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June 5, 2017

Alan Hajjar (A)  
Pig N Whistle, LP  
6714 Hollywood Boulevard  
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8727 West 3<sup>rd</sup> Street, #208  
Los Angeles, CA 90048

Elizabeth Peterson (R)  
Elizabeth Peterson Group, Inc.  
400 South Main Street, #808  
Los Angeles, CA 90013

CASE NO. ZA 2016-4539(CUB)(CUX)  
CONDITIONAL USE  
6714 West Hollywood Boulevard  
Hollywood Planning Area  
Zone : C4-2D-SN  
D.M. : 148-5A185  
C.D. : 13  
CEQA: ENV-2008-3711-MND-REC1  
Legal Description: Lot 1, Arb 1, G.F.  
Stevenson Ranch Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a Conditional Use Permit to allow the continued sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant; and

Pursuant to Los Angeles Municipal Code Section 12.24-W,18, I hereby APPROVE:

a Conditional Use Permit to allow the continuation of public dancing and live entertainment in conjunction with an existing restaurant in the C4-2D-SN Zone

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. Approved herein is the continued sale and dispensing of a full-line of alcoholic beverages for on-site consumption and the continuation of public dancing and live entertainment in conjunction with an existing 4,259 square-foot restaurant with a 860 square-foot basement room, 260 square-foot front dining patio, and 270 square-foot rear dining patio, subject to the following limitations:
  - a. Seating capacity shall not exceed 104 indoor seats in the restaurant, 28 indoor seats in the basement room, 20 outdoor seats on the front patio, and 16 outdoor seats on the rear patio. Maximum occupancy shall be as determined by the Fire Department and/or Building and Safety Department.
  - b. Hours of operation for the restaurant shall be limited to 11:00 a.m. to 2:00 a.m., daily.
  - c. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
5. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
6. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the

premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

7. **MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.** Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
8. **Prior to the effectuation of this grant,** 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
9. **Prior to the effectuation of this grant,** a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
10. A security plan for the establishment shall be approved by the Los Angeles Police Department **prior to the effectuation of this grant.** The Applicant shall provide security both inside and outside the premises. Security provisions prepared by a State Licensed security firm, shall be reviewed by the Police Department, Hollywood Vice and their recommendations submitted in writing shall be incorporated into the security plan for on and off-site security. A copy of the approved security plan shall be submitted to the Department of City Planning.
11. The Applicant shall provide at least two State Licensed security guard for between the hours of 9:00 p.m. and thirty minutes after closing on a daily basis. The guards

shall comply with the requirements of the California Business and Profession Code Section 7582.26(f). A copy of the security agreement/contract shall be provided to the Condition Compliance Unit for inclusion in the case file, **prior to the beginning of operations.**

12. **Within six months the effectuation of this grant**, all employees involved with the alcoholic beverages enroll in the Los Angeles Police Department “Standardized Training for Alcohol Retailers” (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2016-4539(CUB) from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
13. **Prior to the effectuation of this grant**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages. This device shall be maintained in operational condition and all employees shall be instructed in its use.
14. **Prior to the effectuation of this grant**, the applicant shall establish a “Designated Driver Program” which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bar, or on the bathrooms, or a statement in the menus.
15. **Prior to the effectuation of this grant**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

*We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption, in conjunction with the restaurant known as Pig N’ Whistle, and agree to abide and comply with said conditions.*

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

16. **Prior to the effectuation of this grant**, 24-hour “hot line” shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
  - a. Entry, visible to pedestrians

## b. Customer service desk, front desk or near the concession stands

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the Department of City Planning for inclusion in the Case File.

