noise monitoring, and traffic and parking program to be designed implemented and evaluated
 - What role are ZA conditions to play, Department of Recreation and Parks controls site, ABC controls alcoholic beverages
 - The Zoning Administrator closes the public hearing, but makes no decision and holds the record open for additional comments until May 30, 2007.

The Zoning Administrator made it known to interested parties and explained to them that the best way to contact him in the future would be to send an email to the Zoning Administrator at **albertlandini@aol.com** making sure to put the case number in the subject line and to state their comments in the body of the email. Also additional written comments could be sent to the Office of Zoning Administration, Room 763 City Hall, 200 No. Spring St., Los Angeles, CA 90012.

What was received has been quoted or referenced herein. No guidelines were ever received from the Department of Recreation and Parks. Their letter is quoted fully elsewhere herein.

ZONING ADMINISTRATOR'S OVERALL DISCUSSION

A site inspection was conducted on Wednesday, February 21, 2007, at 10:21 a.m. The Griffith Park Observatory has undergone a complete renovation, begun in January 2002. It was re-opened in October 2006, and features new exhibits, a new state-of-the-art theater, a new elevator, and additional restrooms. A new café is located on the southwest side of the Observatory. It is known as the "End of the Universe Café" and features spectacular views of the Los Angeles Basin and Hollywood Hills thru its large windows on the west side.

This is not a request to serve alcohol within the café during regular hours and normal business operation open to the public; it is to provide for the sale and dispensing of alcoholic beverages during catered events within the Observatory, including the café, and the surrounding grounds. Most of these events are anticipated to occur within exhibit spaces, conference areas, lawns, the roof, or in the café.

The applicant has provided a copy of the Operating Concession Agreement between the City of Los Angeles and Wolfgang Puck Catering and Events. This agreement extends to the entire Observatory, including the grounds, and was approved by the City Council early last year. Furthermore, it states that all catered events are subject to Recreation and Parks approval, and that their board has placed a moratorium on such events until June 30th of this year. However, the hours of operation are stated as various depending on what document is being reviewed and that parking must be off-site, and the Zoning Administrator has imposed his own hours of operation for the catered events in an effort to bring some status to at least one set of numbers. In any case the Department of Recreation and Parks would have the authority to impose lesser times, but not greater ones.

Within the applicant's findings, they have stated that there are special circumstances applicable to the site, namely the topography and the remote location. They have further

stated that with such a long distance to a nearby developed property, there are no impacts on surrounding uses such as residences or park patrons that would be compromised by the sale of alcohol. Additionally, there is only one access road, and its primary purpose is to serve Observatory visitors and others who may attend future special events. This is partially correct; there is one access road to the Observatory, but it diverges from two separate Collector roads, namely Vermont Canyon and Western Canyon Roads. Griffith Park actually has an extensive roadway system, but most visitors to the Observatory and the Greek Theater will utilize feeder roads that originate at Los Feliz Boulevard to the south. There have been special events there in the recent past (i.e., the Laserium shows in the '80's and early '90's), but this did not include the sale of alcohol. The events considered here may impact traffic on Vermont Avenue, Hillhurst Avenue, Vermont Canyon and Western Canyon Roads, Fern Dell Drive, and Commonwealth Avenue. There is public concern that inebriated motorists who leave such events may also have an impact on the accident rate in the area. The City has already undertaken traffic calming in this neighborhood with cautionary signage and speed bumps along Vermont Avenue and Fern Dell, in order to protect the rights of the homeowners in the area.

The applicant has stated in their findings that there are 4 on-site and 1 off-site licenses allocated to this census tract. Approval of this variance results in one license over the allowed number. The data provided to staff by the Department of Alcoholic Beverage Control contradicts this; it states 5 off-site and 4 on-site licenses are allowed for Census Tract 1882, as of January 1, 2005, and if these numbers are used then there appears to be no overage.

The kitchen within the café is a finishing kitchen, which will allow the catering service to prepare food off-site in their catering kitchen; it will then be brought to the café. This is necessary to prevent the cooking foods from emitting particles which may obstruct nighttime viewing.

