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Submissions are uploaded to a publicly accessible folder linked at the top of each Agenda at the close of each Submission period. Following a meeting all submissions are compiled and posted to the Department of City Planning website within three (3) business days.

All compliant submissions may be accessed as follows:

- **Initial Submissions:** Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by 4 p.m. Monday of the week prior to the week of the Commission meeting. Initial Submissions are appended to the end of the Staff Report, which can be accessed by clicking on the Case Number linked from the Agenda.

- **Secondary Submissions:** All written materials received after the close of the Initial Submission period, but no later than 48 hours before the Commission meeting, shall not exceed ten (10) pages. For Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting.

- **Day of Hearing Submissions:** Submissions received after the close of the Secondary Submission period must not exceed two (2) written pages, including exhibits.

Material which does not comply with the submission rules is not distributed to the Commission. If you have any questions, please contact the Commission Office at (213) 978-1300.

# Secondary Submissions

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November 16, 2026

Via Email: apcwestla@lacity.org.
West Los Angeles Area Planning Commission
11338 Santa Monica Boulevard
Los Angeles, CA 90025

**RE:** 3rd Place, LLC
12904 – 12910 West Palms Boulevard - DBA: Beethoven Market
Case Number: ZA-2026-1432-CUB-1A
**Applicant's Opposition to Appeal Letter**

**TO THE CHAIR AND HONORABLE MEMBERS OF THE AREA PLANNING COMMISSION:**

The appeal makes it clear that each of these appellants "received notice of the application and submitted written comments, testified at the public hearing, or both." These appellants therefore bring no new facts, arguments, or evidence to the APC whatsoever, and thus their appeal should be disregarded and denied in total.

There is no legal or factual basis to contest the LOD determination that the project is categorically exempt from CEQA, and the appellants do not even attempt to support that bare allegation. It should therefore be disregarded and denied.

The appeal makes clear that these appellants are not contending that the restaurant should be closed – and to their credit they recognize that neither the ZA nor this APC have that power in any case since the restaurant itself is permitted as a matter of right by the municipal code; and they do not argue that the CUB approval should be denied. Instead, they explicitly refer to issues of concern, however each of those issues are already appropriately addressed by very specific Conditions imposed by the ZA in this CUB.

Indeed, that is the exact purpose of a conditional use permit: to permit a use with conditions that address specific concerns with the particular use. Thus, the relevant question is not whether there are concerns but whether the 53 conditions imposed by the ZA address those concerns, and the answer here is a resounding: "Yes."

Appellants' issues are stated to include the following: "noise, late-evening activity, and parking and traffic on the residential streets.…" While none of these issues are related to the reason for requiring a CUB – that is allowing the service of beer, wine, or cocktails with the excellent food at this restaurant - these are all issues that ZA Christina Toy Lee has carefully crafted 53 Conditions that address and provide mitigation of those specific concerns. Thus, their appeal should be disregarded and denied.

While the appeal states it is important to recognize what the appeal is and what it is not, they fail to acknowledge that the City does not have the authority to regulate alcohol directly, such as in the *type* of alcohol that can be served at this restaurant. The City of Los Angeles recognizes that because of preemption by the State Constitution the State of California Department of ABC is the sole entity legally permitted to

determine which types of alcohol may be served. ZA Memo Number 109 explicitly states this conclusion, and the City assiduously follows that rule in all instances. Also see California Constitution Article XX, Section 22. Click here. Thus, while the appellants would rather see only beer and wine served at the restaurant, rather than cocktails, that is a power neither the appellants nor the City have to exercise. Moreover, any limitation in that way would do nothing to address their stated concerns.

The appeal is organized into 7 grounds, therefore this Opposition to that appeal uses the same designations for ease of reference. See as follows:

Applicant's Response to Ground 1 (noise study): As is set forth in detail in the sound study report provided to ZA Lee and which is in the file, as well as in the PowerPoint presentation submitted, the noise study accurately provided the opinions of certified experts in the field, and it accurately reported that there is no legally cognizable adverse effect. The appellant's statements to the contrary are unsupported conclusions provided by non-experts. The applicant and the ZA nevertheless responded to the concerns of these neighbors by restricting closing time for the outdoor patio and requiring a sound wall to be installed on the south property line, among other requirements.

Applicant's Response to Ground 2 (operator's compliance): The community experience for the last 12 months or so proves that this applicant is an excellent operator. The termination of the previous RBP is *irrelevant* in the context of this CUB. Because the Appeal references the previous termination of Restaurant Beverage Program (RBP) ministerial permit that Beethoven previously held it is important that the APC fully understand what the RBP was, what it was not, and how it differed from the Conditional Use Permit – Beverage (CUB) which is currently before this APC.

Just a couple of years ago, in an effort to simplify and shorten up the very expensive and very time-consuming process that is otherwise required for a small restaurant like Beethoven to obtain the zoning approval necessary in this City to offer alcohol service with its meals, the City of Los Angeles enacted an alternative process called an RBP. It is a ministerial process with no right to appeal, and thus it is highly likely this APC has never had any experience with an RBP before. Thus, a short explanation of how an RBP differs from a CUB is helpful.