17. The premises shall be maintained as a bona-fide restaurant with an operating kitchen and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
18. **Prior to the effectuation of this grant**, the applicant shall submit the restaurant's menu to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
19. There shall be no admission fee or cover charge required. The restaurant shall not be rented out for private parties where the general public is excluded.
20. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the restaurant.
21. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
22. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
23. All graffiti on the site of the restaurant shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
24. Dancing is permitted with live entertainment only. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment or dancing in the outdoor patio area at any time.
25. The applicant/ operator shall obtain permits from the Los Angeles Police Department, Commission Investigation Division for Café Entertainment and Show, Live Entertainment and Dance Hall, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the DEPARTMENT OF CITY PLANNING within **30 days of their issuance** for inclusion in the case file.
26. The restaurant may host a maximum of 52 special events per calendar year such as New Year's Eve, Valentine's Day, special holidays, private parties or fundraisers where a pre-fixed menu is provided and customers may make reservations and

advance prepayment via the restaurant's website and other websites such as Yelp, Open Table, etc. The applicant/operator and restaurant management/staff shall be present and in control of any special events or private parties. These events shall not exceed the maximum seating capacity or occupancy limits of the restaurant and shall be conducted consistent with the mode and character of the existing restaurant during normal business hours. All operating conditions of this grant (regarding noise, hours, live entertainment, etc.) shall be applicable to special events. The applicant/operator shall notify the LAPD Hollywood Vice Unit at least seven days in advance of any scheduled special events.

27. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
28. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant or on the exterior of the premises. Employees on break shall be instructed not to disturb the quiet enjoyment of adjacent residential uses.
29. Petitioners shall regularly police the area under their control in an effort to prevent littering by patrons about the premises.
30. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
31. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**  
Applicant shall do all of the following:
  - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of

all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

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 three 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.

### **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 that you 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 \$2,500 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 grant 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 if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JUNE 20, 2017** unless an appeal there from 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 also available on-line at <http://planning.lacity.org>.** 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

West Los Angeles  
1828 Sawtelle Blvd. 2nd Floor  
Los Angeles, CA 90025  
(310) 231-2598

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 Department of City Planning's Development Services Center. 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.

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on March 7, 2017, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W,1 have been established by the following facts:

#### **BACKGROUND**

The subject property is a level, rectangular-shaped, corner, parcel of land, consisting of approximately 11,840 square feet, having approximately 75 feet of frontage on the south side of Hollywood Boulevard, sides for a distance of approximately 160 feet along McCadden Place and has a uniform depth of approximately 160 feet. The ownership is zoned C4-2D-SN.

The property is developed with a one story multi-tenant building, built in 1927, totaling

11,068 square feet. The easternmost tenant space is occupied by the subject restaurant. The two other tenant spaces are currently occupied by retail stores. The subject building fronts the Hollywood Walk of Fame (Los Angeles Cultural Monument LA-194). This area, 6200-7000 Hollywood Boulevard is part of the Historic National Registry, thus the building is also considered a Historic Resource. Furthermore, the building itself is considered a contributor to a district or multiple resource property listed in National Register by the Keeper and listed in the California Register. As stated in an email dated April, 21 2017, from Lambert Giessinger, City of Los Angeles Office of Historic Resources, the request for a Conditional Use Permit would not be considered a project as no exterior or interior tenant improvements are proposed, thus no project permits or further analysis is required.

The site has been occupied by the current restaurant since 1999. Previously, on August 7, 2009, the restaurant, known as "Pig N' Whistle," was approved for the on-site sale and dispensing of a full line of alcoholic beverages and for public dancing under Case No. ZA 2008-3710(CUB). Condition No. 40 imposed a term limit of seven years on the grant which expired on August 7, 2016. As the applicant did not file for a Plan Approval prior to August 9, 2016, a new Conditional Use Permit is required to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and the continuation of public dancing in conjunction with the existing restaurant. The existing restaurant is located in a 4,259 square-foot space of an approximately 11,068 square foot building. The existing restaurant includes 1,530 square-foot interior dining area with 104 seats, a 860 square-foot basement room with 28 seats, a 260 square-foot front dining patio with 20 outdoor seats, and 270 square-foot rear dining patio with 16 outdoor seats.

The subject restaurant is located in the Hollywood Community Plan Area, the Hollywood Signage Supplemental Use District, the CRA Hollywood Redevelopment Area, an Adaptive Reuse Incentive Area, a Transit Priority Area (ZI-2452), and within a Los Angeles State Enterprise Zone (ZI-2364).

