

RESOLUTION NO. CD 24-280

A RESOLUTION OF THE COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING AN ADMINISTRATIVE PERMIT AMENDMENT TO ALLOW THE EXPANSION OF A PREVIOUSLY APPROVED OUTDOOR DINING AREA AND ON-SITE SALES, SERVICE, AND CONSUMPTION OF FULL ALCOHOL INCIDENTAL TO FOOD SERVICE TO THE EXPANDED OUTDOOR DINING AREA FOR A NEW RESTAURANT LOCATED ON THE THIRD FLOOR AT 639 LA PEER DRIVE, SUITE 400, WEST HOLLYWOOD, CALIFORNIA AND FINDING THAT THIS ACTION IS EXEMPT FROM CEQA UNDER SECTION 15303 OF THE CEQA GUIDELINES

The Community Development Department Director of the City of West Hollywood hereby resolves as follows:

SECTION 1. On August 6, 2024, an application for Administrative Permit Amendment 24-0017 was filed by Jake Stevens on behalf of the property owner, 639 La Peer LLC, to expand a previously approved outdoor dining area and to permit the sales, service, and consumption of full alcohol (ABC Type 47) incidental to food service to the newly expanded outdoor dining area located at 639 La Peer Drive, Suite 400, West Hollywood, California within the Commercial, Community 2 (CC2) Zoning District. The application was deemed complete on September 5, 2024.

SECTION 2. On October 8, 2024, the Community Development Department Director properly reviewed and considered this matter at a public hearing. Notice of the public hearing was posted on the site for a period of at least 28 days, beginning on September 10, 2024. Notices were mailed to surrounding property owners and residents within a 500-foot radius of the subject site as well as to Neighborhood Watch groups on September 26, 2024. Copies of the staff report have been on file and available to the public on the West Hollywood City website since October 1, 2024.

SECTION 3. The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which exempts the restaurant structures that do not involve the use of significant amounts of hazardous substances and do not exceed 10,000 square feet in floor area where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. The restaurant will remain 3,188 square feet and the outdoor dining area will be a total of 6,313 square feet. And therefore, will not exceed 10,000 square feet in floor area. The project does not involve the use of significant amounts of hazardous substances, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. The construction of the three-story, commercial building was categorically exempt from CEQA pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines and this project does not alter that determination.

ITEM 6.A. EXHIBIT A

SECTION 4. In accordance with Section 19.52.040 of the West Hollywood Municipal Code, the Community Development Department Director of the City of West Hollywood hereby makes the following findings regarding Administrative Permit Amendment 24-0017 for the expansion of outdoor dining area and the ancillary late-night alcohol sales and service for the newly expanded outdoor dining area:

- a. Outdoor dining and the sales, service, and consumption of alcohol incidental to food service with the restaurant use is an allowed use within the CC2 Zoning District with an administrative permit approval and compliance with all other provisions of the Zoning Ordinance and the Municipal Code. The restaurant and outdoor dining use has been reviewed and found to be in compliance with all other applicable provisions of the Zoning Ordinance and Municipal Code. The project would not adversely affect any nearby religious facilities, schools, parks, or playgrounds in that the nearest of these uses is West Hollywood Park located approximately over 500 feet to the east separated by many buildings, including other restaurants in between. The restaurant and outdoor dining would not affect the park to any greater degree than any of the many restaurants in the vicinity, most of which offer ancillary alcohol service with meals. Furthermore, the restaurant will operate as a typical full-service restaurant, open to the public and welcoming to all members of the public. The project has been conditioned with respect to operations including those regarding outdoor sound and limitation on operating hours will ensure that the site does not become a nuisance. Therefore, the project will comply with the applicable provisions of the Zoning Ordinance and the Municipal Code
- b. The project is consistent with the policies, general land uses, and programs of the General Plan given that Policy LU-11.1 encourages this area of the city "to continue to allow a wide variety of uses including retail, galleries, boutiques, cafes, restaurants, creative office space, entertainment venues, bars, and nightclubs." In addition, the proposed project is consistent with policy ED-7.3, which seeks to "attract complementary entertainment businesses such as restaurants, bars, cafes, theaters, music venues, and nightclubs to enhance the desirability of the City as a tourist destination." The property is surrounded by commercial uses and will complement the other entertainment and nighttime uses along La Peer Drive and Santa Monica Boulevard. Operation of a restaurant and outdoor dining with late-night incidental alcohol service at this location will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the vicinity of the restaurant as it is compatible with the existing land uses in the Melrose/Beverly District.
- c. The expanded outdoor dining area and the sale, service, and consumption of alcohol will not alter the structure, nor the integrity and character of the zoning district in which it is to be located. Permitting this use will not cause a physical alteration and the zoning district is already known for its varied commercial uses, including late-night restaurant and bar uses.