Whereas the process for a CUB, with which this APC is very familiar, generally takes 1 year or so to obtain, requires approximately $25,000 in filing and related fees paid to the City, and then multiple public hearings in front of Neighborhood Councils and their Planning and Land Use Committee as well as a Zoning Administrator Public Hearing, the RBP instead "only" costs about $5,000 in filing fees/costs, takes just a few weeks to obtain, and does not require a public hearing. For a small restaurant like Beethoven, therefore the RBP can be the difference between being able to offer cocktails with its fine cuisine and not being able to do so. That can also make the difference between a small restaurant surviving or not, because its competition are the other fine restaurants who can afford the 1-year timeline, and $25,000 or more in filing fees/costs. The "catch", however, is that to qualify for an RBP there are in excess of 50 standard mandatory conditions. If the small restaurant qualifies then the RBP is ministerial issued. No conditions are tailored to any particular restaurant, and there is no process within the RBP that allows for revision to meet community needs and wants. (See: https://planning.lacity.gov/restaurant-beverage-program). The RBP also unfortunately allowed for no way to challenge or appeal its termination where, like here, the restaurant was unjustly accused of a violation. Thus, a serious downside to the RBP process is that a restaurant does not receive due process when allegations are made against it, no matter how unfounded.

In contrast, the benefit of the CUB process is generally, and was/is here, the ability to instead tailor a set of bespoke Conditions to the Beethoven experience in the actual community where Beethoven is located. And this is exactly what has now occurred relative to Beethoven and its impact on the community. ZA Christina Toy Lee conducted a public hearing that lasted almost 4 hours with hundreds of neighbors expressing their support, 5 or 6 expressing opposition, and then she made the appropriate Findings based on the facts presented and imposed 53 specific Conditions to mitigate any concerns. She based these Conditions on what she observed and by applying her professional expertise as what she felt is necessary. Beethoven is agreeable to all of these Conditions. The ZA's careful consideration and determination should, therefore, be upheld and affirmed by this APC.

Applicant's Response to Ground 3 (appellants want only beer and wine, not cocktails – yet neither the appellants nor the City has the legal ability to regulate the type of alcohol that may be served): Appellants correctly acknowledge that the restaurant has every right to exist, when they state that "…it is a bona fide restaurant, that it is properly zoned, and that it has community support. None of that is in dispute." It is, however, when the Appellants try to go further where they fail to support legally or factually their incorrect contention that the ZA did not do her job to analyze the impact at this location of the sale of alcohol at this bona fide restaurant. As the City of Los Angeles understands, neither the ZA nor this APC can regulate the sale and service of alcohol. Only the State ABC can make that determination. See California Constitution Article XX Section 22 and ZA Memo #109.

Applicant's Response to Ground 4: Whether or not the number of Licenses in a particular Census Tract makes that CT Unduly Concentrated is a determination that requires reliance on state statutes, Business & Professions Code 23958 and 23958.4. And BP 23958.4 states clearly that where an On-sale License such as the ABC Type 47 License is at issue, as it is here, it is the State ABC that makes the determination if there is undue concentration, not the City. By contrast, that same statute gives the City jurisdiction to make that determination if the ABC License at issue were an Off Sale License, such as a Type 21 for a liquor store or grocery – however that is not the case here. In any case, the ZA made all appropriate findings for this CUB and correctly concluded that there is no undue concentration.

Applicant's Response to Ground 5 (neighborhood serving premise): Because there were literally hundreds of neighbors that appeared at the ZA hearing expressing support for Beethoven as their community gathering place, it is ludicrous for the appellants to contend that Beethoven is not neighborhood serving. The Appellants simply state their own conclusions without other support, which they already argued at the ZA hearing and the ZA LOD appropriately rejected based on her professional education, experience, and training.

Applicant's Response to Ground 6 (mitigation conditions): As the ZA explicitly points out and explains in the CUB, there is no parking required, there is already a loading zone, no factual or legal basis to require continued meetings with the appellants, and as the City of Los Angeles is well aware there is no legal basis for it to prohibit happy hour, et al as that is all prohibited direct regulation of alcohol service. See ZA Memo #109 and California Constitution Article XX, Section 22.

Applicant's Response to Ground 7 (CEQA): The Appellants concede by their failure to provide any factual or legal support for contesting the CEQA exemption that there is no adequate legal basis to deny said exemption.

As to the Requested Relief section of the appeal:

As to RR#1, As the City of Los Angeles is well aware, neither the City nor the appellants have the jurisdiction to limit the types of alcohol that may be sold at a restaurant. Only the State ABC has that legal ability. See City of LA ZA Memo #109, and California Constitution Article XX Section 22.

As to RR#2, The attempt to limit the hours prohibiting sales of alcohol before 11 am or after 10 pm is not legally or factually justified.