Property to the north across Hollywood Boulevard is zoned C4-2D-SN and developed with a two-story multi-tenant commercial building with retail commercial shops on the ground-floor and offices on the second floor. Adjoining property to the south is zoned C4-2D-SN and developed with the continuation of the multi-story theater (Egyptian Theater). Vehicular ingress/egress is solely via a driveway apron along McCadden Place located in the immediate vicinity of that property's northwest corner. Beyond that to the south is zoned C4-2D-SN and developed with a surface parking area associated with theater parking. Adjoining property to the east is zoned C4-2D-SN and developed with the multi-story Egyptian Theater that is setback 80 to 90 feet from Hollywood Boulevard and a linear one-story multi-tenant commercial building extending along the easterly perimeter leg of the theater complex. Property to the west across McCadden Place to the west is zoned C4- 2D-SN and developed with an eight-story religious building.

Hollywood Boulevard, adjoining the subject property to the north, is a designated Avenue I, dedicated to a width of 100 feet and improved with curb, gutter, and sidewalk.

McCadden Place, adjoining the subject property to the west, is a designated Local Street – Standard, dedicated to a width of 60 feet and improved with curb, gutter, and sidewalk.

**Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:**

Case No. ZA-2008-3710(CUB)(CUX) – On July 23, 2016, the Zoning Administrator approved a conditional use permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and the continuation of public dancing in conjunction with an existing restaurant in the C4-2D-SN Zone.

Case No. ZA-2001-4556(CUB)(CUX) – On May 16, 2002, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the proposed expansion of an existing 3,360 square-foot restaurant to include a 600 square-foot patio and a 899 square-foot dining room for a total of 4,859 square feet, and a Conditional Use for patron dancing and live entertainment within a restaurant in the C4-2D Zone.

CASE NO. ZA-99-0500(CUB) – On September 22, 1999, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the remodeling and renovation of an existing restaurant accommodating 82 patrons including 16 persons in an outdoor patio, with no on-site parking, in the C4-2-D Zone.

**Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:**

On April 7, 2017, staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past City Planning cases associated with requests and issues similar to this case.

Case No. ZA-2016-4662(PAB) [PENDING] – On December 7, 2016, the Department of City Planning accepted an application for an Approval of Plans to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 2,739 square-foot restaurant located at 6681 West Hollywood Boulevard.

Case No. DIR-2015-3461(RV) – On December 17, 2015, the Director of City Planning required the discontinuance of the operation of a Restaurant/Nightclub with alcohol sales at the establishment known as Cashmere Nightclub, located at 6757 West Hollywood Boulevard.

Case No. ZA-2014-4151(CUB) – On October 7, 2015, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of a full line of alcoholic beverages in conjunction with an existing restaurant in the C4-2D-SN Zone, located at 6669 Hollywood Boulevard.

Case No. ZA-2013-2342(CUB) – On May 22, 2014, the Zoning Administrator approved a Conditional Use to allow the sale of beer and wine for on-site consumption in a 2,362 square-foot restaurant in the C4-2D-SN Zone, located at 1707 North Las Palmas Avenue.

Case No. ZA-2012-2850(CUB) – On May 23, 2013, the Zoning Administrator approved a Conditional Use to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, located at 1708 North Las Palmas Avenue.

Case No. ZA-2012-90(CUB)(CUX) – On March 21, 2013, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption with live entertainment and patron dancing in conjunction with an existing restaurant/nightclub, located at 6757 West Hollywood Boulevard.

Case No. ZA-2011-673(CUB) – On February 17, 2012, the Zoning Administrator approved the continued sale of a full line of alcoholic beverages for on-site consumption in a 6,097 square-foot restaurant with live entertainment, operating 24 hours daily; and in a museum with live entertainment, located at 1650-1660 North Highland Avenue.

Case No. ZA-2011-2376(CUB) – On November 7, 2011, the Zoning Administrator approved a conditional use permit to allow the continued sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, located at 6683 Hollywood Boulevard.

Case No. ZA-2007-5980(CUB)(PA1) – On March 11, 2011, the Zoning Administrator determined that substantial compliance with the Conditions of the prior action of the Zoning Administrator for ZA 2007-5980(CUB) has been attained in association with the continued operation of a restaurant dispensing beer and wine located 6752-6756 Hollywood Boulevard.

