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July 13, 2021

Briana Valdez (A)
HomeState Hollywood, LLC
5611 North Figueroa Street, #211
Los Angeles, CA 90042

Hollywood 4624-4634 LLC (O)
12 South Fair Oaks Avenue, #1B
Pasadena, CA 91105

Nina Raey (R)
RSI Group, Inc.
3187-A Airway Avenue
Costa Mesa, CA 92626

CASE NO. ZA-2021-2885-CUB
CONDITIONAL USE
4624 West Hollywood Boulevard (4624-
4628 West Hollywood Boulevard)
Hollywood Planning Area
Zone : C2-1
D. M. : 147B197
C. D. : 13
CEQA : ENV-2021-2887-CE
Legal Description: Lot 11, Tract 2646

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

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

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 and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
 4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
 5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
 6. 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 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.
 7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with an existing 2,273 square-foot restaurant. The grant shall be subject to the following limitations:
 - a. Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m., daily.
 - b. Indoor seating shall be limited to a maximum of 21 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 8. 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.

9. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
10. The restaurant shall be maintained as a bona fide eating place with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
11. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
12. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media 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 bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
13. Any music, sound or noise 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.
14. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
15. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
16. There shall be no speakers or amplification outside of the restaurant premises.

17. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
18. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
19. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
20. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
21. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
22. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
23. **Complaint Log.** Prior to the beginning of operations, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

24. An electronic age verification device shall be purchased and retained on the

premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.

25. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
26. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
27. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
28. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
29. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
30. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

31. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

32. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC 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.
- a. Within 24 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.
 - b. 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.
33. 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 floor plan, seating arrangement or number of seats of the new operation.
34. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

35. 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 upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$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 **JULY 28, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa
Street,
4th Floor
Los Angeles, CA
90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service
Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles
Development Services
Center
1828 Sawtelle Boulevard,
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 subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application and the plans submitted therewith, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, and statements made at the public hearing on July 7, 2021, I find that the requirements for authorizing a conditional use 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, interior lot approximately 6,750 square feet in size. The project site fronts Hollywood Boulevard to the northeast with a street frontage of 50 feet, is bound by a public alleyway to the southwest, and has a lot depth of approximately 135 feet. The property is developed with a two-story, 8,152 square-foot building that was built in 1922. The building currently consists of a boutique hotel (Hotel Covell) occupying the second story of the building, a bar (Bar Covell) located at the ground floor of the northwesterly half of the building, and the subject restaurant (HomeState) occupying the southeasterly ground floor portion of the building. The subject property has surface parking containing three shared parking stalls located at the rear end of the property abutting the public alley.

The subject property is zoned C2-1 and is located within the Hollywood Community Plan Area. The Community Plan Area Map designates the subject property for Highway Oriented Commercial land uses corresponding to the C1, C2, P, RAS3, and RAS4 zones. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. Additionally, the subject site is located within Subarea C (Community Center) of the Vermont/Western Station Neighborhood Area Plan (SNAP). The subject property is not located within the boundaries of or subject to any other specific plan, community design overlay, or interim control ordinance. The subject property is located within a Transit Priority Area in the City of Los Angeles (ZI-2452), Los Angeles State Enterprise Zone (ZI-2374), an Urban Agriculture Incentive Zone, and is located within approximately 0.14 kilometers of the nearest fault zone (Upper Elysian Park).

The subject establishment, HomeState, is an existing 2,273 square-foot restaurant occupying a tenant space on the ground floor of the two-story building. The applicant is requesting a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with the existing restaurant containing 21 interior seats. The restaurant's hours of operation are from 8:00 a.m. to

11:00 p.m., daily. The project will not change the height, size, or location of the existing commercial building in which the restaurant currently occupies.

Surrounding properties are characterized by level topography and improved streets with a variety of neighborhood-serving commercial, retail, and office uses along Hollywood Boulevard and residential uses to the south. Properties to the north, across Hollywood Boulevard, are zoned C2-1D and developed with one- to two-story commercial, retail, medical office, and parking uses. Properties to the west and east are zoned C2-1 and developed with one- to two- story office, retail, and parking uses. Properties to the south, across an alley, are zoned R4-1 and developed with two-story, multi-family residential developments.

STREETS

Hollywood Boulevard, adjoining the subject property to the northeast, is a designated Avenue I, dedicated to a right-of-way width of 100 feet and improved with asphalt roadway, concrete curb, and sidewalk.

An Alley adjoins the subject property to the southwest and is dedicated to a varying width of 15 to 17 ½ feet and improved with paved asphalt.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property:

Case No. ZA-2016-2128-CUB-SPP – On December 15, 2016, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of beer and wine only for on-site consumption in conjunction with a wine bar and lounge in the C2-1 Zone, located at 4626 and 4628 West Hollywood Boulevard.

