

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING

MICHAEL J. LOGRANDE  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318

FAX: (213) 978-1334

www.planning.lacity.org

February 13, 2013

Ovsep Abramian (A)  
Joseph's Café, Inc.  
1775 North Ivar Avenue  
Los Angeles, CA 90028

George Andraos (O)  
1800 Gramercy Place, #1  
Hollywood, CA 90028

Robert Abrahamian (R)  
Joseph's Café, Inc.  
1775 North Ivar Avenue  
Los Angeles, CA 90028

CASE NO. ZA 2003-8170(CUB)(CUX)(PA1)  
APPROVAL OF PLANS  
1775 North Ivar Avenue  
Hollywood Planning Area  
Zone : C2-2D-SN  
D. M. : 150A187  
C. D. : 13  
CEQA : ENV 2011-1485-CE  
Legal Description: Fr. Lot 12 Arb 1, Fr. Lot 24  
Arb 1, Block 20, Hollywood Tract

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby PARTIALLY APPROVE:

plans to modify and delete some of the Conditions required pursuant to Case No. ZA 2003-8170(CUB)(CUX) which permitted the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing in a 2,754 square-foot restaurant in the C2-2D-SN Zone; and

Pursuant to Los Angeles Municipal Code Section 12.24-M and ZA Memorandum No. 122, I hereby APPROVE:

modification of Condition No. 49 to extend the life of the grant for the sale of alcoholic beverages and patron dancing for ten additional years.

The Zoning Administrator hereby retains, deletes, or modifies (as shown in underlined and ~~strikeout~~ text) the existing Conditions as follows:

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. **MODIFIED** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A" Plot Plan, and ~~Exhibit "B" Floor Plan~~, 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 Fire Department, Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The patio shall be enclosed by walls 8 to 10 feet in height and include noise-attenuating materials on the roof. Access to the patio shall be only from within the restaurant. A one-way emergency exit may be permitted from the patio if required by the Fire Department.
7. **MODIFIED** The dance floor shall not exceed ~~288~~ 345 square feet and shall be located at the west side of the restaurant. Dancing is permitted from 8 p.m. to 2 a.m., daily as long as a valid Dance Hall Permit issued by LAPD is maintained. A copy of the permit must be available for inspection at all times. No dancing is permitted on the patio or in the bar. A revised floor plan must be submitted, to the Zoning Administrator within 60 days of the determination, eliminating the dance floors in the bar and on the patio.
8. **MODIFIED** ~~The following are not permitted: hired dancers, any No Adult Entertainment use [Los Angeles Municipal Code Section 12.70], karaoke, or pool tables are permitted without approval by the Department of City Planning.~~
9. **MODIFIED** ~~Live music and live entertainment associated with any dancing is permitted during all business hours as long as the music is inaudible outdoors or to adjoining tenants. Amplified recorded music or live entertainment shall not be audible beyond the area under control of the applicant. Live entertainment is permitted from 7 p.m. to 2 a.m., daily, and is limited to no more than three musicians performing indoors.~~
10. **DELETED** ~~Non-amplified entertainment which begins no earlier than 7 p.m. and is limited to not more than three musicians is permitted. Music shall not be audible beyond the boundaries of the restaurant.~~
11. **MODIFIED** When there is no dancing, maximum seating capacity is 141. When dancing is occurring, maximum seating capacity is 119 seats.
  - a. The permitted occupant load of the restaurant is 151. The number of patron seats may be increased **only** if first approved by LADBS and LAFD after review of the revised floor plan. Under no circumstances may the seat count exceed 169 or may the occupant load exceed 181 (20% maximum increase permitted by LAMC Section 12.24-W,1)
  - b. If greater than 141 seats or occupant load is permitted, a copy of the revised seating plan and occupant load certificate must be submitted to the Office of Zoning Administration for review and final approval. **NOTE: An increase in the occupant load may result in an increase in the number of required parking spaces. No parking variance was considered as part of this application.**