Case No. ZA-2010-789(CUB) – On July 1, 2010, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 2,121 square-foot restaurant in the [Q]C4-2D-SN Zone, located at 6719-6721 Hollywood Boulevard.

Case No. ZA-2008-636(CUB)(CUX) – On December 23, 2009, the Zoning Administrator approved Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, and a Conditional Use to permit patron dancing in the C4-2D Zone and located at 6679-6689 Hollywood Boulevard and 1710 Las Palmas Avenue.

Case No. ZA-2008-3710(CUB)(CUX) – On July 23, 2009, the Zoning Administrator approved a conditional use permit to allow the continued sale and dispensing for a consideration of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant; and a conditional use permit for the continuation of public dancing in conjunction with an existing restaurant, located at 6714 Hollywood Boulevard.

Case No. ZA-2008-4721(CUB) - On June 16, 2009, the Zoning Administrator's Office approved a conditional use the sale of beer and wine conjunction with an existing 2,592 square-foot restaurant with a 51-seat dining room, a 24-seat patio area, operating 24 hours daily, located at 6669 Hollywood Boulevard.

Case No. ZA-2007-5522(CUB) – On April 9, 2009, the Zoning Administrator approved a conditional use to permit an existing 1,292.5 square-foot tavern to extend the sale and dispensing of a full line of alcoholic beverages for on-site consumption into an adjacent 1,350 square-foot interior retail space and a 520 square-foot outdoor patio located at 1714- 1718 Highland Avenue in the C4-2D Zone.

Case No. ZA-2008-0950(CUB)(ZV) – On March 6, 2009, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption and Variances to allow seven required parking spaces to be provide off site in excess of 750 feet from the subject site in conjunction with a proposed market located at 6759 West Hollywood Boulevard.

Case No. ZA-2007-5980(CUB) – On July 1, 2008, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with the addition of a 1,649 square-foot interior space and adjoining 205 square-foot patio area, 1,293 square-foot multi-purpose/ performance room, and 2,502 square-foot courtyard area to an existing 2,110 square-foot restaurant on property located in the C4 Zone, located at 6752-6756 Hollywood Boulevard.

Case No. ZA-2006-6066(CUB)(CUX)(ZV) – On February 2, 2007, the Zoning Administrator approved a conditional use to permit the continued sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant/club; and a conditional use to permit dancing in conjunction with an existing restaurant/club, a variance from Section 12.26-E,5 of the Municipal Code to allow required parking to be provided off-site by lease in lieu of a recorded covenant, located at 1642 Las Palmas Avenue.

### **PUBLIC CORRESPONDENCE**

- Letter dated March 7, 2017, received on March 7, 2017, from Captain Cory Palka, Commanding Officer, Los Angeles Police Department Hollywood Area Police Station, stating the LAPD is unopposed to the request. The letter included a list of recommended operating conditions.
- Letter dated March 11, 2017, received via email on March 13, 2017, from Elvina Beck, President, Central Hollywood Neighborhood Council (CHNC), stating that the HCNC unanimously supports the request to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and the continuation of public dancing in conjunction with an existing restaurant with operating hours of 11:00 a.m. to 2:00 a.m., daily.

### **PUBLIC HEARING**

The public hearing was held on Tuesday, March 7, 2017, at approximately 10:30 a.m. at City Hall, located at 200 North Spring Street, Room 1070, Los Angeles, California. The purpose of the hearing was to obtain public 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 public hearing.

The hearing was attended by the applicant's representative Ms. Elizabeth Peterson, the owners of Pig 'N Whistle, and Officer Benjamin Thompson of LAPD - Hollywood Vice Section.

