

DATE: January 22, 2007

MEMO TO: **Greater Griffith Park Neighborhood Council
Hollywood United Neighborhood Council
Los Feliz Improvement Association
Oaks Homeowners Association**

OBSERVATORY
LIQUOR

FROM: Nancy Patterson

SUBJECT: Case No. ZA 2006 10405-ZV
Applicant: Wolfgang Puck Catering and Events, LLC
Request for variance for sale of alcohol at special events
Griffith Park Observatory

On December 19, 2006, the Applicant, Wolfgang Puck Catering and Events, LLC made application for a variance for the sale of alcohol at special events.

The Applicant requests a variance from Los Angeles Municipal Code ("LAMC") Section 12.04.05 to offer a full line of alcoholic beverages for on-site consumption during catered events at the Griffith Park Observatory as anticipated in the Operating and Concession Agreement between the Los Angeles Department of Recreation and Parks and Wolfgang Puck Catering and Events, LLC for Café and Catering Services at the Griffith Park Observatory (the "Concession Agreement"). Section 16.a of the Concession Agreement grants WPC the right to serve a full line of alcoholic beverages as part of the Concession Agreement, provided that WPC obtain all necessary permits and licenses for the service of alcohol as part of the Concession Agreement. LAMC Section 12.27 grants relief for this section.

Pursuant to various meetings and discussions between the applicant, their representatives and community groups, we are sending you a copy of the application package. Enclosed please find a copy of the following documents:

- Master Land Use Application
- Attachment "A"
- Attachment "B"
- Zimas Map
- Exhibits

We will look forward to presenting this project to you at a future meeting. Please feel free to contact me at 858-350-6251 or at nancypatterson@urbansolutionsite.com.

Thank you.

CC: R.J. Comer

MASTER LAND USE PERMIT APPLICATION
LOS ANGELES CITY PLANNING DEPARTMENT

ENV No. EIR No. 187-97		Existing Zone OS-I XL		District Map 1538193
APC <u>Central</u>		Community Plan Hollywood		Council District 4
Census Tract 1882.00	APN 5593002***	Staff Approval *	Date	

Case No. **ZA 2006 10405-ZV**
 APPLICATION TYPE: Variance to permit on-site service of alcoholic beverages at Griffith Park Observatory
(zone change, variance, conditional use, tract/parcel map, specific plan exception, etc.)

1. PROJECT LOCATION AND SIZE

Street Address of Project 2800 East Observatory Avenue Zip Code 90027
 Legal Description: Lot _____ Block _____ Tract Rancho Los Felis
 Lot Dimensions N/A Lot Area (sq. ft.) N/A Total Project Size (sq. ft.) _____

2. PROJECT DESCRIPTION

Describe what is to be done: The applicant request a variance from Los Angeles Municipal Code Section 12.04.05 to offer a full line of alcoholic beverages for on-site consumption in the Observatory Cafe and Special Event Catering.

Present Use: Griffith Park Open Space (OS-IXL) Proposed Use: Griffith Park Open Space (OS-IXL)

Plan Check No. (if available) _____ Date Filed: _____

Check all that apply:

<input type="checkbox"/> New Construction	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Alterations	<input type="checkbox"/> Demolition
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Residential	
Additions to the building:	<input type="checkbox"/> Rear	<input type="checkbox"/> Front	<input type="checkbox"/> Height
			<input type="checkbox"/> Side Yard

3. ACTION(S) REQUESTED

Describe the requested entitlement which either authorizes actions OR grants a variance:
 Code Section from which relief is requested: 12.27 Code Section which authorizes relief: A variance from Los Angeles Municipal Code Section 12.04.05 to offer a full line of alcoholic beverages for on-site consumption.

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

List related or pending case numbers relating to this site:
Griffith Park Observatory Master Plan Environmental Impact Report No. 187-97. Case No. ZA 98-0903 (ZV) granted a variance to Sommerset Caterers for service of alcoholic beverages for on-site consumption for its concession at the Gene Autry Western Heritage Museum. Case No. ZA 98-0012 (ZV) was granted to the Los Angeles Zoo for cafes and special events. City Council File Index No. 06-0331 (April 5, 2006) Approving the Concession Agreement between City and Wolfgang Puck.

SIGNATURES of adjoining or neighboring property owners in support of the request; not required but helpful, especially for projects in single-family residential areas. (Attach sheet, if necessary)

NAME (Print)	SIGNATURE	ADDRESS	KEY # ON MAP

4. OWNER/APPLICANT INFORMATION

Applicant's Name _____ Company Wolfgang Puck Catering and Events, LLC
 Address: 6801 Hollywood Blvd., Suite 513 Telephone: (323) 491-1280 Fax: (323) 491-1282
Los Angeles, CA Zip: 90028 E-mail: _____

Property Owner's Name (if different than applicant) ROBERT JENSEN, DEPT. OF RECREATION & PARKS
 Address: 1200 W. 7th St., 7th Fl Telephone: (~~213~~) 928-9031 Fax: (~~213~~) 928-9031
LOS ANGELES, CA Zip: 90017 E-mail: 213-246-4545
RJENSEN@RAP.LACITY.ORG

Contact Person for project information R. J. Comer, Armbruster & Goldsmith LLP / NANCY PATTERSON 858.350.6253
 Address: 10940 Wilshire Blvd., Suite 2100 Telephone: (310) 209-8800 Fax: (310) 209-8801
Los Angeles, CA Zip: 90024 E-mail: ri@ag-landuse.com

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.