12. The premises shall be maintained as a bona fide eating place with a kitchen, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during normal operating hours.
13. ~~**DELETED** Dancing shall not occur unless the applicant maintains the appropriate permit from the Police Commission. The dance floor approved by the Commission shall have the same location as that approved by the Zoning Administrator.~~
14. ~~**DELETED** Patrons shall not occupy the dance floor while in the possession of any beverage.~~
15. ~~**DELETED** Dancing is limited to the hours of 8 p.m. to 2 a.m., daily.~~
16. Five security guards shall be employed inside the premises; one security officer shall be stationed in the off-site associated parking lot, and one additional security officer acting as a supervisor shall be employed during all hours the business is open. The guards shall not include the business operator nor any employees. All guards shall be employees of a State-licensed security company. They shall wear a distinctive uniform with a patch on each shoulder which reads "Private Security" and which contains the name of the private security company with whom the guards are employed in accordance with Section 7582.26(f) of the Business and Professions Code. Their responsibility shall be the maintenance of order inside, prevention of any activity that would interfere with the quiet enjoyment of nearby properties, crowd control, and keeping the sidewalks clear for pedestrians.
17. Coin operated games, pool tables or similar game activities or equipment are not permitted.
18. No outdoor music or entertainment nor any outdoor loudspeakers or other outdoor sound system is permitted.
19. Doors shall not be propped open but shall only open in order to permit the normal passage of patrons and staff into and from the patio, and to accommodate deliveries and trash removal.
20. ~~**MODIFIED** Operation of the restaurant is limited to 40 7 a.m. to 2 a.m., daily. After hours use, other than for routine clean up and maintenance, is not permitted. Hours of alcoholic beverage sales shall not exceed 11 a.m. to 1:30 a.m., daily.~~
21. ~~**DELETED** No "Happy Hours" are permitted where certain beverages are sold for discounted prices.~~
22. ~~**DELETED** No signs are permitted on the outside of the building or directed from the inside to the outside which advertise the availability of alcoholic beverages.~~
23. The sale of alcoholic beverages is limited to on-site consumption. No patron may drink any beverage on the sidewalk or elsewhere outside the restaurant.
24. No portable bar is permitted.

25. ~~**DELETED** 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.~~
26. ~~**DELETED** No sales of fortified wine is permitted.~~
27. ~~**DELETED** The sale of alcoholic beverages shall be incidental to the sale of food.~~
28. Containers of distilled spirits shall not be stored on the premises after being sold to patrons for the purpose of later consumption nor shall distilled spirits be sold by the full bottle.
29. No employee shall be permitted to solicit in or upon the licensed premises the purchase or sale of any drink, any part of which is for, or intended for, the consumption or use of such employee or to permit any employee to accept in or upon the premises any drink for, or intended for the consumption of any employee. No person employed as a waiter or waitress, host or hostess, shall be allowed to sit with patrons while in the establishment.
30. The Conditions of this grant and a copy of the business license, insurance information and a valid emergency contact phone number for the valet service shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator. The manager and all employees shall be knowledgeable of the Conditions herein.
31. There shall be no cover charge, no prepayment required, nor shall there be a requirement to purchase a minimum number of drinks.
32. All bartenders and waiters shall be at least 21 years of age.
33. The quarterly gross sale of alcoholic beverages shall not exceed the gross sale of food during the same period. The applicant shall maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon request.
34. Within 180 days from the effective date of this grant, the applicant shall make arrangements with the Police Department to conduct STAR training for all employees who act in the capacity of manager. The applicant shall request written confirmation of completion of the initial training from the Police Department and shall concurrently submit a copy of such request to the Zoning Administrator.
35. The restaurant shall not be used exclusively for private parties in which the general public is excluded.
36. ~~**DELETED** Any public pay telephone on the property shall be located inside the facility, not outside.~~
37. The area adjacent to the premises shall be maintained free of litter during all business hours.

38. Partitions separating tables and lounge areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to seating areas that restrict, limit or obstruct the clear observation of the occupants.
39. Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility. Said signs shall be in the same language(s).
40. **MODIFIED** The applicant shall provide leases signed by applicable parties who control parking in the area located at 1760-1764 North Ivar Avenue for a minimum of 35 parking spaces between the hours of 6 p.m. and 2:30 a.m., daily, for minimum periods of one year and which shall be continued throughout the duration of the use. The leases shall state that the 35 parking spaces reserved for the applicant's facility shall be ~~exclusive~~ available for all hours the facility is open to the public. Each lessor shall provide a notarized statement summarizing the number of parking spaces on each affected lot, the number for ~~exclusive~~ use of the facility, and the number of remaining spaces which the lessor controls. Off-site parking lot locations shall be to the satisfaction of the Zoning Administrator. Leases may be cancellable only if the use terminates or the lessee fails to pay.
41. Copies of all required leases shall be provided by the applicant to the Zoning Administrator upon their execution. Failure to maintain active leases will be grounds for revocation.
42. **DELETED** ~~The valet parking fee shall not exceed \$5 per vehicle.~~
43. A portable sign shall be posted in front of the restaurant visible from the street informing patrons as to the availability of valet parking.
44. **MODIFIED** The applicant shall obtain written clearance from the Police Department with respect to crowd control, outside queuing of patrons, and other security-related matters within ~~45~~ 30 days of the effective date of this determination with a copy provided to the Zoning Administrator.
45. **DELETED** ~~The applicant shall indicate on the plot plan the location of the trash dumpster. If stored outside, it shall be concealed behind solid walls the color of which matches that of the building.~~
46. All outdoor lighting shall be shielded so as to not produce any glare on other properties.
47. **DELETED** ~~No outside pay phones are permitted. Any such phone shall be located inside the building.~~
48. The business operator shall install and maintain security cameras and a one-month on-site video library that covers all common areas of the business, high-risk areas and entrances and exits to the satisfaction of the Vice Section of the Hollywood Police Station, with a copy of any such approval provided to the Zoning Administrator. Videotapes shall be made available to the Police Department upon request.