Catered events will generally conclude simultaneously at the Observatory's closing time. However, subject to Recreation and Parks approval, some events may extend past closing time, and very infrequently until midnight or 1 a.m. In these cases, the applicant states they will provide escorting parties and ensure that the park is secured before and after the event.

Parking will be provided consistent with the Master Plan, and to the satisfaction of the Department of Recreation and Parks. The Observatory parking lot consists of 200 spaces, and up to 400 off-site (park streets or roads) are available. If required by Recreation and Parks, a shuttle service could be provided for larger events. For smaller events contained within the Observatory grounds, valet parking may be available.

In general, 20 employees will be on-site during these events. The number is contingent upon the size of the event. The Zoning Administrator has remained silent as to the maximum number of persons allowed to participate in these catered events, the numbers that have appeared in the various submittals range from 1,000 to 1,800 including patrons and all staff.

The Observatory provides on-site security. The applicant has volunteered security on an as-needed basis for special events. Security concerns have been left to the Department of Recreation and Parks. Actions involving security should be coordinated with the LA Police Department and Park Rangers Office.

Sales, dispensation, and consumption of alcoholic beverages shall be permitted at special events between 11 a.m. and 11 p.m., for 30 of the 36 allowed catered events on any given day of the week. Six additional special events may continue alcohol service up to 1 a.m. at the discretion of the Department of Recreation and Parks. Delivery of alcohol will be permitted between the hours of 10 a.m. and 9 p.m., each day of the week. These additional 6 events, if approved by the Department of Recreation and Parks may be privately-sponsored special catered events.

The applicant's findings additionally state that these proposed special events will generate additional income for the park and the city, enhance the Observatory's appeal by complementing its food service, and will benefit the public welfare and convenience by creating a social gathering location that will promote social interaction for visitors at special events.

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

Applicant's Statement

The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships for the Observatory inconsistent with the general purpose and intent of the zoning regulations. The purpose of the Open Space Zone is to preserve open space. Like many public facilities in Griffith Park, the Observatory is an active use of open space that provides a significant community benefit and has done so for several decades. The requested variance does not remove any protected open space, but instead allows an historic public amenity to provide better events and services for Observatory patrons and the community. The zone variance request to sell alcoholic beverages would be consistent with other operations of this type in the vicinity. The applicant will operate the Observatory Café at the Observatory, but alcohol service is not requested as part of the regular Café operation.

The applicant's proposal can be accommodated in a manner consistent with the intent and purpose of zoning regulations which are written to attain compatibility between sites and neighboring properties. Denial of the request would unfairly impair/prevent the LADRP and the Applicant from enjoying reasonable use of the Observatory as a public space utilized for special events approved by LADRP. In this instance, the Code's desire to achieve compatibility between respective sites and protect neighboring properties and the Applicant's desire to provide a more

viable/functional public service in conjunction with the Observatory can be accommodated in a manner consistent with the intent and purpose of the zoning regulations by imposing conditions of approval—such as are volunteered by the Applicant.

Zoning Administrator's Discussion

In light of all that has been said above, the Zoning Administrator has determined that denial of the request would unfairly prevent the applicant from enjoying reasonable use of the subject site. The zoning regulations allow certain uses in respective zones in order to allow for buffering distance and compatibility between respective uses. Such regulations are written on a Citywide basis and allow the Zoning Administrator to take into account individual unique characteristics which a specific parcel may have. In this instance, the Code's desire to achieve compatibility between respective sites and protect neighboring properties and the applicant's desire to provide a more viable use can be accommodated in a manner consistent with the intent and purpose of the zoning regulations. Thus, the request has been conditionally approved for a period of five years.

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

Applicant's Statement

There are special circumstances applicable to the Property because, although the Property is located within the OS 1XL zone, the remote location, steep topography and distance to nearby developed property is such that there are no impacts to surrounding uses such as residences or park users that would be compromised by the sale and consumption of alcoholic beverages at catered events approved by LADRP. There is only one access road and its primary purpose is to serve Observatory visitors and others attending special events at the Observatory.

