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SECONDARY SUBMISSIONS

DAY OF HEARING SUBMISSIONS



Citizens for a Better Los Angeles

Central Area Planning Commission
Los Angeles City Hall, 10th Fl, Rm 1070
200 North Spring Street
Los Angeles, CA 90012

Re: 1612 N. Cahuenga (1610-1616 North Cahuenga Boulevard)
Case No.: ZA-2022-5252-CUB-1A; ENV-2022-5253-CE
SUPPORT APPEAL

Members of the Central Area Planning Commission,

Citizens for a Better Los Angeles (CBLA) is a nonprofit public benefit corporation organized to protect the rights and promote the well-being of all people throughout Los Angeles County.

We're writing to support the appeal of the project referenced above filed by the Vinyl District.

Alleged Criminal Activity/Criminal Connections

There are many aspects of the proposed project that concern us, but none more so than the fact that City Planning appears to have completely disregarded warnings from the LAPD about the applicant(s) and their apparent history of criminal activity. Area residents and members of the business community have also raised concerns about the applicants. How can City Planning justify ignoring these concerns and approving this application?

Noise/Hours of Operation

CBLA is also concerned about the fact that the applicant intends to offer live music on the premises. Nightclub noise is already an ongoing problem in Central Hollywood, with area residents struggling to get a good night's sleep because of excessive noise, often continuing well after midnight. There are a number of residential uses near the project site, including two within 500 feet: 1) Triangle Square Apartments, a senior living complex at 1602 Ivar Ave; 2) Cosmo Lofts, at 1617 Cosmo St.

Our concerns are heightened by the fact that the hearing notice for the appeal states that the hours of operation are to be from 8:00 am to 4:00 am daily. While the determination letter specifies that live entertainment shall cease by 1:00 am, experience tells us that nightclub operators often disregard such conditions, and the LAPD is apparently unable to enforce the LAMC's noise ordinance when it comes to area nightclubs.

CBLA urges you to grant the appeal. This application has too many red flags attached to it.

Thank you for your time.

Casey Maddren
Citizens for a Better Los Angeles

Attn: Central Los Angeles Area Planning Commission, RE: Request to Reject Hollywood Vinyl District's Appeal and Uphold the Decision of the ZA

By way of introduction, my name is Erica Arden (the "Applicant"), and I am writing on behalf of Status Restaurant & Lounge in hopes of persuading the Central Los Angeles Area Planning Commission ("APC") to uphold the decision by Henry Chu (the "Zoning Administrator") to approve the application for a use permit (Case No. ZA-2022-5252-CUB) to allow the sale and dispensing of full line of alcohol for on-site consumption, in conjunction with a proposed restaurant (the "CUP").

This letter is in response to the Hollywood Vinyl District's (the "Appellant") appeal requesting that the Central Los Angeles Area Planning Commission ("APC") review and reverse the determination by the Zoning Administrator related to the CUP. Pursuant to its written justification for appeal, the Appellant believes that the Zoning Administrator erred in his judgment by failing to take into consideration "unresolved public safety and security concerns by neighborhood stakeholders, such as the Appellant, and the Los Angeles Police Department" ("LAPD"). It is our opinion that, should the APC review the record in its entirety, including the findings of the Zoning Administrator, the APC would find that the Zoning Administrator properly exercised his administrative duties in approving the CUP.

In addition, and as explained below, we have reason to believe that the Applicant organization is acting disingenuously in its concerns about public safety. Specifically, while the Applicant organization purports to "represent over 250 property owners and tenant within the Hollywood community adjacent to and near the Site," we have reason to believe that the Applicant organization operates solely for the benefit of shrewd developers, namely David Gajda and Grant King – who happens to have a financial interest in land and neighboring businesses. For the reasons set forth in this letter – we are requesting the APC reject this appeal. Zoning Administrator Made No Error in His Finding:

In providing its justification for the appeal, the Applicant believes that the Zoning Administrator either error or abused his discretion by failing to consider the findings of the LAPD. Indeed, the LAPD's investigative report was extensive. However, the investigative report had little to do with either the Applicant or the proposed use – instead, the LAPD's report focused entirely on Mr. Basquiat and his criminal history. Ironically, the LAPD stated plainly in its report that "a felony conviction does not impact [Mr. Basquiat]'s eligibility to apply for a CUP . . ." And, even though Mr. Basquiat was not the actual applicant of the CUP, nor is there any legal relationship, between his and the Applicant, that did not stop the LAPD from painting the Applicant as complicit in Mr. Basquiat's past criminal history. Moreover, the actions of the LAPD were irrespective of the fact that (i) the Applicant is both a respected leader in the business community, (ii) has never had a criminal arrest record, or (iii) the fact that the project is entirely owned, financed, and managed by the Applicant.

