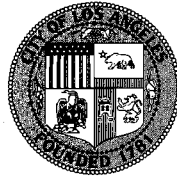


LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318
FAX: (213) 978-1334

www.planning.lacity.org

September 4, 2014

Betty Fraser and Denise De Carlo (A)(O)
Dish Functional, Inc.,
dba Grub Restaurant
911 North Seward Street
Los Angeles, CA 90038

Lee Rabun (R)
CLR Enterprises, Inc.
420 South San Pedro Street, #225
Los Angeles, CA 90013

CASE NO. ZA 2014-0741(ZV)
ZONE VARIANCE
911 Seward Street
Hollywood Planning Area
Zone : R2-1XL
D. M. : 144B185
C. D. : 4
CEQA: ENV 2014-742-CE
Legal Description : Lot 42, Tract 4355

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a variance from Section 12.21-A, 10 of the Municipal Code to permit the continued sale and dispensing of beer and wine for on-site consumption, as otherwise not permitted in the R2-1XL Zone, in conjunction with the continued operation of an existing restaurant, and

a variance from Section 12.26-E, 5 to permit three required parking spaces for the restaurant use to be provided by lease agreement in lieu of a recorded covenant within 750 feet of the 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 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Maximum square footage for the restaurant shall not exceed 1,500 square feet. Indoor seating shall not exceed 51 seats and outdoor seating shall not exceed 31 seats. No seating is permitted on any public right-of-way.
8. Hours of operation for the restaurant shall not exceed 9 a.m. to 9 p.m. Sunday through Wednesday and 9 a.m. to 10 p.m., Thursday through Saturday. No after-hours use of the restaurant is permitted.
9. The restaurant shall be maintained as a bona fide full service restaurant with a kitchen as defined in the Los Angeles Municipal Code. The restaurant shall provide a menu containing an assortment of foods which shall be made available at all times that the restaurant is open.
10. A minimum of three required parking spaces shall be provided off-site at 843 Seward Avenue subject to a valid lease agreement for the exclusive use of the restaurant during all hours of operation. If additional parking spaces are determined to be required in accordance with the Municipal Code, said spaces shall be provided in the same manner as described herein. A copy of such lease, including any amendments, shall be submitted to the Zoning Administrator for inclusion in the file. If a new location for parking is necessary, a new lease agreement shall be submitted to the Zoning Administrator as required herein within 30 days of any change. Each of the required parking spaces shall have a sign stating that the space is for the exclusive use of the restaurant.
11. An additional minimum of five non-required parking spaces shall be provided at the same location noted above for the use of restaurant patrons. Each of the spaces shall have a sign stating the space is available for use by restaurant patrons. The parking spaces made available shall not constitute required parking for any other use.

12. The restaurant shall not be leased out to private parties, where the general public is excluded or to an outside promoter. No cover charge or admission charge is permitted.
13. No dancing, juke box, piano bar or live entertainment is permitted on the premises and no music is permitted in the patio area. No conditional use for dancing has been requested or approved herein.
14. No pool tables or coin operated electronic, video or mechanical amusement devices shall be maintained on the premises.
15. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, Police Department or Department of Building and Safety.
16. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter. The adjacent public sidewalk shall be swept on a daily basis after the close of business by the establishment's personnel.
17. Any exterior lighting shall be installed such that the light is directed onto the subject site. Lighting shall be adequate to identify anyone in the front of the building at night and shall be shielded from any residential uses.
18. No banners or other signs are permitted, except for an existing identification wall sign along Barton Avenue and an existing projecting sign along Seward Avenue as further depicted on photos attached to the file. No variance has been requested or granted for any deviations from the sign provisions applicable to the R2 Zone.
19. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.
20. Within six months of the effective date of this action, all employees and managers involved with the sale of alcoholic beverages shall 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 from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.
21. An electronic age verification device shall be retained on the premises available for use during operation hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. These conditions of approval as well as a copy of any Business permit, insurance information and any emergency contact phone numbers shall be retained on the

property at all times and shall be produced immediately upon the request of the Zoning Administrator, the Police Department, the Department of Building and Safety or other enforcement agency.