Ms. Elizabeth Peterson, provided the following testimony:

- The applicant is requesting a CUB for a full-line of alcoholic beverages and a CUX for live entertainment and dancing.
- Pig 'N Whistle opened in 1927 to satisfy movie-goers who wanted to eat prior to watching a movie. It is a family restaurant with soda fountain next to the Egyptian Theater. Its fancy hard wood décor by renowned architects, Morgan, Walls and Clements became an instant favorite place to gather before or after movie premieres. Movie stars like Shirley Temple, Clark Gable and even Howard Hughes frequented the location.
- In 1953, the restaurant closed due to declining business.
- In 1999, the new owner restored the building and re-opened for business.
- It has not caused problems since then.
- It sometimes hosts events in conjunction with premieres at the Egyptian Theater.
- It is a Historical Landmark #37.
- Menu includes traditional American food, such as fish n' chips, chicken pot pie, shepherd's pie and many more.
- On February 27, 2017, the Central Hollywood neighborhood council approved Pig 'N Whistle's full line application. Their letter of support will be forwarded on a later date and included in the case file.
- Pig 'N Whistle has elegant old Hollywood charm.
- It is an iconic project, located across from the Kodak Theater.
- Has a total of six parking spaces, but its proximity to the Hollywood and Highland has abundant parking.
- Pig 'N Whistle is near sensitive uses: a Scientology church, a beauty school and two (2) other churches

Officer Benjamin Thompson, LAPD Investigator-Hollywood Vice Unit, provided the following testimony:

- We've had an established relationship with the applicant and the Council Office (CD 13) for a long time.
- Pig 'N Whistle has extensively enhanced public safety in the area.
- We are not opposed to the CUB and CUX application in this location.
- I have made multiple site visits to the location.
- There are minimal instances of police presence at the location.
- Slight modification to Condition #15 be included in the determination.

At the conclusion of the meeting, the Hearing Officer recommended approval of the application.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- Alcohol service shall be permitted starting at 11:00 am, extending to the closing hours of 2:00 am, Monday through Sunday.
- There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area with the exception of the approved patio/outdoor dining areas. There shall not be off-site sales of Alcohol beverages.
- The quarterly gross sales of food shall not exceed the gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Bottle and/or Table service involving the distribution of distilled spirits shall be prohibited during regular restaurant operations and is only permitted during special events that have been authorized by the Los Angeles Police Department. "Buckets" of beer and portable bars are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be NO sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- "Happy Hour" is permitted between the hours of 4:00 pm and 8:00 pm, daily. There may be no more than a fifty percent discount on alcoholic beverages.
- A "Free Designated Driver Program" shall be implemented in which free non-alcoholic beverages such as water, coffee, tea and soft drinks will be offered to the designated driver of a group.
- No signs are permitted on the outside of the building or patio enclosure or directed from inside to the outside which display or advertise the availability of alcoholic beverages.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by

right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W,1 of the Los Angeles Municipal Code. In order to allow the sale and dispensing of alcoholic beverages to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

### **MANDATED FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The request is for conditional use permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and the continuation of public dancing and live entertainment in conjunction with an existing restaurant. The existing restaurant is located in a 4,259 square-foot space of an approximately 11,068 square foot building. The existing restaurant includes 1,530 square-foot interior dining area with 104 seats, a 860 square-foot basement room with 28 seats, a 260 square-foot front dining patio with 20 outdoor seats, and 270 square-foot rear dining patio with 16 outdoor seats.

The site has been occupied by the current restaurant since 1999. Previously, on August 7, 2009, the restaurant, known as "Pig N' Whistle," was approved for the on-site sale and dispensing of a full line of alcoholic beverages and for public dancing under Case No. ZA 2008-3710(CUB). Condition No. 40 imposed a term limit of seven years on the grant which expired on August 7, 2016. As the applicant did not file for a Plan Approval prior to August 9, 2016, a new Conditional Use Permit is required to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and the continuation of public dancing in conjunction with the existing restaurant.

