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All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Compliant submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Compliant submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

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DAY OF HEARING SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3c. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

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If you have any questions, please contact the Commission Office at (213) 978-1300.

SUBMITTED BY:

Evan Kaizer

May 23, 2019

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CITY OF LOS ANGELES
MAY 23 2019

Submission – Department of City Planning
South Valley Area Planning Commission
Case # ZA-2018-2192-CUB-1A

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

Applicant: Mark Gunsky, Aroma Coffee & Tea Company
Appellant: Evan Kaizer, Neighbor of Aroma Coffee & Tea Company

Attached below in this document is my statement regarding this appeal. Thank you for your consideration.

##

FILE COPY

Non-Complying Submission

I'm Evan Kaizer.

I am an appellant in this matter. I want you to know that I am not a lawyer and I have no experience being an appellant or presenting to a commission such as this. I have written every word of this statement myself. No lawyer has read or edited these remarks. I have absolutely no financial connection to Aroma or Mark Gunsky. I am a merely a customer and a neighbor, living just a few minutes' walk to Aroma.

I care about my neighborhood. I care enough that my house has been the site of the neighborhood polling place for 25 years. I also care about the Retail on Tujunga. I care and support important community business resources, especially small family businesses on Tujunga. I cared about this neighborhood before any of us knew what a "walk score" was. I also care about adjacent properties and people, who also chose to live in this wonderful neighborhood because they too wanted easy access to local retail.

I also consider it a privilege – just as you commissioners do serving in your capacity – to participate in our democracy and this planning process. And I must say that basically being attacked by the lawyer for the Bakman neighbors as a fraud, dishonest and a "shell" is a nasty and misguided strategy meant only to deflect from real issues. The location of my house was publicly mapped! Yes, I filed as an appellant because this process did aggrieve me, though if I had a choice I'd use a stronger word than "aggrieve." Yes, I filed because the process allows and even encourages me to stand before you and state my view on what I considered unreasonable conditions. The fact that my appeal saved Mark \$13,000. Fantastic! It's an enormous sum of money on top of all that Mark has been through. This was a welcome consequence of me wanting to step up to support Mark and our neighborhood with this appeal. And Yes, I also filed because Mark Gunsky is a neighborhood friend of mine --- he ought to be after 4000 cups of

coffee and hundreds of brunches and dinners. My \$109.47 was happily spent to support what is really a very simple construct. Here it is:

Is it reasonable, in these times of incredible challenges facing small retail businesses, when stores and restaurants come and go like the seasons, is it reasonable to promote stability and a maintenance of rational profit margins by offering patrons a glass of wine or beer with their meal. Please think about this. Should a responsible neighborhood business, in the food and beverage space --- one that has responded responsibly to every possible concern of adjacent neighbors – be allowed to pursue selling an add-on product (beer and wine) so that it can increase its chance of surviving in a time of increased costs on every operational aspect of the business. That is the equation facing you tonight. If any one of you is in the food, beverage, or retail world, you know the truth of this construct.

Please note that Aroma is not a BAR, and will NEVER act as one.

I've been a patron of Aroma since it opened in 1993. A few other retailers existed then on Tujunga, but Mark Gunsky and his creation, Aroma, created a there THERE. And perhaps even more important for all the neighbors, even those living adjacent to Aroma.....Mark created Community and Connectivity. He helped create a place where all neighbors want to live, whether one lives on Bakman or on Aqua Vista like me. The incalculable value of Aroma to the neighborhood east and west of Tujunga cannot be overestimated. Aroma is a home to all – retirees, families, kids on their first dates, neighbors, and even a Los Angeles Dodger or two wanting a brunch hang with their family.

There are two issues I noted in my appellant document which I need to focus on:

Valet Parking and Hours of Operation.

Please note that aside from these two issues: the ill advised and wasteful imposition of Valet parking and the unreasonable determination that Aroma cannot serve a glass of wine past 9:30....Mark has agreed to ALL conditions. Period. And he has gone even further, choosing to address additional issues and improvements which were not in the conditions document.

Let me briefly address these two conditions, one which should be removed and the other amended tonight.

Valet parking – 17 hours of Valet Parking!

First, the lawyer for the Bakman group states in his attack on my position that “Valet Parking is provided by all of the restaurants on this stretch of Tujunga Avenue.” This is not true. Here are the facts: Vitello’s owns the parking lot next to its restaurant and offers an attendant to patrons. LBK pizza – No Valet parking. Caotti Restaurant – No valet parking. The Gelato Bar and Espresso Café – No Valet Parking. Kreation – No Valet Parking. Please also note that the lawyers falsely state that locations exist for valet. They do not.

As I stated, I am a regular patron. I walk, bike, and drive to Aroma. I frequent Aroma at varied hours of the day and evening. Maybe I’m just lucky, but I have never had a problem parking.