If any governmental body erred in its findings – it was the LAPD. Should the LAPD have focused on the Applicant, it would find that the Applicant spent the better part of the last 17 years occupying some of the most coveted roles in corporate America, including: (i) Talent Acquisition Specialist at Octagon; (ii) a Director of Talent Acquisition at NBCUniversal Media, LLC; and, most recently (iii) Diversity Recruiting Lead at Google, where she continues to be employed.

In addition, the Appellant believes that, considering the LAPD's findings, the Zoning Administrator could not have made the findings required under Section 12.24(E) (1) – (3) of the Los Angeles Municipal Code. However, each of those findings relate solely to "the project" and not the individual applicant. As indicated before, the LAPD made no finding that the project, on its own, fails to satisfy these requirements. For the foregoing reasons, we believe the APC should uphold the decision of the Zoning Administrator.

The Hollywood Vinyl District: The Appellant first made its opposition known in a letter it submitted to the Los Angeles Planning Department on November 6, 2022. In that letter, Ms. Goldman introduced the Hollywood Vinyl District as "a nonprofit organization representing more than 250 businesses in Hollywood" after the "[Board of Directors] voted unanimously to oppose the project . . ." The Applicant then made every effort to pacify the concerns of the Appellant, who sought to exact additional conditions on the CUP in exchange for its support. However, even when the Applicant agreed to add additional conditions on the CUP, the Appellant still found it necessary to oppose the CUP approval. The questions we have now is, "who is this seemingly powerful Hollywood Vinyl District and what are its motivations." Upon further research, all evidence leads us to believe that the Hollywood Vinyl District is nothing more than a sham non-profit created solely to advance the interests of one or two real estate developers – namely David Gajda and Grant King.

Little to No Online Presence: The Hollywood Vinyl District's website is suspiciously void of any substance for an organization purporting to represent 250 businesses in Hollywood. (<https://www.hollywoodvinyl.org/>). Although the site proudly presents the Board of Directors and Executive Team, it does not provide the visitor with any substance as to the community, its membership, or how to get involved. Here is what was discovered:

1. In its "About Us" section, there is a simple blurb about its "mission" and short description of the area it purports to represent.
2. In its "Press" tab, although there is not a single article that highlights the efforts of the Hollywood Vinyl District, it does provide a link to various articles related to the general development of the Vinyl District (moniker promoted by the Relevant Group, a development firm managed by Grant King). Notably, the last article uploaded was from November 21, 2022.
3. The "Events" tab lists all the upcoming events where the community can attend. So far, the Appellant has held a total of four meetings, with the most recent one being held on May 4, 2022 – over 1 year ago.
4. At the bottom of the site is a convenient hyperlink to the Relevant Group's primary website, where the private developer showcases all its current and proposed projects.

We also looked to see if there was a substantial social media presence, which yielded similar, if not more concerning, results. Here is what was discovered:

1. Although the website provides a link to their Facebook profile – there is no actual active Facebook profile associated with the link.
2. The Hollywood Vinyl District does have an Instagram profile. However, it takes little time to determine that there is no effort in maintaining or promoting the so called "Hollywood Vinyl District." It remains unclear whether the Appellant is in fact a bona fide organization. While the Appellant seems to be speaking on behalf of "250 businesses in Hollywood," it seems clear that no such community truly exists.

Who is The Hollywood Vinyl District: According to the Applicant's website, there are 7 members sitting on its Board of Directors, each one of which also sits on the Hollywood Vinyl District Committees. Interestingly, the majority of the Board either works for or is a member of David Gajda's Hollywood Media Center, LLC or Grant King's Relevant Group.

Board of Directors:

1. Grant King, President, Member of the Board, Managing Director, Relevant Group

2. Amie Marben, Member of the Board, Director of Development, Relevant Group
3. Giancarlo Pagani, Vice President, Member of the Board, Concept Developer for Relevant Group
4. Isabella LoGrande, Intern, Member of the Board, Former Marketing Consultant, Relevant Group
5. David Gajda, Treasurer, Member of the Board, President, Hollywood Media Center, LLC
6. Jose Malagon, Vice President, Member of the Board, Vice President, Hollywood Media Center, LLC
7. Laurie Goldman (unverifiable affiliations)

For an organization that purports to speak on behalf of a community “250 businesses in Hollywood” – it seems suspicious that the near entirety of the Board of Directors are employees or subordinates of either David Gajda or Grant King. Contrary to what the Appellant claims, it is likely that the organization operates solely on behalf of David Gajda and Grant King, and not the community at large.