The continued sale and dispensing of a full line of alcoholic beverages as part of the restaurant menu will be desirable to the public convenience and welfare because it is integral to the success of a sit down restaurant with table service. By permitting the restaurant to continue to serve a full line of alcohol and allow public dancing and live entertainment, the restaurant will be competitive with other nearby establishments. The restaurant location in Hollywood is adjacent to various types of commercial uses indicative of a Regional Center designation. There is an existing customer base in the Hollywood neighborhood with many offices, and hospitality serving uses such as hotels, shopping, and theaters, all of which makes the location desirable and convenient in that the area is already a major destination. Also, the site is within a revitalization zone and the continued utilization of the historic building for restaurant purposes is a step towards the on-going revitalization of the area.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

Surrounding uses consist primarily of commercial offices, retail, restaurants, a historic theater, and some religious offices. Property to the north across Hollywood Boulevard is zoned C4-2D-SN and developed with a two-story multi-tenant commercial building with retail commercial shops on the ground-floor and offices on the second floor. Adjoining property to the south is zoned C4-2D-SN and developed with the continuation of the multi-story theater (Egyptian Theater). Vehicular ingress/egress is solely via a driveway apron along McCadden Place located in the immediate vicinity of that property's northwest corner. Beyond that to the south is zoned C2-2D and developed with a surface parking area associated with theater parking. Adjoining property to the east is zoned C4-2D-SN and developed with the multi-story Egyptian Theater that is setback 80 to 90 feet from Hollywood Boulevard and a linear one-story multi-tenant commercial building extending along the easterly perimeter leg of the theater complex. Property to the west across McCadden Place to the west is zoned C4- 2D-SN and developed with an eight-story religious building.

The continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing are secondary to the service of food in the existing restaurant. The Zoning Administrator has imposed a number of conditions addressing alcohol-related issues that will safeguard public welfare and enhance public convenience. Based on the existing surrounding uses which are primarily commercial, the location of a restaurant offering the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing is appropriate given the surrounding uses and the character of development of the community.

3. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans.

The Hollywood Community Plan Map designates the property for Regional Center Commercial land uses with a corresponding zone of C4 and Height District No. 2D. The subject property is planned and zoned for commercial uses. The conditional authorization for the sale and dispensing of a full line of alcoholic beverages for on-site consumption and the continuation of public dancing, is allowed through the

approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein.

Specifically, the project addresses the following objective of the Community Plan:

Objective 4a: To promote economic well-being and public convenience through:

Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards

Therefore, the proposed project will be consistent with the intent of the General Plan and Community Plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be continued to be utilized as such with the restaurant.

Furthermore, this grant has imposed a number of conditions in collaboration with the Los Angeles Police Department to mitigate potential negative behavior or negative impacts typically associated with alcohol consumption especially along Hollywood Boulevard Corridor. Conditions to deter criminal activity, such as surveillance, exterior lighting and security guards and the imposition of conditions restricting access into the establishment from the front entrance will help monitor the overall operation of the establishment and deter over occupancy which may lead to rowdy crowds. Other conditions such as the age verification device and free designated driver program will prevent underage drinking and drunk driving. Also several conditions that implement good management practices such as the availability of a 24-hour hot line, the requirement that there be a manager present at all times, and the manager of the facility shall be aware of conditions and shall inform his/her employees of the same. Furthermore Conditions No. 7 regarding the MViP (Monitoring, Verification and Inspection Program), is a valuable tool which ensures that operations are conducted as required by this grant. A record of poor compliance and/or documented nuisance complaints would allow the City the discretion to not grant or renew a conditional use, and thereby avoid the need to conduct prolonged nuisance abatement proceedings. The Zoning Administrator has imposed numerous conditions to prevent impacts and integrate the use into the community as well as protect community members from adverse potential impacts. As conditioned herein, the proposed use will not adversely affect the welfare of the pertinent community.

**5. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic**

**Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and two for off-site consumption licenses are allocated to the subject Census Tract (Census Tract 1907.00). Currently there are 56 on-site licenses and three off-site licenses in this census tract.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within new and upcoming mixed-use revitalized neighborhoods are supported by a significant Hollywood employee and visitor population in addition to the increasing resident population base in this revitalized area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. This is reflected in the licensing statistics noted above.

Approval of the Conditional Use would not increase the total number of licenses within the neighborhood as the existing Type 47 license would be retained. Furthermore, the applicant's existing license has no recorded disciplinary history with ABC. However, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, vandalism and loitering, such conditions have been recommended for further consideration by the state of California Department of Alcohol Beverage Control as conditions on the alcohol license.