The Observatory facility is located in a public site, a vast expanse of open space and varied topography. The Observatory itself is self contained, well bounded, and easily secured. The proposed request is logical insofar as it allows for the functional integration of a wider range of beverages to Café guests and to participants in catered special and fundraising events. Surrounding properties to the Observatory are within the OS-1XL zone of Griffith Park. The RE Zone beyond the southern boundary of Griffith Park consists of large lot single family homes and is characterized by hillside topography. The open space is designated as Griffith Park, the Los Angeles Zoo and golf courses in the vicinity. The unique features of this site include the large expanse of the site, its public nature, topography, shape and configuration of as well as the location of existing improvements thereon, making the request as proposed, logical, as it would allow for the functional integration of the use of the site and would offer a wider range of beverages with food services and at

special catered events on the site.

Zoning Administrator's Discussion

The unique features of this site include the shape and configuration of the property as well as the location of existing improvements thereon, making the request as proposed, logical, as it would allow for the functional integration with existing improvements on the site.

Further the site is incredibly unique and has starred in numerous motion pictures and TV programs. The building is one of several architectural identifiers for the City of Los Angeles. With the increasing number of residents in the city and the surrounding region, there is an increased demand to be able to use this facility for catered events.

A comprehensive Operating Concession Agreement has been prepared by the Department of Recreation and Parks and it is in place. This document governs the physical use of the site, with or without sale and or dispensing of alcoholic beverages.

Testimony and submittals to the file have left some unclear areas, as to the number of events desired, traffic and parking management, and noise control, and a comprehensive security program. In the absence of these detailed submittals, the Zoning Administrator has made the grant for a relatively short time frame of five years. This time period is often used in the granting of conditional use permits elsewhere in the city for the sale and dispensing of alcoholic beverages.

The Zoning Administrator has also required that the applicant file for a Plan Approval application with associated public hearing at the end of one year, the purpose of which is to assess the impacts of the approved use on the surrounding neighborhoods, and to impose any necessary additional corrective conditions if such are required.

Lastly the other conditions imposed on the site have come from a close reading of all the submittals and comments made at the public hearing, as well as incorporating applicant volunteered conditions as well. In imposing these conditions the Zoning Administrator has been mindful that the State Department of Alcoholic Beverage Control is responsible for controlling the actual sale of alcoholic beverages, and that the Department of Recreation and Parks is responsible for the actual operation of the site and the allowance of the 36 catered events.

3. **The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

Applicant's Statement

This variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question. The use of the

Property as an Observatory is generally consistent with the General Plan. The park was gifted to the City in 1896. Subsequently, the Observatory was designed and built and was dedicated in 1934. In 1935 the Observatory became the official property of the City of Los Angeles. The Greek Theater, the Los Angeles Zoo, the Western Heritage Museum, the Equestrian Center, the Los Feliz Golf Course, and the Roosevelt Golf Course located within the boundaries of Griffith Park all have the right to serve alcoholic beverages for on-site consumption in connection with the activities at each location.

The Applicant proposes to serve alcohol for on-site consumption to visitors during tightly controlled catered special events similar to the other venues in Griffith Park. There will be no bar or lounge area just for the purpose for consuming alcoholic beverages. Accordingly, a variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone or vicinity. The property right at-stake is the right of the LADRP, a proprietary agency of the City, to utilize the recently renovated Observatory for city-sponsored catered events and for private events approved by LADRP. Catered events raise revenue for the Observatory and the City. Catered events at public venues are common, such as the annual Beastly Ball at the LA Zoo. For catered events to be successful, the responsible service of alcoholic beverages with food service is required.

Zoning Administrator's Discussion

Other City owned facilities within Griffith Park have been granted the right to sell and dispense alcoholic beverages for on-site consumption. The reader is directed to Case No. ZA 98-0903(ZV), January 22, 1999 which permitted the on-site sale and dispensing of a full line of alcoholic beverages in conjunction with food service at the Gene Autry Museum of Western Heritage which is located in the OS-1XL Zone.