23. There shall be no use of the subject premises which involve Section 12.70 of the Los Angeles Municipal Code uses (Adult Entertainment).
24. A camera surveillance system shall be installed which will cover all common areas as well as high-risk areas and entrances and exits. Video tapes shall be maintained for 30 days and shall be made available to the Police Department or other enforcement agency upon request.
25. The rear/side door(s) of the premises shall be equipped on the inside with an automatic locking device and shall be kept closed at all times. This door shall not be used as a means of access by patrons to and from the premises. Temporary use of this door(s) for delivery of supplies does not constitute a violation. Said door(s) are not to consist solely of a screen or ventilated security door.
26. The fence within the front yard setback of the property shall not exceed a height of 4 feet 3 inches and shall be landscaped with ivy or other planting material that provides maximum coverage of the fence.
27. Mitigation measures previously identified in the environmental document ENV-2007-5057-MND shall continue to be incorporated as conditions of this grant as summarized below:
 - a. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
 - b. Explosion/Release (Asbestos Containing Materials)
 - 1) Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District(s) Rule 1403 as well as all other state and federal rules and regulations.
 - 2) Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

c. Food Service Industry (Restaurants, Bakeries, Food Processors)

Environmental impacts may result from the release of toxins into the stormwater drainage channels during the routine operation of restaurants, bakeries, and food producers. However, the potential impacts will be mitigated to a level of insignificance by incorporating stormwater pollution control measures. Ordinance Nos. 172,176 and 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/reqcb4/>).

- 1) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 2) Cleaning of oily vents and equipment to be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer(s) specifications.
- 3) Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
- 4) Reduce and recycle wastes, including oil and grease.
- 5) Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, or dikes. Use drip pans or absorbent materials whenever grease containers are emptied.
- 6) All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- 7) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- 8) Legibility of stencils and signs must be maintained.

- 9) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.
- 10) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- 11) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 12) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.
- 13) Prescriptive methods detailing BMPs specific to this project category area available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the city's website at: www.lastormwater.org. (See Exhibit A).

d. Public Services (Fire)

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

e. Utilities (Water Treatment or Distribution)

- 1) If the project results in a remodeling or expansion of restrooms, the applicant shall, to the satisfaction of the Department of Building and Safety:
 - a) Install and/or retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

- b) Install and/or retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute and of a self-closing design.
- 2) If the project results in a remodeling or expansion of the kitchen areas, the applicant shall install and utilize only high-efficiency Energy Star-rated dishwashers in the restaurant, if proposed to be provided.
- 3) Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g., vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

f. Utilities (Solid Waste)

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.

28. The authorization granted herein for the sale of alcohol, specifically beer and wine, and for the off-site parking secured by lease is for a period of **ten (10)** years from the effective date of this grant. Thereafter, this authorization shall become null and void and a new variance to allow the sale of alcohol and off-site parking will be required. The variance previously granted for a restaurant use shall continue to not be subject to this term limit.
29. Within 30 days of the effective date of this action, 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

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 variance 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 not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after SEPTEMBER 19, 2014, 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:

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

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 Zoning Administrator who acted on the 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, the plans submitted therewith, the statements made at the public hearing on , all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, 5,175 square-foot corner lot with a 60-foot frontage on the southerly side of Barton Avenue and an 85-foot frontage on the westerly side of Seward Street. The property is located within the Hollywood Community Plan, Los Angeles State Enterprise Zone, and Central City Revitalization Zone.

The subject property is zoned R2-1XL and developed with a one-story, 1,500 square-foot restaurant (originally constructed in 1923 as a one-family dwelling) and a two-story, 2,316 square-foot duplex constructed in 1924. As the property is located in the State Enterprise Zone, three parking spaces are required (one space required per 500 square feet).

Adjacent parcels to the north, across Barton Avenue, are zoned (T)(Q)M1-1-SN and undergoing construction of a proposed 241,568 square-foot entertainment industry campus, including 237,568 square feet of office space, up to 4,000 square feet of employee commissary space, and 735 parking spaces in an eight-level above ground parking structure.

The adjoining property to the south is zoned R2-1XL and developed with a two-story single-family dwelling.

Adjacent parcels to the east, across Seward Street, are zoned R3-1 and developed with a two-story office building (sound studio).

The adjoining property to the west is zoned R2-1XL and developed with a one-story single-family dwelling with detached garage.

Seward Street, adjoining the property to the east is a Local Street dedicated a width of 50-feet and improved with curb, gutter and sidewalk.