49. **MODIFIED** ~~This grant expires on May 1, 2011, and is null and void thereafter. This grant shall have a life of ten years after which the applicant shall file for and win an authorization from the Office of Zoning Administration in order to continue the sale of a full line of alcoholic beverages for on-site consumption and patron dancing.~~
50. **MODIFIED** ~~Within 45~~ 30 days of the effective date of this action, the property owner shall record 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 ~~Zoning Administrator~~ 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.
51. **NEW** A Plan Approval shall be required if there is any change in the property ownership and/or the business owner/operator, so as to evaluate the applicability of existing conditions and any review of potential changes in the "mode and character" of the new operation.
52. **NEW** 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.

### **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 FEBRUARY 28, 2013, 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 report of the Project Planner thereon, the statements made at the public hearing on September 4, 2013, all of which are by reference made a part hereof, as

well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use plan approval under the provisions of Section 12.24-M have been established by the following facts:

### BACKGROUND

The property is an irregular-shaped parcel of land with a slight north to south downslope located at the southwest corner of Yucca Street and Ivar Avenue. Consisting of two contiguous lots (portion of Lots 23 and 24, Block 20, Hollywood Tract), the property is approximately 5,685 square feet in area with street frontages of approximately 70 feet along Yucca Street and 81 feet along Ivar Avenue. The property is developed with a two-story restaurant (Joseph's Café) with a small surface parking lot located at the northeast corner of the property consisting of three stalls and accessory office space on the second floor. Pedestrian access is located along the building's Ivar Avenue frontage.

The project is a request for an Approval of Plans to permit the continued sale and dispensing of a full line of alcoholic beverages and public dancing in conjunction with the subject restaurant. The applicant is also requesting modifications and/or removal of various conditions as stipulated under the Zoning Administrator's February 26, 2004 approval of the parent case, ZA 2003-8170(CUB)(CUX).

The surrounding properties are zoned C4-2D-SN and characterized by a slight north to south downslope and fully improved streets. The adjacent properties to the west are developed with three-story multi-family residential uses and a five-story hotel building.

The adjacent properties to the north across Yucca Street are developed with a row of one-story commercial buildings consisting of an office use and a restaurant. These commercial uses make up only a narrow strip of the existing development along the north side of Yucca Street, behind which consist primarily of two-story multi-family residential uses along Ivar Avenue. The adjacent properties to the east, across Ivar Avenue, are developed with a rental car facility consisting primarily of surface parking lots.

The adjacent properties to the south are developed with a vehicle rental facility catering to production studios consisting of one-story commercial buildings and a surface parking lot. Developments further south are characterized by commercial uses extending toward Hollywood Boulevard.

Ivar Avenue is a Local Street with a width of 70 feet and improved with asphalt roadway, concrete gutter, curb and sidewalk with street trees.

Yucca Street is a Local Street with a width varying between 95 and 97 feet and improved with asphalt roadway, gutter, curb and sidewalk.

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

#### Subject Property

Case No. ZA 2003-8170(CUB)(CUX) – On February 26, 2004, the Zoning Administrator approved the sale and dispensing of a full line of alcoholic beverages accessory to the operation of a restaurant, and public dancing as a use accessory to a restaurant.



Case No. ZA 2001-2473(CUX) – On September 27, 2001, the Zoning Administrator approved a public dance hall. At its meeting on December 11, 2001, the Central Area Planning Commission failed to act thereby sustaining the action of the Zoning Administrator. The applicant appealed certain parts of the Zoning Administrator's approval.