According to statistics provided by the Los Angeles Police Hollywood Area Vice Unit, within Crime Reporting District No. 646, which has jurisdiction over the subject property, a total of 162 crimes were reported in 2015 (480 Part I and 1,393 Part II crimes), compared to the city-wide average of 181 offenses and the high crime reporting district of 217 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (3), Manslaughter (0), Rape (10), Robbery (62), Aggravated Assault (65), Burglary (25), Larceny (283), and Auto Theft (32). Part II Arrests reported include, Other Assault (62), Forgery/Counterfeit (4) Embezzlement/Fraud (13), Stolen Property (8), Weapons Violation (33), Prostitution Related (37), Sex Offenses (13), Offenses Against Family (0), Narcotics (160), Liquor Laws (189), Public Drunkenness (83), Disturbing the Peace (1), Disorderly Conduct (52), Gambling (0), DWI related (111), Traffic (38), and other offences (589).

The subject restaurant is located in an area of very high crime. The conditions imposed by the Zoning Administrator in this grant address the negative impacts commonly associated with the sale and dispensing of alcoholic beverages for on-

site consumption as well as public dancing. The measures imposed such as requiring lighting, surveillance, establishing a Designated Driver Program and prohibiting uses such as night clubs, loud live entertainment, and loitering will minimize the impact on the community. Moreover, the request was reviewed by the Los Angeles Police Department (LAPD) and a letter dated March 6, 2017 from the Hollywood Area Vice Unit indicated that LAPD was not opposed to the request. The letter provided recommended conditions of approval to assist the LAPD in maintaining the quality of life of the surrounding residential and business communities, many of which have been incorporated as conditions of the grant and have been recommended to ABC for consideration. These conditions address noise, safety, security and loitering to ensure the use remains compatible with surrounding uses. Due to the relatively small scope and size of the existing restaurant together with the mode and character which will continue to primarily function as a restaurant, the granting of the request is not expected to contribute the area's crime rate.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The following sensitive use are located within 1,000 feet of the project site:

- Young Hollywood School (1547 McCadden Place)
- Music Instruction (1621-1655 McCadden Place & 6752 Hollywood Boulevard)
- Selma Avenue Elementary School (6611 Selma Avenue)
- First Baptist Church (6682 Selma Avenue)
- Yucca Park, Playground, and Community Center (6671 Yucca Street)
- Scientology Center (6724 Hollywood Boulevard)
- IDA Dance School (6755 Hollywood Boulevard, #200)
- Mentor Language School (6755 Hollywood Boulevard, #300)
- Stella Alder Drama School (6733 Hollywood Boulevard, 2<sup>nd</sup> Floor)
- Ei School of Professional Makeup (1622 North Highland Avenue)
- Church of the Blessed Sacrament (6657 West Sunset Boulevard)
- Church of the Blessed Sacrament School (6641 West Sunset Boulevard)
- Hollywood High School (1521 North Highland Avenue)
- Theatre Arts College (1536 North Highland Avenue)
- Hollywood Community Center (1718 North Cherokee Avenue)
- Kings College (1555 Cassil Place)

Consideration has been given to the distance of the restaurant use from residential buildings and the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by the imposition of conditions and prohibiting off-

site sales. The sale and dispensing of alcoholic beverages will be incidental to food service and public dancing will be associated with special events and the establishment will operate as restaurant with no off-site alcohol sales or nightclub uses.

#### **ADDITIONAL MANDATORY FINDINGS**

7. 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 the property is located in Zone C, areas of minimal flooding.
8. The project was assessed in ENV-2008-3711-MND-REC1, adopted on February 11, 2009 and subsequently reconsidered by request of the applicant on February 3, 2017. Pursuant to CEQA Guidelines Section 15162, based on the whole of the administrative record, no subsequent Mitigated Negative Declaration is required for the approval of the project.

Inquiries regarding this matter shall be directed to Nicholas Ayars, Planning Staff for the Development Services Center at (213) 202-5438.



ALETA D. JAMES  
Associate Zoning Administrator

ADJ:IFA:NA

cc: Councilmember Mitch O'Farrell  
Thirteenth District  
Adjoining Property Owners