SECTION 5. Based on the foregoing, the Community Development Department Director of the City of West Hollywood hereby conditionally approves Administrative Permit Amendment APA24-0017, subject to the following conditions of approval:

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- 2.0 Project Description
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1.0 LEGAL REQUIREMENTS

- 1.1) This permit shall not be effective for any purpose unless within 60 days of the approval of this permit a duly authorized representative of the owner of the property has filed with the Department of Community Development, a notarized affidavit accepting all the conditions of this permit. This affidavit shall be recorded with the County Recorder and is binding on successors. If the property owner is a corporation, then an officer of the corporation duly authorized to bind the corporation shall sign the acceptance affidavit. (CHPP)
- 1.2) If any provision of this permit is held or declared by a court of competent jurisdiction to be invalid and such invalidation would result in a material change to the obligations of or the benefits accruing to either the City or the applicant hereunder, the Director may declare the permit to be void and the privileges granted hereunder to have lapsed. (CHPP)
- 1.3) Approval of this permit shall expire thirty-six (36) months from the date of approval by the approving authority, unless significant construction or improvements or the use authorized hereby has commenced or an extension of the permit has been granted. Two (2) more extensions of time for use inauguration may be requested at one (1) year per extension request and the maximum time period for an approved permit or entitlement shall not exceed five (5) years. No extension shall be considered unless requested at least 45 days prior to the expiration date. (CHPP)
- 1.4) In the event that the applicant violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, revocation of this permit. The applicant shall be required to reimburse the City fully for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violation has been fully remedied. (CHPP)
- 1.5) The applicant shall defend, indemnify and hold harmless the City and its agents, employees and officers from any claim, action, or proceeding brought by a third party against the City, its agents, employees or officers and the applicant to attack, set aside, or void any of this resolution or any permit authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys fees and costs in defense of the Litigation. (CHPP)
- 1.6) Commencement of uses allowed by this resolution shall not be issued until this permit is deemed final based on Section 19.62.020 of the West Hollywood Municipal Code. (CHPP)
- 1.7) Plans submitted to the Building and Safety Division for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein. (CHPP)
- 1.8) The granting of this determination by the Community Development Department Director does not in any way indicate full compliance with applicable provisions of the California Building Code. Any corrections and or modifications to plans made subsequent to this determination by a Department

of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Current and Historic Preservation Planning Division for additional review and sign-off prior to the issuance of any permit in connection with those plans. (CHPP)

- 1.9) All prior relevant conditions of approval in CD 23-277, and all other land use permits previously approved for this site shall apply to this permit, unless modified herein. (CHPP)

2.0 PROJECT DESCRIPTION

- 2.1) This permit is for the expansion of a previously approved 1,393-square-foot outdoor dining area to a 6,313-square-foot outdoor dining area and the sales, service, and consumption of full alcohol incidental to food service within the expanded outdoor dining area, at a new restaurant located on the third floor at 639 La Peer Drive, Suite 400. (CHPP)
- 2.2) This approval is for those plans reviewed and approved by the Community Development Director at the meeting of October 8, 2024. A copy of said plans shall be maintained in the files of the City's Current and Historic Preservation Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval. (CHPP)

3.0 OPERATIONS

- 3.1) All outdoor speakers shall be oriented to direct sound toward the interior of the dining areas. (Planning)
- 3.2) The operator shall install a volume limiter, allowing master control of all volume from a single location under the control of the restaurant's General Manager. (Planning)
- 3.3) The table below indicates the hours of operation of the expanded outdoor dining area and for the sale, service, and consumption of alcohol. (Planning)

	Approved Hours
Hours of Operation	7:00 a.m. – 2:00 a.m., daily
Sales and Service of Alcohol	7:00 a.m. – 1:30 a.m., daily
Consumption of Alcohol	7:00 a.m. – 2:00 a.m., daily

- 3.4) A 24-hour community contact/telephone line shall be prominently displayed at the restaurant entrance and distributed to all stakeholders within 500 feet before the commencement of the restaurant operations. (Planning)

PASSED, APPROVED, AND ADOPTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR OF THE CITY OF WEST HOLLYWOOD ON THIS 8TH DAY OF OCTOBER, 2024.

Roger Rath
Associate Planner
Current and Historic Preservation
Planning

Nicholas P. Maricich, Director
Community Development Department

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.