Barton Avenue, adjoining the property to the north is a Local Street dedicated a width of 40-feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. ZA 2007-5056(ZV)(ZAD) - On September 22, 2008, the Zoning Administrator approved a variance from Sections 12.09-A and 12.21-A,10 of the Municipal Code to permit the legalization and conversion of a single-family dwelling to a restaurant use and a variance to permit the sale and dispensing of beer and wine for on-site consumption, as otherwise not permitted in the R2-1XL Zone in conjunction with the proposed converted restaurant, and a variance from Section 12.26-E,5 of the Municipal Code to permit three required parking spaces for the restaurant use to be provided by lease agreement in lieu of a recorded covenant within 750 feet of the restaurant; and a Zoning Administrator's determination to permit the continuation, use and maintenance of an over-in-height fence, within the front yard setback of a restaurant located within the R2 Zone, to exceed the maximum height of 3 feet 6 inches otherwise permitted by the Municipal Code.

Building Permit No. 1995WV25146 - On April 10, 1995, the Department of Building and Safety issued a building permit for two dwelling units and an office in a separate building.

Certificate of Occupancy No. 1977LA45798 - On June 29, 1979, the Department of Building and Safety issued a building permit for a one-story, 21-foot by 25-foot carport and storage addition to an existing one-story, 33-foot by 40-foot dwelling unit.

Building Permit No. 1924LA09798 - On February 25, 1924, the Department of Building and Safety issued a building permit for a two-story, two-family dwelling.

Surrounding Properties (within 1,000 feet)

Case No. CPC 2008-756(VZC)(VCU)(CU)(CUB)(ZV)(ZAA)(SPR) - On February 12, 2009, the City Planning Commission:

- * disapproved the requested Zone Change from MR1-1 to M1-1-SN as filed;
- * approved and recommended that the City Council adopt a Vesting Zone Change from MR-1 to (T)(Q)M1-1-SN subject to Conditions of Approval;
- * approved and recommended that the City Council adopt the requested Amendments to the Hollywood Signage Supplement Use District to include the subject property and the incorporation of new language into the Hollywood Signage Supplemental Use District to regulate signage on the site;

- * approved the requested Vesting Conditional Use to permit floor area averaging for a unified development comprised of three contiguous parcels;
- * approved the requested Conditional Use to permit a Commercial Corner Development with three office buildings (maximum of 76 feet high) and a 73 foot high parking structure (with roof-mounted satellite and/or microwave communication transceiver antennas/dishes up to an additional 16 feet high) in lieu of the maximum permitted height for buildings and structures of 45 feet;
- * approved the requested Conditional Use to permit the on-site sale and consumption of a full line of alcoholic beverages in conjunction with an approximately 4,000 square foot employee commissary/restaurant with proposed hours of alcohol sales Monday through Friday, 11 a.m. through 11 p.m.;
- * approved the requested Zone Variance to permit the "early start" construction of the proposed project in the existing MRI-1 zone prior to the recordation of a Final Parcel Map;
- * approved the requested Adjustment to permit a Floor Area Ratio (FAR) of 1.54:1 in lieu of the maximum 1.50:1 FAR otherwise permitted for projects located on industrial zoned lots classified in Height District 1;
- * approved the requested Site Plan Review findings;
- * approved and recommended that the City Council Adopt Environmental Impact Report (EIR) ENV-2008-717-EIR, SCH No. 2007031 050, and Adopt the Statement of Overriding Considerations;
- * adopted the Findings and Environmental Findings;
- * recommended that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative classification or "Q" Qualified Classification are specified in Section 12.32.G of the L.A.M.C.; and
- * advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that the mitigation conditions, identified as "(MM)" on the condition pages, are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring,

in conjunction with a proposed 241,568 square-foot entertainment campus, located at 959 North Seward Street (across from the subject property).

LETTERS AND OTHER COMMUNICATIONS TO THE FILE

Los Angeles Police Department, Peter A. Zarcone, Captain, Commanding Officer, Hollywood Area - May 2, 2014

The Los Angeles Police Department (LAPD), Hollywood Area, received written correspondence from the Department of City Planning that applicant, Grub Restaurant, doing business at 911 North Seward Street, Los Angeles, is applying for continued use of an existing Conditional Use Permit.

