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July 12, 2010

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Los Angeles, CA 90027

Steve Edelson (O)
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Ojai, CA 93023

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FE Design
943 North Broadway, #204
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CASE NO. CUB 82-277(PAB)(PA1)
APPROVAL OF PLANS - WITHDRAWAL
2609 Hyperion Avenue
Hollywood Planning Area
Zone : C4-1D
D. M. : 150A205
C. D. : 4
CEQA : ENV 2010-43-CE
Legal Description : Fr. Lot 23, Block 25,
Ivanhoe Tract

This correspondence is to acknowledge a communication dated June 28, 2010, from Eddie Navarrette, representative for the applicant Anat Escher, requesting withdrawal of the following request for an establishment known as the Barbarella Bar:

A Zoning Administrator's Determination of Approval of Plans, pursuant to the provisions of Section 12.24-M of the Los Angeles Municipal Code, to modify Case No. CUB 82-277(PAB) to include the sale and consumption of a full line of alcoholic beverages for on-site consumption in an outdoor seating area located within the public right-of-way, accommodating 15 patrons with hours of operation from 6 a.m. until 2 a.m. daily.

A public hearing on the matter was conducted on June 21, 2010. In attendance at the public hearing were the applicant and her representative, a supporter of the applicant, neighbors and a representative of the Office of the Fourth Council District.

At the public hearing, the representative for the applicant stated that the hours of operation requested for use of the outdoor seating had been modified to 11 a.m. to 12 midnight Sunday through Thursday and 11 a.m. to 1 a.m. Friday and Saturday. This modification was noted to be in response to the complaints voiced by neighbor at a June 15, 2010 Greater Griffith Park Neighborhood Council meeting of the governing board. The Neighborhood Council submitted a letter dated June 17, 2010 indicating that the Board voted to recommend opposition to the application and that at its meeting the "... debate focused primarily on the proposed hours of operation for the outdoor patio and concerns about noise and the conduct of patrons..."



At the public hearing, the representative indicated that the location had a negative history and that the applicant took over the establishment in November, 2008. He noted that there had been some work done without the necessary building permits for which Orders to Comply had been issued. The use of the patio for the sale and consumption of alcohol was also cited on November 4, 2009. The representative added that there is a valet service beginning at 6 p.m. daily but noted that the parking lot, which is under the applicant's control, is underutilized.

The applicant testified that she had not known that the outdoor patio area had not been permitted and indicated that it was her intent that the area be used by smokers and for the service of alcoholic drinks. According to the applicant, food would be available if someone wanted to order but she added that the corner area was not designed to cater to the sit-down service of food.

Neighbors testified in opposition to the request citing problems with parking and with the current early Sunday opening hour of 6 a.m. which caters to an "after-after" hours clientele. One speaker noted that the current restaurant "... started out fine and went downhill..." Complaints regarding the Sunday morning crowd were voiced citing noise, loud music, lack of responsibility, vomit and public urination and disturbance of other businesses by patrons. Opposition was noted not only to the service of alcohol outdoor but also to outdoor smoking.

A representative of the Council District indicated support for the position of the Neighborhood Council. He noted that there are still complaints regarding noise and early hours. He added that if the patio is for smokers, the applicant can still pursue that option with an approval of a revocable permit. The Council representative added concerns with outdoor occupancy and that drinking outside would further contribute to noise impacts, which because of the canyon effect create an amphitheater effect which affects single-family homes across Hyperion Avenue as well as the Franklin Hills neighborhood.

The applicant testified that she was "... not taking it (concerns) lightly..." and noting that she was "... a reasonable person..." She added that she had not been aware of the concerns by one of the speakers until the prior week nor was she aware of the concerns with the Sunday morning operation. She offered to hire one more security guard and restrict the use of the patio even for smokers until 9 a.m.

The matter was taken under advisement. During the advisement period, a communication was received from one of the business persons on Hyperion who indicated that she had observed the early morning operation on Sunday, June 27th to see if any changes had been made by the applicant. The writer indicated that the staff had been increased to three bouncers and a valet, noting that there were no problems with disruptive clients as in the past. However she noted that other problems with noise, parking and apparent sale of illegal substances remained a concern. She noted that many patrons walked from Evans Street to the club with no direction provided to them by a guard to park on the site, adding that by 7 a.m. there were no metered parking spaces available on Hyperion between Tracy and Griffith Park Boulevard. Noise levels remained loud and the writer indicated that with doors in her establishment closed, the bass from the music was still audible which has prompted complaints from clients. Of major concern to the writer, was the appearance of

drug trade occurring in the alley leading to the parking lot of the applicant's establishment. The writer indicated that she observed between 7 a.m. and 7:50 a.m. a black pick-up truck parked on the alley and seven persons approaching the truck and either talking to someone through the passenger side window or entering the truck for several minutes before returning to the Barbarella Bar. The letter also noted that there had been reference at the public hearing that a pinball machine had been moved upstairs and that it was the understanding that the upstairs was not permitted for such use.

At the end of the advisement period, as noted, the representative submitted the letter of withdrawal on behalf of the applicant.

In addition, Sgt. Phillips of the Northeast Division Vice of the Los Angeles Police Department submitted a written communication regarding incidents with the operation of the Barbarella Bar establishment which are excerpted below:

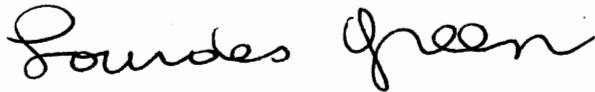
“Several points of importance:

- 1. Numerous citizen complaints over the last year in regards to excessive noise***
- 2. Several citizen complaints of dancing (they have no dance hall permit)***
- 3. Vice officers, along with Dave Hickman of Bldg and Safety, have inspected the location and found them to (sic) out of compliance for several reasons. Although they were only warned, some of the activity continues to occur.***
- 4. They utilize lit candles (30 at last count) on table and have no city permit to have them.***
- 5. They continue to put tables on the public sidewalk and serve to patrons, despite the fact that they have been warned not to do so.***
- 6. The outdoor fire pit patio area continues to be used by unknowing patrons as a place to congregate and consume alcoholic beverages. They have been warned about this on several occasions but the activity continues to occur. On June 16, 2010, NOE Vice officers entered the location, purchased 2 alcoholic drinks, walked to the patio area with their drinks and drank them. All the while having a conversation with one of the employees while consuming their drinks. This is the 3rd time this has been documented by vice officers. 9-23-09, 10-23-09 and 6-16-10.***

For these reasons and the absolute unwillingness of the owner to correct and address these issues, the LAPD is strongly opposed to any further city permits of any kind to this operation.

In fact, they have been added as an Abatement location and one that will be very closely monitored by several city entities, including the police department."

Therefore, Case No. CUB 82-277(PAB)(PA1) is hereby accepted as withdrawn and the matter is received and filed. The applicant is advised that classification as an abatement location may subsequently result in the initiation of a revocation process, if requested by City agencies.



LOURDES GREEN
Associate Zoning Administrator
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LG:lmc

cc: Councilmember Tom LaBonge
Fourth District
Adjoining Property Owners
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