And I know, that when Mark tried a valet parking service years ago, it was a financial disaster. No one used it. He lost thousands of dollars. The fact of the matter is that more and more patrons of Aroma use other methods to arrive there – ride sharing, walking – this is what you see if you sit in front of Aroma and watch the patrons arrive. The fact is that Parking requirements city wide are dropping as planners and city officials realize that people’s driving habits and need for a car are much different today than in years past. Have you spoken to a teenagers or a Millennial lately? They are in no rush to own a car. They aren’t driving to Aroma.

I don’t believe a rational argument exists that having glass of wine or beer available with a meal will notably increase patronage and prospective auto traffic. There will be no new influx of bodies or cars. Thus, adding valet is unnecessary, burdensome, and will financially strangle Aroma. I urge you to completely remove this condition. It is the right thing to do.

Hours of operation.

Please strike the condition that Mark stop serving at 9:30pm. This is unfair, arbitrary, and among other issues, would present Mark and his team with a nasty enforcement equation. And for what, so people don’t order a glass of wine PRIOR to 9:30. Really? Is Mark and his team supposed to approach a patron who purchased a beer at 9:20 and is sitting outside and just beginning to sip the beverage and advise him or her that they must stop drinking and/or shut down some part of the patio. That is nonsensical. Treat Aroma just as you would the vast majority of beer and wine approved food and beverage operations. Let them continue to be hospitable, which is the Aroma ethic, and allow patrons to have a glass of wine up until 11:00pm.

There is no better neighbor or committed community business person than Mark. He has surveyed, communicated, and listened to the entire neighborhood. He has made changes and has addressed the reasonable concerns of neighbors. Hundreds and Hundreds of patrons and neighbors have signed petitions promoting this new use at Aroma.

Some neighbors, understandably, have issues. I'll remind you that they also treasure living in Tujunga Village – and they CHOSE to live VERY close to retail. Mark has always been a stellar neighbor and I know that he will always act responsibly toward their needs, just as he has over these many months. He will do what is right to address legitimate concerns even without being required to do so. Mark has always acted kindly, quickly, responsibly, and respectfully.

Your removing and altering the conditions which I have spoken to is critically important to support this irreplaceable studio city Tujunga village business treasure. Mark is not Starbucks. Mark is not a national chain. He is exactly the kind of community business person that we need to keep our neighborhood retail vibrant. If we didn't have Aroma and Mark Gunsky, we'd have to invent them.

Please make the changes I've suggested. Support small business. Act to sustain community retail. Your actions tonight will help our neighborhood and its retail thrive.

Thank you.

THE GREAT LOS ANGELES HOSPITALITY ASSOCIATION

801 S Figueroa St, Los Angeles, CA 90017

c> 818.642.7391

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Non-Complying Submission

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CITY OF LOS ANGELES

MAY 23 2019

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

CASE NO. ZA 2018-2192-CUB

CONDITIONAL USE

4360 N. Tajunga Avenue

Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Planning Area

SUBMITTED BY:

Tricia La Belle

RE: Appeal Hearing / Aroma Café

Dear Zoning Appeals Board,

I thank you for the opportunity today to address the recent approval as referenced in this letter to be submitted to the file.

I am here today as the President of the Greater Los Angeles Hospitality to express to The City of Los Angeles Planning Appeals Board that the conditions placed on this decade's long and outstanding operator, Aroma Café not only will contribute to the detriment of this operator, but the community at large, in addition to its conflicts with California State Laws and this business owners vested rights. *AROMA IS DOMINANTLY FOOD DRIVEN SUCCESSFULLY FOR DECADES, THE PRIVILEGE OF SELLING BEER + WINE IS A NEEDED AND ANCILLARY ADDITION TO AROMA + SHOULD BE GRANTED.* Aroma Café is located in a dominant QC2-1XL-RIO zoning and State Enterprise District designated and designed for its exact Land Use. Aroma provides no different services then any other like business on this corridor and is asking to provide no different services then many businesses along this corridor which is a bustling, vibrant restaurant-retail corridor. On pg. 25 of this CUP, the findings clearly express that *'The Project Substantially Conforms with the Purpose, Intent and 'Provisions of the General Plan, the Applicable Community Plan, and Any Specific Plan'.* Accordingly, Aroma Café is located in the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan Map designating the property for Neighborhood, Office, Commercial Land Uses and **is developed primarily with retail and commercial including Restaurants!** Additionally, the Community Plan falls silent in regards to Alcohol Sales – which under The California Constitution Article XX clearly defines that Sales, Manufacturing and the Distribution of Alcohol can ONLY be regulated by the Alcoholic Beverage Commission of the State of California.

Yet, The Los Angeles City Planning imposed conditions that go against the very designation of the General Plan and this specific area as well as Article XX and Article XI of the California Constitution. The City of Los Angeles Planning Department continually drafts CUP conditions that are extremely different from operator to operator proving all over this city fraught with conflicting, ambiguous conditions that set up entire communities and its vested business owners for failure, conflict, and in truth, substantial legal hazardous for all, including the City of Los Angeles.