The LAPD has reviewed the Master Land Use Permit Application and conducted an on-site inspection. There were no concerns and no opposition to the continued use of the permit with the existing conditions set forth in ZA 2007-5056.

Thank you for your cooperation in this matter. If you have any questions or concerns., please contact Officer Randall Kutscher 36827@lapd.lacity.org, or Officer Jeffrey Poole 36827@lapd.lacity.org, ABC Section, Hollywood Vice at: (213) 972-2996.

HNC, Hollywood Network Coalition, Scott Campbell, President - Support - July 13, 2014

Hollywood Network Coalition (HNC) is pleased to advise you of our recommendation for the above - referenced case.

On June 9, 2014, HNC's Urban Policy Committee reviewed the applicant's request: Zone Variance to allow the continued sale and dispensing of beer and wine only for on-site consumption; in conjunction with an existing 1500 square foot restaurant and 686 square foot patio (facing Barton Avenue) having hours of operation and alcohol sales from 9:00 am to 9:00 pm Sunday through Wednesday and 9:00 am to 10:00 pm Thursday through Saturday; with seating 51 interior and 31 outdoor dining patrons; in the R2-1XL zone. Additionally, the applicant is requesting an additional six patio seats from its 2007 approval, bringing the total number of seats to 81.

The applicant continues to operate without a happy hour or live entertain men no dancing and none is requested. Since receiving their ABC license in 2008 there have been no disciplinary actions and no incidents reported to LAPD or Central Hollywood Neighborhood Council. Due to the construction of the J.H. Snyder project, the applicant has recently provided valet parking during peak hours.

On a motion by David Gajda, seconded by Jose Malagon, the UPC voted unanimously to recommend approval of the zone variance and additional patio seating to the HNC Board of Directors. On June 16, 2014 the HNC Board of Directors concurred with the UPC recommendation and voted unanimously to approve.

GRUB has been a community treasure since opening more than 13 years ago. Located in the post-production area of Hollywood, GRUB serves California comfort food to fans across Los Angeles. In addition to running the restaurant and catering business, owners Betty Fraser and Denise DeCarlo are active participants in the community life of Hollywood.

HNC wholeheartedly recommends that you approve their request.

David Ambroz - Support - August 1, 2014

I'm writing as a neighbor of grub to express my support for their upcoming hearing regarding project location 911 North Seward St. in Hollywood, CA 90038.

Grub is a good neighbor, and the owners have been available when issues have arisen. We've had bumps along the way, but the owners continue to demonstrate through their actions a commitment to the neighborhood.

Central Hollywood Neighborhood Council, Punam Gahel, CHNC Board Director - Support - August 2, 2014

Planning Land Use Management (PLUM) Committee supports the request a Zone Variance to allow the continued sale and dispensing beer and wine for APPLICANT: Dish Functional Inc. also known as THE GRUB doing business at 911 Seward Street Los Angeles.

Mr. Lee Rabun addressed satisfactory concerns of PLUM Committee and CHNC Directors as well as the Stakeholders regarding expense of a commercial enterprise in the residential Zone.

Central Hollywood Neighborhood Council (CHNC) is Certified NC followed PLUM Committee recommendation to support the following:

Pursuant to the provisions of Section 12.27 of the Los Angeles Municipal Code, a variance to allow the continued sale of beer and wine for on-site consumption in conjunction with the continued operation of an existing 1,500 square-foot restaurant, which is otherwise not allowed in the R2-1XL Zone, featuring 51 indoor and 31 outdoor seats, and hours of operation from 9 a.m. to 9 p.m. Sunday through Wednesday, and 9 a.m. to 10 p.m. Thursday through Saturday; and a variance from Section 12.26-E,5 to provide three required parking spaces off-site by lease in lieu of a required covenant.

Hollywood Media District BID, Mike Malick, President, Board of Directors - Support - August 4, 2014

I am writing on behalf of the Hollywood Media District BID in support of Dish Functional, DBA GRUB in support of Case No. ZA 2014-741(ZV).