Case No. ZA-2011-1233-CUB – On August 1, 2011, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with the expansion of the existing “Covell” wine bar and lounge by 800 feet, for a total of 1,900 square feet in the C2-1 Zone located 4626 and 4628 West Hollywood Boulevard.

Case No. ZA-2009-4021-CUB – On March 11, 2010, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a wine bar in the C2-1 Zone, located at 4628 West Hollywood Boulevard.

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

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. The following relevant cases were filed within the past 20 years and identified as being within 600 feet of the project site:

Case No. ZA-2010-1576-CUB-PA1 – On March 31, 2016, the Zoning Administrator approved plans to allow the continued sale of beer and wine in conjunction with an existing restaurant in the C2-1 Zone, located at 4648 West Hollywood Boulevard.

Case No. ZA-2002-1955-CUB-PA1 – On January 11, 2013, the Zoning Administrator approved plans 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 to permit an increase in floor area and seating capacity for said restaurant in the C2-1D Zone, located at 4651-4655 Hollywood Boulevard.

Case No. ZA-2010-1576-CUB – On November 30, 2010, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant in the C2-1 Zone, located at 4648 West Hollywood Boulevard.

Case No. ZA-2007-5019-CUB – On March 3, 2008, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant (Yai's Restaurant) in the [Q]C2-1, C2-1D, and P1 zones, located at 1627 North Vermont Avenue.

Case No. ZA-2002-1955-CUB – On September 11, 2002, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the C2-1D Zone, located at 4651-4655 Hollywood Boulevard.

Case No. ZA-1998-690-CUB – On November 19, 1998, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 15,180 square-foot drug store/pharmacy (Rite Aid) with a 24-hour drive-through pharmacy window in the C2-1D and P1-1 zones, located at 1637 North Vermont Avenue.

Public Correspondence

Prior to the public hearing, two correspondences were received in support of the proposed project.

Public Hearing

The hearing was held on July 6, 2021 at approximately 9:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over

COVID-19, the Office of Zoning Administration Public Hearing was conducted entirely telephonically.

Nina Raey, the project representative stated the following:

- HomeState is an existing restaurant.
- Operation for a few years.
- Requesting full line of alcohol, Type 47.
- Keep hours of operation of 8:00 a.m. to 11:00 p.m., daily.
- Had meeting with the Neighborhood Council PLUM last week.
- Only two members at the PLUM meeting; no concerns; had to run it by committee.

No other members of the public attended or spoke at the hearing.

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.

- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- No cocktail lounge shall be maintained on the premises separate from the dining area.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Fortified wine (greater than 16% alcohol) shall not be sold.

- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- Alcohol may only be served to patrons who are seated at a table or seated at the bar and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.

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 of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption 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.

CONDITIONAL USE 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 subject establishment, HomeState, is an existing 2,273 square-foot restaurant occupying a tenant space on the ground floor of a two-story commercial building. The operator offers a Tex-Mex style cuisine and has several locations throughout the City of Los Angeles. The subject restaurant contains 21 interior seats with hours of operation from 8:00 a.m. to 11:00 p.m., daily. The restaurant does not contain any outdoor dining area, nor does the restaurant feature any live entertainment.

The applicant is requesting a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with the existing restaurant and will maintain current hours of operation from 8:00 a.m. to 11:00 p.m., daily.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The availability of alcoholic beverages ancillary to food service, is consistent with the pattern of many neighborhood restaurants in Los Angeles. The grant to allow the ancillary sale of a full line of alcoholic beverages will help augment the desirability of an existing restaurant, thereby supporting the vibrancy and longevity of the commercial corridor along Hollywood Boulevard and the surrounding neighborhood. The restaurant will continue to provide neighboring residents and the local workforce with a convenient dining option that will bolster pedestrian activity in the neighborhood. In addition, the grant to allow the ancillary alcohol service has been well conditioned to ensure that that use will not adversely impact neighboring residents. As such, the project will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city and region.

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.**

The subject property is a level, rectangular-shaped, interior lot approximately 6,750 square feet in size. The project site is bound by Hollywood Boulevard to the northeast with a street frontage of 50 feet, is bound by a public alleyway to the southwest, and has a lot depth of approximately 135 feet. The property is developed with a two-story, 8,152 square-foot building that was built in 1922. The building currently consists of a boutique hotel (Hotel Covell) occupying the second story of the building, a bar (Bar Covell) located at the ground floor of the northwesterly half of the building, and the subject restaurant (HomeState) occupying the southeasterly ground floor portion of the building. The subject property has surface parking containing three shared parking stalls located at the rear end of the property abutting the public alley.