As we all know Conditional Use Permits Run with the Land and should not expire, at least, for the purpose of the city to further impose, at litem, restricting conditions that unduly burden the vested operator without reasonable verified proof that such business has created a public nuisance, which is clearly not proven with regards to Aroma Café and its owner Mark Gunsky. By revoking prior conditions entitled in Aroma's original CUP, a Land Use document, and imposing on the owner to make substantial changes to the property and the operation of Aroma's business so to attain Aroma's new CUP grant, again unduly burdens not only the property owner but the entire community! There is no negative impact report from LAPD, nor LAFD or the County Health Department. Only that of neighbors, who in part, are not taking their own responsibility as they chose to live in a dynamic neighborhood that abuts a strong commercial corridor. The money spent on a lawyer to fight this CUP could be far better spent in collaboration with the entire community making improvements to mitigate many of the issues, including installing sound proof windows, greenscaping to mitigate noise and trash receptacles. The very lawyer that this group of neighbors retained is known for proliferating CUP liquor establishment all over this city and now unethically stands here today in opposition of what has made him a success. THE HOSTILITY + HATE EASILY OBSERVED FROM THESE NEIGHBORS IS SAD + SCARY.

Repeatedly it is stated in our California BPC, that municipal conditions, licenses, and permits cannot violate our state rights or laws let alone our First Amendment Rights, however, this CUP issued by The City of Los Angeles Planning Department to Aroma Café has repeatedly imposed such conditions affecting this business owners vested rights and unduly burdening the property and its specified zoning as commercial and in an Enterprise Zone.

I ask that Aroma Café and the property located at 4360 be restored the following>

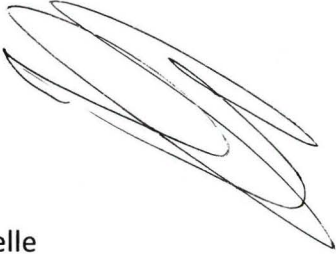
1. Hours of Operation throughout the entire establishment from 6am-11pm. This denies the vested owner equal rights under Article XX of the California Constitution in addition to the Land. Use this corridor is exactly designed for under the General Plan, Enterprise Zone, etc. In addition to the hardships it proposed on the operator in relinquishing the

opportunity to earn honest monies as the costs of business continue to rise in this city including minimum wage!

2. No Valet, - this is a safety issue on an extremely busy corridor that provides for no curb space to conduct such business. The city allowed this building to be built and converted to commercial without parking. Asking a business owner to now find parking or create an unsafe valet area in an area that has no such provision as designed by the city is burdensome and unreasonable by The Planning Department. Additionally, Enterprise Zone's, either limit or eliminate parking requirements by its designation. ^{OR IMPOSE ONLY DURING PEAK BUSINESS.}
3. Electronic Age Verification as proven to be a dangerous tool due to the complacency it provides to the user. LAPD and numerous law enforcement training centers have agreed unanimously that these features do not allow human interaction and attention which far supersede a machine's ability to determine if someone is using an ID legally and properly or if the person is impaired
4. Remove #9 regarding lighting as this is subjective and can be grossly misinterpreted
5. Any and All conditions, including #10 and #30 remove or modify with flexibility that provide for improved training of employees. We simply cannot hold anyone responsible for another's actions in a world riddled with anger, personality disorders and addictions
6. #12 is a violation of privacy. Verified proof of public nuisance should only be proven by negative impact reports from LAPD, LAFD and public Health Department along with LADBS and Planning Compliance, not a business owner's internal logs!
7. #14, Modify to owner/employees should maintain the premise and adjacent areas of which it has 'Control' over free of debris and graffiti. Requiring owner/employees to go outside those boundaries put enormous risk to not only the individual but the business owner's liability of which no insurance provider will cover.
8. #25 is a health & safety issue, food debris and unsanitary debris MUST be disposed of accordingly in proper receptacles. Modified to allow the owner/employees to remove trash of food/bathroom debris to be conducted while bottles & recycling be held in a proper interior receptacle.
9. #31, 32, 33 are outright abuse of authority. CUP's were created for the purpose of maintaining a certain development whether commercial, mix use, industrial, or residential. Violations of CUP's has always been driven by complaint base and proven public nuisance by LAPD. Compliance stake outs are entrapment and violate our California Constitution at its core let alone our 1st Amendment rights.

In closing, we must all work to create fair and balanced communities, while at the same time leaving enough discretion in the local zoning commissions to allow the imposition of reasonable conditions to ameliorate the negative impacts on communities and the specified designs we seek for them.

Thank you

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends towards the bottom right.

Tricia La Belle

The Greater Los Angeles Hospitality Association



SUBMITTED BY:

Jeannie Lole

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