On July 24, 2014, the Media District's Board of Directors met and reviewed the applicant's request: Zone Variance to allow the continued sale and dispensing of beer and wine only for on-site consumption; in conjunction with an existing 1500 square foot restaurant and 686 square foot patio (facing Barton Avenue) having hours of operation and alcohol sales from 9:00 am to 9:00 pm Sunday through Wednesday and 9:00 am to 10:00 pm Thursday through Saturday; with seating 51 interior and 31 outdoor dining patrons; in the R2-1XL zone. Additionally, the applicant is requesting an additional six patio seats from its 2007 approval, bringing the total number o seats to 81. f

A motion was made to support and the vote was unanimous to recommend approval of the zone variance and additional patio seating.

GRUB has been a community treasure since opening more than 14 years ago. In addition to running the restaurant and catering business, owners Betty Fraser and Denise DeCarlo are active participants in the community and the Media District BID.

We whole-heartedly recommend that you approve their request.

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The hearing was held by an Associate Zoning Administrator from the Office of Zoning Administration under Case No. ZA 2014-0741(ZV) and CEQA No. ENV 2014-742-CE. The hearing date was Thursday, August 7, 2014, and the hearing took place in Los Angeles City Hall, 200 North Spring Street, Room 1020, Los Angeles, CA 90012, at approximately 10:30 a.m.

The subject site was identified as being located at 911 North Seward Street in Council District No. 4 and in the Hollywood Community Area. The property is zoned R2-1XL.

The applicant is Dish Functional, Inc., and they are represented by Lee Rabun.

The issues before the Zoning Administrator were:

1. Pursuant to the provisions of Section 12.27 of the Los Angeles Municipal Code, a variance to allow the continued sale of beer and wine for on-site consumption in conjunction with the continued operation of an existing 1,500 square-foot restaurant, which is otherwise not allowed in the R2-1XL Zone, featuring 51 indoor and 31 outdoor seats, and hours of operation from 9 a.m. to 9 p.m. Sunday through Wednesday, and 9 a.m. to 10 p.m. Thursday through Saturday; and a variance from Section 12.26-E,5 to provide three required parking spaces off-site by lease in lieu of a required covenant.
2. Pursuant to Section 21084 of the California Public Resources Code, the above referenced project has been determined not to have a significant effect on the environment and which shall therefore be exempt from the provisions of CEQA.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The environmental document was among the matters considered at the hearing. Prior to opening the proceedings to public testimony the Zoning Administrator burst the file and reviewed the contents therein. After this review the matter was opened to public testimony and the following points were considered:

- The subject site is an existing restaurant established by a prior case.
- Parking is secured by lease and is off site.
- The prior grant was for 5 years and 82 seats.
- The current action seeks to renew that prior action.
- Hours of operation and size of restaurant remain modest.
- The applicant is in compliance with previously imposed conditions of operation.
- Applicant seeks to have number of parking spaces secured by lease to be reduced from 18 to 8.

- The site is clean and is well maintained.
- There are other non-residential uses nearby.
- There are three letters of support in the file.
- There is no opposition.
- The project site is located in a State Enterprise Zone ... that reduces required parking to 3 spaces.

- The restaurant is operated by two ladies.
- There are nearby industrial uses.
- On street parking is substantial.
- A copy of the existing parking lease has been submitted to the file.

- The Council Office fully supports the application.
- There are few places to dine nearby for the increasing work force.
- The Council Office supports the request for no PAD review. There is no opposition to the application. The Council Office supports a 10 year grant.

- The Police Department is not opposed to the application.
- There is no opposition to the application.
- The applicant owns the land.
- The LAPD supports a 7 to 10 year grant.
- LAPD would like a PAD to be triggered if the owner/operator changes so as to be able to again assess mode and character of the operation.
- Hours of operation as requested are OK
- Business has been in operation for 13 years.

Prior to issuing this Letter of Determination, the decision maker has considered all the testimony presented at the hearing, written communication received prior to or at the hearing, or subsequent thereto, and the merits of the project as it relates to existing environmental and land use regulations prior to issuing this Letter of Determination.

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 cocktail lounge is permitted.
- 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 sale of alcoholic beverages for consumption off the premises is prohibited.
- No off-site sales of alcohol as a secondary use to the on-site sales are permitted.
- Fortified wines shall not be sold.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- 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.
- The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same time period. The licensee shall at all times maintain records which reflect separate numbers for the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon request.
- No portable bars shall be permitted. A waitress/waiter for table service shall conduct any alcoholic beverage service
- No sale of alcohol shall be permitted at any self service, automated checkout 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.
- Alcoholic beverages will not be served without a food order.