The Appellant's Motivations – Timeline: These revelations, coupled with the questionable actions of the Applicant, only lead to the conclusion that the Appellant is solely motivated by the business ambitions of David Gajda and / or Grant King. The timeline can be summarized as follows: (i) the Appellant, who demonstrates little activity as a community organization, suddenly springs to life as the Applicant is seeking a CUP neighboring David Gajda's property and businesses; (ii) the Appellant and its members vehemently oppose the issuance of the CUP; (iii) the Appellant makes itself unavailable to Applicant for weeks to discuss its issues; (iv) when they finally meet, Appellant seeks to coerce Applicant into placing additional (and unworkable) conditions on its CUP in exchange for Appellant's support; (v) David Gajda seeks to then purchase the property from the landlord of the Applicant, and when that failed; (vi) after being awarded the CUP, the Appellant immediately appeals the decision of the Zoning Administrator. Here is a list of the relevant timeline:

- 1. On March 28, 2022** – David Gajda updated the Hollywood Vinyl District, Inc.'s Statement of Information on the Secretary of State website.
 - a. Although formed in 2020, the organization failed to timely file its Statement of Information as required by law.
 - b. David Gajda filed an updated Statement of Information just before engaging in the proposed project.
- 2. On October 23, 2022:** David Gajda issued an opposition to the CUP,
- 3. On October 24, 2022:** a. Jose Malagon (employee of David Gajda) issued an opposition to the CUP.
- 4. On November 6, 2022:** a. Laurie Goldman issued an opposition letter on behalf of the Appellant.
- 5. December 6, 2022:** a. Public hearing related to the CUP:
 - b. Laurie Goldman speaking on behalf of “250 neighborhood businesses” requests the denial of the CUP.
 - c. David Gajda requests the denial of the CUP; i. He fails to disclose his association with the Applicant.; ii. Admits to owning the building directly next to the establishment, housing tenants in the same business.
- 6. November 28 to December 14, 2022:**
 - a. Applicant corresponded with Appellant looking to pacify any concerns.
 - b. Applicant offered multiple opportunities to meet with Appellant, including reserving a conference room to settle any differences.
 - c. Applicant and Appellant meet via zoom prior to CHNC hearing
- 7. December 15, 2022:**
 - a. Applicant and Appellant meet again (via Zoom at the insistence of Appellant)
 - b. Applicant and Appellant began discussion of additional conditions to be placed on the CUP that would alleviate the Appellant's concerns.
 - c. Applicant and Appellant agreed to review the proposals and discuss at a later time.
- 8. December 17, 2022:**
 - a. Appellant submits a list of additional conditions to be placed on the CUP to the Zoning Administrator without the approval of Applicant.
 - b. Applicant emailed Appellant her concerns with prematurely submitting the list.
 - c. Laurie responded by stating: “Please remember that Hollywood Vinyl District is a collaborative, consensus building, member driven nonprofit organization whereby the majority vote prevails – hence the difference in hours of operation and special events which we had discussed on Thursday. My opinion did not sway others. i. Recall – the entire board are employees of two board members.
- 9. Prior to April 1, 2023:**
 - a. David Gajda communicates with Patrick Haiem (Applicant's landlord) informing him that the CUP will likely be denied.
 - b. David Gajda suggest that his investment group is willing to purchase Mr. Haiem's building in an all cash offer.
 - c. The closing would occur prior to April 1 st to avoid the Mansion Tax deadline.
- 10. April 28, 2023:** a. Zoning Administrator issues his CUP Letter of Determination in favor of the Applicant.
- 11. May 12, 2023:** a. The Appellant submits its appeal application challenging the Zoning Administrator's determination.