Additionally the reader is directed to Case No. ZA 98-0012(ZV), March 17, 1998, which permitted the issuance of an on-site liquor license for the sale and dispensing of alcoholic beverages in conjunction with the sale of food at several locations inside the Los Angeles Zoo, a public facility.

In the instant case, the applicant seeks to be on a par with these other properties but is limited for the reasons previously noted. The property right involved here is the right to be able to make economic use of the property in a reasonable fashion and in a way which does not detrimentally impact others.

As conditioned, that basic test is met in this action.

4. **The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Applicant's Statement

Granting the Variance will not be materially detrimental to the public welfare or

injurious to the property or improvements in the same zone or vicinity. On the contrary, the sale of alcoholic beverages to the adult patrons at special catered events approved by LADRP will complement food service at catered events. The location of the Observatory in relation to other uses is such that there are no other sensitive uses or residential uses within 1000 feet of the Observatory. The Observatory is also located in steep hillside terrain of over 330 feet above the nearest residential property outside of the southern boundary of Griffith Park. There is no facility on the Property that serves alcohol without food, or that is open strictly for the purpose of selling alcoholic beverages.

Furthermore, the Applicant has proposed conditions of approval to limit the amount of special catered events. As shown on an August 9, 2006 LADRP Staff Report, the LADRP has placed a moratorium on "Standard Use Rentals" or special catered events until June 30 2007. Consequently, no private catered events (as distinguished from City-sponsored catered events) may take place at the Observatory until after June 30, 2007—and thereafter only subject to LADRP approval. Consequently, catered events will be tightly controlled and limited by LADRP within the bounds set by this grant, thereby providing protection to the public welfare.

Due to the remote location of the Observatory, there is only a single controlled access point that can be policed and monitored. The Applicant has a proven track record with successfully catering special events and serving gourmet food at public venues throughout California and several other states.

Zoning Administrator's Discussion

Under the conditions imposed, no detrimental effects vis-a-vis adjoining/neighborhood properties is envisioned. The use will be no less compatible with neighboring uses than the Zoo, or the Gene Autry Museum already existing in the area and enjoying the privilege of on-site sale of alcoholic beverages.

5. **The granting of variance will not adversely affect any element of the General Plan.**

Applicant's Statement

The General Plan designation is Open space. The Hollywood District Plan designates Griffith Park for open space uses corresponding to the OS and A1 zones and is in Height District 1XL. The use of the facility as an Observatory will continue as it has in the past. There will be no additional floor area or structures added to the Observatory for this application. All proposed special events will take place on the newly-renovated existing grounds and in the existing structure and Café and will be subject to LADRP approval. The sales for alcoholic beverages will be only in connection with the sales for food at controlled catered events. Food sales and special events historically have occurred on the Property. Such use is consistent with the General Plan. Furthermore the General Plan supports upgrading and maintenance of public facilities of the City and the request is consistent with such goals as well as it will produce additional tax revenue. The preservation of open space will be maintained in such a way as to be consistent with the OS zone.

Therefore granting a variance therefore will not adversely affect any element of the General Plan.

Zoning Administrator's Discussion

The Hollywood Plan Map designates the property for Open Space land uses with a corresponding zone of OS and Height District No. 1XL. The property is not currently within the area of any specific plans or interim control ordinances.

Further, the General Plan supports the maintenance and upgrading of City owned public facilities and the instant request is consistent with such goals as it will provide additional tax and other income revenue.

ADDITIONAL MANDATORY FINDINGS

6. 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.
7. On December 19, 2006, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV-2006-10406-CE, for a Categorical Exemption, Class 5, Category 34, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.
8. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

ALBERT LANDINI
Associate Zoning Administrator
Telephone No. (213) 369-0552

AL:lmc

cc: Councilmember Tom LaBonge
Fourth District
Adjoining Property Owners
County Assessor