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

Applicant

The subject site is located with a zoning designation that does not reflect the use of the property. The subject property is zoned R2-1XL and has been developed with a commercial use. The subject restaurant is an existing use within the property. The hardship is created by a zone which is inconsistent with the Commercial Manufacturing land use designation for the site as cited in the Parcel Profile Report. Denial of the request would unfairly prevent the applicant from a renewal of a prior approval; that is, the restaurant use and alcohol consumption ancillary to the meal service. The zoning regulations allow certain services in respective zones in order to allow for buffering distance and compatibility between respective uses. Such regulations, however, are written on a citywide basis and do not take into account individual unique characteristics which a specific parcel may have. In this instance, the Code's desire to achieve compatibility between respective sites and protect neighboring properties and the applicant's desire to legitimize the restaurant use while providing an alternative beverage service, while maintaining a viable use, can be accommodated in a manner consistent with the purpose and intent of the zoning regulations without causing practical difficulties or unnecessary hardship on the business operator.

The strict application of the zoning regulations would impair the applicant from continuing to operate a business and make reasonable use of the property due to the physical inability to provide parking on-site. The applicant inherited the existing physical development with no provision for on-site parking and is merely seeking to provide additional parking at an off-site location by a lease agreement. Based on a floor area of 1,500 square-feet, the restaurant use would require three parking spaces since it is located in the Los Angeles State Enterprise Zone which required one parking for each 500 square-feet of floor area. The alternate document, a lease agreement for eight off-site parking spaces, and for the duration of the use, appears to be a reasonable substitute to secure such parking capacity. As the intent of the Code is to assure the availability of necessary parking spaces, the alternative document requested in the instant case will preclude an obvious practical difficulty.

Zoning Administrator

Previously under Case No. ZA 2007-5056(ZV)(ZAD), the Zoning Administrator authorized the sale of alcohol, specifically beer and wine, and the provision of off-site parking by lease for a period of five years. That authorization became null and void on October 7, 2013, and the applicant filed the instant request on March 3, 2014, for a new variance to permit the continued sale of alcohol, which is otherwise not allowed in the R2-1XL Zone, and the provision of off-site parking by lease in lieu of a recorded covenant. The variance that was previously granted for a restaurant use on the subject property is not subject to a term limit and not affected by the instant grant.

In approving this request, the Zoning Administrator has considered the applicant's compliance with conditions of approval from the prior grant. Research conducted by the Project Planner indicates that the subject restaurant has been in general compliance with the prior grant's conditions of approval, with the exception of the number of off-site parking spaces provided (eight instead of the 18 spaces required by previous Condition No. 11) and the submittal of a recorded covenant and agreement to the Zoning Administrator (previous Condition No. 38).

The Zoning Administrator has carried forth many of the prior conditions of approval to the instant grant with a few exceptions. According to the applicant, the 18 parking spaces located at 942-952 Seward Avenue as required by the prior grant are no longer available for use. The applicant has relocated off-site parking to a different location at 843 Seward Avenue (approximately 370 feet from the subject property), which has eight parking spaces. Although the new proposed off-site location would provide fewer parking spaces than the previous location provided, the provision of eight parking spaces still exceeds the three spaces required by the Municipal Code. In light of the applicant general compliance with the prior conditions of approval and the public comments received affirming the nature of the subject restaurant's operations, the Zoning Administrator is comfortable requiring eight off-site parking spaces for use by restaurant patrons.

Previously, the Zoning Administrator found:

The strict application of the zoning ordinance does not permit a commercial use in this zone. Furthermore, a zone variance instead of a conditional use is required to sell any type of alcoholic beverages in a residential zone. It appears that the building has been used commercially since 1980, albeit without any apparent approval. It has been operated since 1997 as a restaurant. The property is located amidst a mix of zones, which include an MR-zoned property (Manufacturing) across Barton Avenue and R3 residentially-zoned property across Seward Avenue, which is actually developed with a sound studio and not residential uses

Discretionary action to allow the sale of alcoholic beverages can be requested by a restaurant as an adjunct to the service of food for the convenience of the patrons of that restaurant through the conditional use process in commercial zones. If the property was zoned commercial, a conditional use could have been requested. Instead, the residential zoning of the site requires a zone variance in order to obtain the same privileges for the subject site. Absent the underlying zoning, a conditional use would have been possible instead of the instant variance request.