Surrounding properties are characterized by level topography and improved streets with a variety of neighborhood-serving commercial, retail, and office uses along Hollywood Boulevard and residential uses to the south. Properties to the north, across Hollywood Boulevard, are zoned C2-1D and developed with one- to two-story commercial, retail, medical office, and parking uses. Properties to the west and east are zoned C2-1 and developed with one- to two- story office, retail, and parking uses. Properties to the south, across an ailey, are zoned R4-1 and developed with two-story, multi-family residential developments.

The subject establishment, HomeState, is an existing 2,273 square-foot restaurant occupying a tenant space on the ground floor of the two-story building. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with the existing restaurant, containing 21 interior seats. The restaurant's hours of operation are from 8:00 a.m. to 11:00 p.m., daily. The project will not change the height, size, or location of the existing commercial building in which the restaurant currently occupies.

The subject establishment will be maintained as a bona fide eating place with an operational kitchen and full food menu and provide food service at all times during operating hours. The sale of alcohol will be ancillary to the restaurant's food service, an amenity common in neighborhood restaurants throughout Los Angeles. The restaurant does not contain an outdoor dining and will not feature live entertainment, reducing the likelihood of the restaurant having a harmful impact on the neighboring properties, particularly the residences to the southeast.

Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address the mode and character remaining a restaurant, responsible management, addressing of nuisance, and surveillance and training. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to. Therefore, 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 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.

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs 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 implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Policy 7.3.2 of the Framework Element encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the City's General Plan divides the City into 35

Community Plans. The subject property is zoned C2-1 and is located within the Hollywood Community Plan Area. The Hollywood Community Plan Area Map designates the subject property for Highway Oriented Commercial land uses, corresponding to the C1, C2, P, RAS3, and RAS4 zones. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. Additionally, the subject site is located within the Vermont / Western Station Neighborhood Area Plan (SNAP) Specific Plan area. The subject property is not located within the boundaries of or subject to any other specific plan, community design overlay, or interim control ordinance.

Both the Hollywood Community Plan text and the Vermont / Western Station Neighborhood Area Plan (SNAP) Specific Plan text are silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following objectives of the Hollywood Community Plan:

- Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

- Objective 4: To promote economic well-being and public convenience through:
 - a. Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The project fulfills the intent of the Hollywood Community Plan provisions regarding land use compatibility, by preserving and strengthening an existing viable commercial development within a commercial corridor, while maintaining desirable characteristics of surrounding residential neighborhoods. The grant will increase longevity of the restaurant, which in turn will continue to support the vibrancy of the commercial corridor along Hollywood Boulevard and the surrounding neighborhood. The restaurant will continue to provide neighboring residents and the local workforce with a convenient dining option that will bolster pedestrian activity in the neighborhood, thus increasing public safety. The ancillary sale of alcoholic beverages will augment the desirability of the restaurant which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

Moreover, the project does not propose any physical expansion to the existing commercial building in which the restaurant occupies. The project's design, both in terms of physical layout and operations, is intended for the sale and dispensing of alcoholic beverages for on- and off-site consumption to cater to the neighborhood-serving characteristics of this commercial corridor. As such, the project substantially conforms with the purpose, intent and provisions of the General Plan, and the applicable community plan.

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

The existing restaurant is a use allowed by-right in the C2 Zone. The grant to allow the sale and dispensing of alcoholic beverages for on- and off-site consumption will be ancillary to the restaurant's food service. Additionally, the project will not physically alter the subject building's location, size, or height. The restaurant does not contain an outdoor dining area and will not feature any form of live entertainment. Operational conditions imposed on the project will help to ensure that the ancillary alcohol service in conjunction with the restaurant use will not adversely affect the neighborhood, including surrounding residences and businesses.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to.

Furthermore, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been included to ensure the operation provides adequate security measures, includes a surveillance system, and adequate lighting, adherence to the City's Noise Ordinance, and responsible management practices. Both the Conditions of Approval and the requirements of the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, as conditioned

herein, the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with the existing restaurant 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are two on-site and one off-site license allocated to the subject Census Tract Number 1913.02, based on a population of 2,422. There are currently 17 active licenses within this census tract: 14 active on-site licenses; and three active off-site licenses. Within 1,000 feet of the subject site, there are currently 12 establishments that have an ABC license:

Alcohol Establishment	License Type	Address
4600 Sunset Blvd. Inc.	On-site – Full Line	4600 Hollywood Blvd.
Umami Burger Hollywood Restaurant LLC	On-site – Beer & Wine	4651-4655 Hollywood Blvd.
Level Oil Corporation	Off-site – Beer & Wine	1630 N. Vermont Ave.
Covell Silverlake LLC	On-site – Beer & Wine	4628 Hollywood Blvd.
Berberian Enterprises Inc.	Off-site – Full Line	1601 N. Vermont Ave.
Two Girls and Two Boys LP	On-site – Beer & Wine	4648 Hollywood Blvd.
Kwan Industries Inc.	On-site – Full Line	1514 Hillhurst Ave.
Vons Companies Inc.	Off-site – Full Line	4520 W. Sunset Blvd.
Diamond and Elias Restaurants Inc.	On-site and Off-site – Full Line	1712-1716 N. Vermont Ave.
Loupiotte Kitchen LLC	On-site – Beer & Wine	1726 N. Vermont Ave.
Yai On Vermont LLC	On-site – Beer & Wine	1627 N. Vermont Ave.
Thrifty Payless, Inc.	Off-site – Full Line	1637 N. Vermont Ave.

According to statistics provided by the Los Angeles Police Department’s Northeast Division Vice Unit, within Crime Reporting District No. 1162, which has jurisdiction over the subject property, a total of 310 crimes were reported in 2020 (232 Part I and 78 Part II crimes), compared to the Citywide Average of 141 crimes and the High Crime Reporting District Average of 169 crimes. Part II Crimes reported

include (10) Narcotics, (0) Liquor Laws, (3) Public Drunkenness, (0) Disturbing the Peace, (1) Disorderly Conduct, (0) Gambling, (3) DUI related, and (25) other offenses. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average, however, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The number of active on-site ABC licenses within the census tract where the subject site is located, exceeds ABC guidelines. However, the project will not adversely affect the community welfare because the restaurant is a desirable use in an area designated for commercial uses. The subject site is designated for Highway Oriented Commercial uses and has frontage along Hollywood Boulevard, a major commercial thoroughfare. The neighborhood is characterized by low-rise commercial buildings, many of which include restaurants. The site is supported by a significant employee population, and visitors in addition to the resident population base in the area, accounting for a demand for ABC licenses beyond the allocated number. The project will support an existing restaurant, which in turn will continue to support the vibrancy and longevity of the commercial corridor along Hollywood Boulevard as well as the surrounding neighborhood. The restaurant will continue to provide neighboring residents and the local workforce with a convenient dining option that will bolster pedestrian activity in the neighborhood, thus increasing public safety. The ancillary sale of alcoholic beverages will augment the desirability of the restaurant which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

Furthermore, the sale of alcoholic beverages will be closely regulated to prevent sales to minors. The conditions of the grant address noise, security, loitering and maintenance to deter any nuisance activity on or adjacent to the site. The conditions of the grant require STAR/LEAD/RBS training for employees, adequate site maintenance, installation of surveillance cameras, and the maintenance of age verification devices. These conditions will deter or prevent nuisance or criminal activity such as loitering or public drinking and will improve public safety. Therefore, as conditioned, the use is not expected to contribute to the area's crime

rate and will not result in an undue concentration of establishments providing alcoholic beverages.

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 project site is zoned for commercial uses and will continue to be utilized as such with the existing restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

Residential	
Multi-Family and Single-Family Residences	
Schools/Day Care	
Los Feliz Elementary School	1740 N. New Hampshire Ave.
Jems Preschool	4640 Hollywood Blvd.
Pinwheels Preschool	4607 Prospect Ave.
Komitass Day Care Center	1616 Hillhurst Ave.
Religious Institutions	
Founders Metropolitan Community Church	4607 Prospect Ave.
World Mission Society Church of God	1530 N. Vermont Ave.
Chabad of Greater Los Feliz	4640 Hollywood Blvd.
Hospitals	
Children's Hospital Los Angeles	4650 Sunset Blvd.
Hollywood Presbyterian Medical Center	1300 N. Vermont Ave.
Kaiser Permanente Los Angeles Medical Center	4733 Sunset Blvd.
Parks	
Barnsdall Art Park	4800 Hollywood Blvd.

Consideration has been given to the distance of the subject establishment from 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 imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will continue to contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

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FLOOD ZONE FINDING

- 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 this project is located in Zone C, areas of minimal flooding.

Inquiries regarding the matter shall be directed to Trevor Martin, Planning Staff for the Department of City Planning at (213) 978-1341 or trevor.martin@lacity.org.

CHRISTINA TOY LEE
Associate Zoning Administrator

CTL:EA:TM:bk

cc: Councilmember Mitch O'Farrell
Thirteenth Council District
Adjacent Property Owners