Case No. ZA 98-0635(CUB) – On December 18, 1998, the Zoning Administrator approved the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant and an expanded outdoor patio.

#### Surrounding Properties

Case No. ZA 2011-0997(CUB)(CU) – On January 23, 2012, the Zoning Administrator approved the sale and dispensing of beer and wine only for on-site consumption and a deviation from operating hours for a Mini-Shopping Center in conjunction with an existing restaurant on property located at 6363 West Yucca Street.

Case No. ZA 2005-6681(CUB) – On March 14, 2006, the Zoning Administrator approved the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant on property located at 6445 West Hollywood Boulevard.

Case No. ZA 2005-2581(CUB)(ZV) – On May 25, 2006, the Zoning Administrator approved the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a second-floor bar/lounge; sale of a full line of alcoholic beverages for on-site consumption in conjunction with a ground floor cafeteria; sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a gourmet shop associated with a ground floor cafeteria; and a variance to allow an outdoor second floor terrace associated with the bar/lounge and located at 1717 North Vine Street.

Case No. ZA 2004-4673(CUB)(CUX) – On November 5, 2004, the Zoning Administrator approved the sale of beer and wine only for on-site consumption, with live DJ entertainment, in conjunction with an existing restaurant with patio seating on property located at 6445 West Hollywood Boulevard.

#### **PUBLIC HEARING**

The public hearing was held on September 4, 2012 in City Hall. The hearing was attended by the applicant, his representative, and two LAPD Officers.

Robert Abrahamian, operator and Sandra Dominguez, representative:

- There are 50 conditions that applicant has to operate under, some are duplicates or too prohibitive
- The cafe permit from LAPD doesn't restrict our hours, we shouldn't be limited by the CUB
- The ABC license allows alcohol sales from 6 a.m. to 2 a.m.
- We can be cited by ABC if people are dancing off the dance floor
- We added more dance floors to eliminate the risk of ABC citation
- Condition Nos. 12 and 27 are duplicative
- We only have dancing with private parties

- The kitchen is open at all times
- Condition Nos. 9, 10, and 18 substitute with our language
- There have been no noise citations
- Condition No. 19 is unclear which doors it refers to
- Condition No. 20, we serve breakfast at 6 a.m. or 7 a.m. and should be able to serve alcohol
- I did not know I could appeal the conditions
- Condition No. 21, delete the happy hour restriction. What is the issue with "happy hour"? We stop them from drinking if they get drunk. My prior representative volunteered this condition without my consent
- Condition Nos. 22 and 25 are duplicates we don't have outdoor alcohol advertising
- Condition No. 24, portable bars are regulated by ABC, we don't have any
- Condition No. 26, we don't sell fortified wines
- Condition No. 31, modify the cover charge language
- Condition No. 38, we don't have partitions, delete
- Condition Nos. 40 and 41, we have 35 off-site parking spaces, but we can't get a lease for 35 exclusive parking spaces. We provide free valet parking at lunch
- Condition No. 42 should be deleted as it is unconstitutional to set a maximum valet fee, we currently charge \$10 but the price fluctuates
- Condition No. 43: the valet has their own sign
- Condition No. 49 should be modified to a ten year term
- Condition No. 50 should be deleted because the property owner will not permit it to be recorded against the property
- We have operated since 1977, we served beer and wine starting in 1984
- In 1988 we started serving a full line
- I am a hands-on owner

Officer Andre Abrams:

- This is an extensive list of requested changes
- Prior to 2004 we had problems at the restaurant including assaults with deadly weapons, DUI's, and noise complaints
- LAPD opposed the 2003 CUB due to calls for service to the location
- This is a prime example of a restaurant morphing into a nightclub
- We would prefer that you not change any of the conditions
- There was a car break in by a drunk patron of Joseph's Café

Officer Louis Gray:

- Google Joseph's Café and you will see it's a nightclub
- The conditions were imposed to make the operator accountable
- LAPD has cited the operator for violating the hours of operation
- The café is advertised as an after hours club
- A concerned neighbor emailed me stating she was walking to the farmer's market and saw 20 men on the sidewalk in front of Joseph's. A fight broke out and she was confronted by a man with a gun who had an "AP" (Armenian Power gang) tattoo
- There are drunk and rowdy people in the café at 8 a.m.
- They advertise "Rise at Joseph's Night Club"
- It is a well-known after hours location
- We have no problems with him running a restaurant
- The crime statistics decreased when we imposed the CUB conditions
- We will provide calls for service information for the location