The proposed facility is located on a site which has no on-site parking for the converted use. As noted, the required parking for the restaurant is three spaces. The subject request does not seek a reduction of the required parking but rather the authority to permit the required parking to be allowed to be provided off-site through a lease agreement and without the need for the filing of a covenant to run with the land. Section 12.26-E,5 sets forth that required parking spaces that are provided on a different lot from the use

which they are to serve must be guaranteed through the recordation of a covenant with the County Recorder. The subject variance allows for such parking to be provided without the need to record a covenant on the other property. Additional off-site non-required parking is also to be provided. Denial of the variances would result in unnecessary hardship inconsistent with the intent of the zoning regulations. The legalization of the use to a restaurant space does not represent new construction but the retention of a former single-family dwelling to be used as a restaurant within an area where a mixture of uses exist which do not necessarily reflect the underlying zoning.

With regards to parking, the strict application of the zoning regulations would impair the applicant from continuing to operate a business and making reasonable use of the property due to the physical inability to provide parking on-site.

These findings remain valid today.

2. **There are special circumstances applicable to the subject property such as, size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

Applicant

Since the rear of the site is developed with a duplex and with another building located in the front portion of the site occupied by the restaurant, there is virtually no available land to accommodate parking on the site, making off-site parking the only available option to the applicant. The unique features of this property include its location on a corner parcel, a sharing of the parcel with a duplex, a history of longevity as a restaurant since 1995; all of which constitute special circumstances applicable to the subject property that do not apply generally to other property in the same zone and vicinity. Consideration should be given that the subject property is part of the City's as-built environment which should bestow certain vested rights or at least constitute the special circumstances to justify special considerations for critical issues such as parking.

Zoning Administrator

Previously, the Zoning Administrator found:

The unique features and circumstances of this site include its location, which is on a corner property, directly across from existing and proposed commercial uses, and not exclusively within a strictly residential area. These features include a fully improved property which has no additional land available for parking and which has had a history as a commercial use.

These findings remain valid today.

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and**

practical difficulties or unnecessary hardships, is denied the property in question.

Applicant

The property right for the restaurant use is for the ability of the applicant to make economic use of the site in a reasonable fashion and in a way which does not detrimentally impact other nearby uses. Due to special circumstances, location, longevity of the use and hardships detailed in the above responses, it is impractical to merely have a restaurant use without the inclusion of a beer and wine service that is demanded by patrons and that which is so common in the Hollywood area. Granting the variance will allow the subject restaurant to have the same privilege to serve alcoholic beverages as is enjoyed by many other local area restaurants. In this instance, the variance allows for some parity with other properties which are zoned for commercial use, which is how the subject property is functionally characterized.

The applicant seeks to provide an adequate amount of parking beyond what is required as required by the Municipal Code; and more importantly, parking which exceeds the required parking standard for the restaurant use and that which is accessible and convenient to the patrons frequenting the restaurant. This is both a property right and an obligation shared in common with other land uses in the area. In light of the scarcity of parking spaces in the area, the applicant has found that any such areas available for parking are not available if a parking covenant is a requirement. Due to the existing development in the area, other landowners are reluctant to provide parking through a covenant which impairs their ability to develop or change their property in the future. No reduction in the required number of parking spaces is requested. Citywide, properties have been granted variances to allow parking to be secured off-site by lease agreement and the applicant seeks to be on a par with such other properties.

Zoning Administrator

Previously, the Zoning Administrator found:

As relates to the sale of alcohol, granting the variance will allow the subject restaurant to have the same privilege to serve alcoholic beverages as is enjoyed by many other local area restaurants. In this instance, the variance allows for some parity with other properties which are zoned for commercial uses, which is how the subject property is functionally characterized. Due to development in the area, other landowners are reluctant to provide parking through a covenant which impairs the ability to develop property in the future. No reduction of the required parking is proposed. Citywide, properties have been granted variances to allow parking to be provided off-site by lease and to convert appropriately sited uses to others not permitted by the underlying zone. In this instance the applicant seeks to be on par with such properties.

These findings remain valid today.

4. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Applicant

The request does not involve an increase in the seating capacity or floor area or any deviations from the conditions that were imposed under the prior authorization. The hours of operation and alcohol sales are reasonable as they do not extend beyond 10 p.m. nightly. The conditions imposed by the prior grant will continue to make the use more compatible with other uses in the surrounding neighborhood and provide for monitoring of the restaurant use. Included in the prior grant were a number of conditions volunteered by the applicant, some of which are directly related to the sale of alcohol, which otherwise the City could not impose. The request does not involve patron dancing, live entertainment, a fixed bar, a cocktail lounge, video games or happy hours. The omission of these features will allow the applicant to focus the restaurant ongoing mission to provide quality food at popular prices rather than promoting, and depending upon, the sale of alcoholic beverages. By doing so, the restaurant use should not prove to be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

Required and additional parking is available for the exclusive use of the restaurant and will be provided during all hours of operation and is proximal to the subject site. Off-site parking arrangements are the only viable alternatives to ensure that the provisions for Code parking can be met. The off-site parking area chosen is devoted to the parking of vehicles only which should alleviate some of the past competition involving residential street frontage parking. The jobs created and the services offered by the restaurant use will benefit the local economy and more likely result in patrons and employees of the business patronizing some of the other uses in the immediate area. One of the characteristics of the use that is potentially detrimental is the lack of parking; therefore, the variance will eliminate or at least mitigate that particular problem.

Applicant List of Sensitive Land Uses within 1000 feet
Bancroft Middle School 929 N. Las Palmas Ave.

Applicant List of Liquor Establishments from subject premises to 600 feet
RAO's Restaurant - Type 47 1006 Seward St.

Applicant List of Liquor establishments between 600 to 1000 feet of subject premises
Col-Bee Liquor & Jr. Mart - Type 21 6205 Willoughby Ave.

Zoning Administrator

The grant authorized herein incorporates a number of conditions which have been imposed upon the use. These conditions will continue to make the use more compatible with other uses in the surrounding community and provide for monitoring of the establishment.

The hours of operation have not changed from the prior grant and are reasonable as they do not extend beyond 10 p.m. nightly. Required parking is available for the exclusive use of the restaurant and will be provided during all hours of operation. Other conditions include a requirement for alcohol retail sales training (STAR) for employees and managers.

The subject grant for alcohol sales and parking is authorized for a term of **ten (10) years** after which time the applicant will need to file a new variance. The term grant allows the City an opportunity to review the operation of the restaurant anew vis-a-vis the sale of alcohol and parking availability. If the operation has been conducted appropriately and without creating problems for the neighborhood, then a subsequent decision on a new variance may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not grant a variance and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus, as conditioned, the use is not anticipated to be materially detrimental to the development of the immediate neighborhood.

5. The granting of the variance will not adversely affect any element of the General Plan.

Applicant

The Plan seeks to encourage businesses which will enhance the local community providing needed or desired services while providing employment opportunities and an expanded tax base. The Parking Element of the General Plan required certain uses to provide parking commensurate with the activity being conducted. The off-site parking area will allow this goal to be preserved through the granting of the variance. The request appears to be in conformity with the public necessity, convenience, general welfare and good zoning practice which reflects the conformance with the various elements and objectives of the General Plan.

Zoning Administrator

The Hollywood Plan Map designates the property for Low Medium I Residential land uses with corresponding zones of R2, RD5, RD4 and RD3 and Height District No. 1XL.

Previously, the Zoning Administrator found:

While the use is not permitted by the corresponding zone, the property does retain residential uses at the rear of the property. In a sense, it functions as a mini mixed use project wherein, the services provided by the restaurant are targeted at meeting the needs of neighbors, both residential and commercial, who can easily access the site. If the use is discontinued, any future use of the property will be required to conform to both the underlying zone and the residential designation under the Plan. As such, there is no adverse affect on the Community Plan or the General Plan."

These findings remain valid today.

ADDITIONAL MANDATORY FINDINGS

6. 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.
7. On May 27, 2014, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2014-742-CE, for a Categorical Exemption, Class 1, Category 22. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Michael Sin, Planning Staff for the Office of Zoning Administration at (213) 978-1345.



ALBERT LANDINI
Associate Zoning Administrator

AJL:MS:Imc

cc: Councilmember Tom LaBonge
Fourth District
Adjoining Property Owners