As to RR#3, The attempt to limit seating to well below capacity established by the Department of Building and Safety or otherwise is not legally or factually justified.

As to RR#4, The requirement of a one-year review, was found by the ZA not to be necessary or justified by fact or law, and the applicant agrees with that assessment as it is simply not necessary.

As to RR#5, The requirement of what is called a 50/50 service condition is again a matter that can only be legally imposed by the State ABC as it directly regulates the sales and service of alcohol. See LA ZA Memo #109, and California Constitution Article XX, Section 22.

As to RR#6, there are already Conditions imposed which related to location of parking and encouraging ride share and the like.

As to RR#7, Requiring a repeat noise study is not factually nor legally permissible or required in any way, and should be rejected.

In conclusion, if the Appellants truly "…have no objection to this restaurant succeeding as a restaurant" as they state, and have no actual objection to the restaurant itself, but rather object solely to the type of alcohol to be served at this restaurant, then they truly have no factual or legally cognizable basis of appeal whatsoever – their appeal should be denied – and the Letter of Determination by ZA Christina Toy Lee granting the CUB should be affirmed.

Respectfully submitted,

SOLOMON SALTSMAN & JAMIESON

Stephen A. Jamieson

STEPHEN A JAMIESON
Licensed in California, Wisconsin, and Michigan

Cc: Client team (via email only)

# Day of Hearing Submissions

Nathan Gallardo <nathan.gallardo@lacity.org>

# Fwd: Public Comment – Item #5 (Case No. ZA-2026-1432-CUB-1A) – Support for Beethoven Market

**Planning APC West LA** <apcwestla@lacity.org> Wed, Nov 18, 2026 at 4:48 PM
To: Nathan Gallardo <nathan.gallardo@lacity.org>

**West Los Angeles Area Planning Commission**
200 N. Spring St., Room 272
Los Angeles, CA 90012
T: (213) 978-1368 | Planning4LA.org

LOS ANGELES CITY PLANNING

*Note: Regular Day Off Alternating Fridays*

---------- Forwarded message ---------
From: **Erin O'Connor** <erintintin@gmail.com>
Date: Wed, Nov 18, 2026 at 4:43 PM
Subject: Public Comment – Item #5 (Case No. ZA-2026-1432-CUB-1A) – Support for Beethoven Market
To: <apcwestla@lacity.org>

Dear Commissioners,

I am writing as a local Mar Vista resident to express my strong, resounding support for Beethoven Market (12904–12910 West Palms Boulevard) and to urge you to uphold the Zoning Administrator's approval of their Conditional Use Beverage permit (Case No. ZA-2026-1432-CUB-1A). **(Note: I attempted to join via Zoom to speak live, but the webinar link on the agenda is showing as expired.)**

Beethoven Market is a cornerstone of our neighborhood. They are responsible, community-minded operators who bring tremendous vibrancy, warmth, and economic life to Mar Vista. Having a thriving, well-managed local restaurant where neighbors can gather over a meal and a glass of wine is an asset to us all, and the team at Beethoven Market has consistently shown care and respect for the surrounding community.

Please deny the appeal, affirm the Zoning Administrator's determination, and allow Beethoven Market to continue serving our neighborhood with full alcohol service.

Thank you for your time and consideration.

Sincerely,

Erin O'Connor
Mar Vista Resident (Centinela Ave)

Planning APC West LA <apcwestla@lacity.org>

# RE: Day-Of Submission — 11/18/26 WLA APC Regular Meeting, Item 5 (ZA-2026-1432-CUB-1A)

1 message

**Sean Silva** <sean.silva@lacity.org> Wed, Nov 18, 2026 at 5:12 PM
To: Planning APC West LA <apcwestla@lacity.org>
Cc: Craig Bullock <craig.bullock@lacity.org>

Good evening West Los Angeles Area Planning Commission,

Due to hybrid connectivity issues affecting our office's virtual participation in this evening's Commission meeting, please see our comment on Item 5 below:

###

Good evening Commissioners,

My name is Sean Silva, and I am speaking on behalf of Councilwoman Traci Park.

Councilwoman Park supports the Zoning Administrator’s determination and believes that additional conditions — like annual plan review — and close monitoring of the business’ operation are a critical component of any continued operation.

Given the real and valid concerns from the community, the Councilwoman believes these measures make sense and respond to the moment.

The Council Office will continue to  remain vigilant in monitoring the operations of this establishment.

Thank you for your consideration.

###

Please do not hesitate to contact our office should you have any questions or require any further information.

All the best,
Sean

TRACI PARK
COUNCILWOMAN
LOS ANGELES CITY COUNCIL
11TH DISTRICT

**Sean Silva |** Deputy District Director | Planning Liaison
**Office of Councilwoman Traci Park ★ 11th District**
**WESTCHESTER:** 7166 W. Manchester Ave, LA, CA 90045
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***PLEASE NOTE**: E-mail correspondence with the Office of Councilwoman Traci Park may be subject to public disclosure under the California Public Records Act. *(including attachments)**