- The applicant says he is hands on, but said he is unaware of after hours use

Joseph Abrahamian:

- The California Constitution does not permit local governments to impose conditions that conflict with State Law
- We open at 7 a.m. on Saturday and Sunday
- We don't serve alcohol to people who come in from Avalon
- We don't have fights
- We don't open after 2 a.m., we have dancing and alcohol from 10 p.m. to 2 a.m. when most diners leave
- The Council Office supports our request
- The Neighborhood Council approved it, we will submit a copy of their letter
- There has been a restaurant here for 35 years
- These conditions give LAPD too much power

### CORRESPONDENCE

Letters of support for the request were submitted by Senator Kevin De Leon, Antonio Vellatti, and Neil Zlozower. The applicant submitted a 22-page petition signed by over 100 people that stated, "we support the pending plan approval for renewal of the conditional use permit and all of the requested modifications."

A letter dated August 31, 2011, from Captain Beatrice Girmala, Area Commanding Officer of the Hollywood Community Police Station (LAPD) is summarized as follows:

The LAPD has concerns regarding the applicant's request to renew the grant and the proposed revisions to the conditions of approval.

Applicant is requesting significant line item revisions that would potentially change the current business model. Although there have been no recent, nor significant indications of an on-going public nuisance, the requested changes will have an adverse effect on surrounding businesses and further exhaust police resources.

Problems in the past associated with the subject property were related to noise and crowd complaints. An analysis of the period between 2009 to present indicates a decrease in calls for service, during which time the applicant has had an active CUP with conditions and restrictions being enforced.

The LADP welcomes business development and commends the applicant for their efforts to comply with the conditions in the existing CUP, however, the nature of the requested revisions leads to some level of concern as they would effectively eliminate the majority of the current conditions, giving the applicant the unfettered ability to operate with minimal restrictions.

The renewal and requested revisions would adversely affect surrounding properties and move away from the success achieved with having location specific Conditional Use Permits in place.

A letter dated October 10, 2012 was submitted by Robert Abrahamian which reiterated his request for modification of conditions. He stated that he "was merely asking to be allowed to continue to operate our lawful business in a lawful manner without redundant, unclear and

outdate items that are trivial in today's business world." The letter opposed LAPD's recommended conditions of approval and disputed their testimony at the hearing. He included various attachments that he felt supported his requests.

A letter dated October 16, 2012, was submitted by the Hollywood United Neighborhood Council stating they voted to approve the renewal of the conditional use permit for Joseph's Café subject to the following deletions and modifications of conditions:

8. No adult entertainment shall be allowed, unless approved by the City of Los Angeles, Department of the Zoning Administration.
10. Non-amplified entertainment is permitted. Music shall not be audible beyond the boundaries of the restaurant.
11. Capacity shall be determined by the Los Angeles Fire Department and shall issue to Operator an Occupant load sign prior to opening for business. Operator's capacity sign shall be posted at the front entrance to premise and such capacity sign shall state a maximum seating capacity and a maximum floor capacity.
12. Premises shall be maintained under ABC law for a type 47 liquor license a bona fide eating establishment.
19. Doors shall not be propped open but shall only open in order to permit the normal passage of patrons and staff into and from the patio, and to accommodate deliveries and trash removal.
20. Operation for the restaurant is limited to 10 a.m. to 4 a.m., daily. After hours use, other than for routine clean up and maintenance is not permitted. Hours of alcoholic beverage sales shall not exceed 11 a.m. to 1:30 a.m., daily.
31. There can be a cover charge, but there shall not be any requirement to purchase a minimum number of drinks.
40. The applicant shall provide leases signed by applicable parties who control parking in the area for a minimum of 35 parking spaces between the hours of 6 p.m. and 4:30 a.m., daily, for minimum periods of one year and which shall be continued throughout the duration of the use. The leases shall state that the 35 parking spaces are for the applicant's facility for all hours the facility is open to the public. Each lessor shall provide a notarized statement summarizing the number of parking spaces on each affected lot, the number for exclusive use of the facility, and the number of remaining spaces which the lessor controls. Off-site parking lot locations shall be to the satisfaction of the Zoning Administrator. Leases may be cancellable only if the use terminates or the lessee fails to pay.
44. Business owner shall maintain a clear sidewalk for any and all pedestrians to pass. Orderly queuing and crowd control shall be maintained by the business owner and security staff.
49. The grant shall expire in ten (10) years from the date of approval. In the event the business is sold or under new ownership, a plan approval for the new ownership is required.