The ACP Should Uphold the Decision of the Zoning Administrator Solely on the Merits of the Applicant and the Proposed Use: Understandably, whether the Appellant is acting on behalf of a concerned community is not the issue. Rather, the issue is whether the Zoning Administrator erred in its determination and findings that the Applicant's project meets the criteria necessary to approve the CUP – in this regard, we argue that the Zoning Administrator made the correct determination. In so doing, the Zoning Administrator correctly recognized that the Applicant is Erica Arden, and not Mr. Basquiat, and that Mr. Basquiat's past criminal history has no bearing on the Zoning Administrator's determination as that is not the person legally and factually responsible for the proposed use. More importantly, by focusing on the proposed use and whether it meets the requirements set forth in the ordinance, the Zoning Administrator correctly found the use was in compliance with the current laws.

Here the Appellant insists that the Zoning Administrator must look beyond both the Applicant and proposed use in making his determinations. Not only is this administratively unfeasible, but Upholding such a position would set a dangerous precedent for future applicants. In addition – and as demonstrated – the Appellant has affiliations that are both morally and legally questionable. So should the Appellant insist on looking beyond the Applicant and proposed use we would insist that the APC look beyond what the Appellant purports to represent.

Conclusion: The Applicant is an educated professional who has spent the better part of 17 years finding talent for the greatest companies America has to offer. She is now a leader of Diversity, Equity, and Inclusion at Google, one of the largest companies in the world. The Applicant has risked her own financial and reputational comfort in hopes of establishing a business in one of Los Angeles's greatest neighborhoods. More importantly, the Applicant may be one of only a handful of Black-American women who will do such a business in the community. Like she did with America's greatest companies, the Applicant is now on a path to bring Diversity, Equity, and Inclusion to one of America's greatest neighborhoods.

Respectfully Submitted, **Erica Arden, Owner, Status Restaurant & Lounge**



Planning APC Central <apccentral@lacity.org>

Fwd: case ZA-2022-5252-CUB-1A

Esther Ahn <esther.ahn@lacity.org>

Tue, Jul 11, 2023 at 12:46 PM

To: Planning APC Central <apccentral@lacity.org>, Susan Sempers <susan.sempers@gmail.com>

Good afternoon,

Thank you for your comments.

I am forwarding your email to the APC Commission Office who can include this in the file and into the packet for review by the Commissioners.

Also, although the Applicant & Appellant must attend the meeting in person, you are welcome to call in to participate during the public comment period. Please see the agenda at the following link for instructions: <https://planning.lacity.org/dcpapi/meetings/document/74788>

Many thanks,
Esther

----- Forwarded message -----

From: **Susan Sempers** <susan.sempers@gmail.com>

Date: Tue, Jul 11, 2023 at 8:01 AM

Subject: case ZA-2022-5252-CUB-1A

To: <esther.ahn@lacity.org>

ENV-2022-5253-CE

Dear Msz. Ahn,

Once again I am writing to you. I live at 1602 Ivar along with 115 other senior residents. This property may be a big problem for us and also for the apartments on Cosmo which are in a little alley called Cosmo Alley.

They are asking for 103 interior seats which sounds like a night club and 21 exterior seats with live entertainment and and proposed hours of 8am to 4am daily.

Dear Msz Ahn,

This property and it's proposed and it's proposed project will have a huge effect on not only the senior building at [1602 Ivar Ave](#), at the corner of Ivar and its 115 senior residents but also the property on Cosmo that is an apartment building on Cosmo Alley that is between Cahuenga and Ivar.

The timing is one of the biggest problems because from 8am to 4am is not good. The 4am needs to be 12, 1, or at the latest 2, because we have to deal with the noise and parking and what happens after closing which I have mentioned in my last letter to you regarding a property on Cahuenga and

actually unbelievable with the project takes no responsibility for, so we as residents suffer greatly from.

I propose the reduced hours, reduced seating inside and very early hours for the outside seating. Also no live entertainment at all and the sound not allowed to be heard no more than 100 feet from the establishment and that they are responsible for the monitoring it with a phone number of someone we can call if there is a problem and a person immediately who can fix it.

For sure we don't want another nightclub in our neighborhood !!!! especially no queing on Ivar at all!! and no valet on Ivar with the noise from all the cars and loud music from their radios.

I have lived here for 16 years and clearly have had to experience everything you can and even not imagined.

I am sorry I cannot attend in person but I am 80 years old and so are most of the residents of this famous building, Triangle Square.

There are many bad situations which these projects including this one do not address and how they are going to take care of them. They know this area well and with thinking of all of us they should present then to you as well.

By the way, thank you for your last email it meant a lot that someone was listening and thank you reading this.

Please feel free to call me or text or email if you have any further questions or need any further information.

Sincerely .
Susan Sempers
310-592-5062

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Esther Ahn

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