Signature: Robert H. Jensen
 Print: Robert H. Jensen
 Date: 10/31/06

Subscribed and sworn before me this (date): _____
 In the County of _____ State of California
 Notary Public _____
 Stamp: _____

SEE ATTACHED JURAT / NC

7. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate "Special Instructions" handout. Provide on attached sheet(s) this additional information using the hand-out as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only		
Base Fee <u>4260-</u>	Reviewed and Accepted by <u>[Signature]</u>	Date <u>12/19/06</u>
Receipt No. <u>265223</u>	Deemed Complete by _____	Date _____

JURAT

State of California

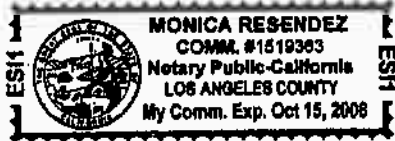
County of LOS Angeles

Subscribed and sworn to (or affirmed) before me on

this TUESDAY day of OCTOBER 31 _____, 20 06.

by MONICA RESENDEZ, Notary Public

personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(seal)

Signature

[Handwritten signature]

Signer: Robert HARVEY Sinden, Executive Director
CITY OF LOS ANGELES, Dept. of Rec. & Info.

DOCUMENT: MASTER LAND USE APPLICATION

ZA 2006 10405

ATTACHMENT A
VARIANCE TO PERMIT ON-SITE SERVICE OF ALCOHOLIC BEVERAGES,
AND PROPOSED CONDITIONS OF APPROVAL,
GRIFFITH PARK OBSERVATORY
2800 East Observatory Avenue

Applicant

Wolfgang Puck Catering and Events, LLC ("WPC" or the "Applicant" independently) formed in May 1998 and moved to its permanent home in the Hollywood & Highland® entertainment complex in November 2001. The 25,000-square-foot Grand Ballroom, residence to the Academy Awards® annual Governors Ball, sets the standard in special event entertaining in Los Angeles. Wolfgang Puck Catering is also responsible for the catering at the Staples Center in Los Angeles. The company also handles much of Chicago's most impressive catering, including Puck's at the Museum of Contemporary Art, the University of Chicago's Gleacher Center, and the Field Museum. WPC's national expansion includes operations at Caesars Colosseum in Las Vegas and Benroya Hall in Seattle. Its newest center in St. Louis handles catering for the St. Louis Science Center, the St. Louis Art Museum and the St. Louis Contemporary Art Museum, the City Museum and Pageant. Plans are also in development for new operations in Minneapolis, Indianapolis, Washington, D.C. and Dallas to be completed in 2007.

Requested Actions

The Applicant requests a variance from Los Angeles Municipal Code ("LAMC") Section 12.04.05 to offer a full line of alcoholic beverages for on-site consumption during catered events at the Griffith Park Observatory as anticipated in the Operating and Concession Agreement between the Los Angeles Department of Recreation and Parks and Wolfgang Puck Catering and Events, LLC for Café and Catering Services at the Griffith Park Observatory (the "**Concession Agreement**"). Section 16.a of the Concession Agreement grants WPC the right to serve a full line of alcoholic beverages as part of the Concession Agreement, provided that WPC obtain all necessary permits and licenses for the service of alcohol as part of the Concession Agreement.

LAMC Section 12.27 grants relief for this section.

Project Description

The Griffith Park Observatory Master Plan was adopted in 1997 (the "**Master Plan**"). The Master Plan involved significant improvements and upgrades of the Griffith Park Observatory (the "**Observatory**"), including a new café. The Applicant proposes to provide food and beverage service at certain locations and for special events at the Observatory including the grounds, parking and structure addressed at 2800 East Observatory Avenue located within the boundaries of Griffith Park, which is owned and operated by the City of Los Angeles. The Applicant's concession agreement with the Los Angeles Department of Recreation & Parks ("**LADRP**") is an anticipated use within the Master Plan.

Scope of Alcohol Service at the Observatory

- *Food Cart Service Concession*

The Applicant does not intend to sell alcohol from food carts as part of the food cart concession.

- *Observatory Café*

At this time, the Applicant is not requesting the right to sell alcohol during normal operations hours of the Observatory Café. If at some future time, the LADRP and WPC desire that alcohol be sold in the Observatory Café, then at that time a separate application or amendment of any variance granted by this application shall be required.

As set forth below, the Observatory Café may also be used as a location for special event catering. When the Observatory Café is used for special event catering, a full line of alcoholic beverages will be served.

- *Special Event Catering*

In conjunction with food catering at special events, the Applicant intends to sell beer, wine, and a full line of distilled spirits at special catered events at the Observatory. The Concession Agreement with LADRP extends to the entire Observatory, including the grounds. The Applicant anticipates that catered events may take place anywhere within the Observatory or on the Observatory grounds. Most events, however, are anticipated to occur in exhibit spaces, conference areas, lawn areas, the Observatory roof, or the Observatory Café. Special events may include but not limited to Observatory-sponsored events and events sponsored by City agencies and departments, non-profit group events, charity events, corporate meetings and events, political fund raisers, and possibly private group events.

Under the Concession Agreement, all catered events are subject to LADRP approval. WPC cannot schedule any catered event at the Observatory without LADRP approval and oversight.

Background and History

The Griffith Park Observatory Master Plan was approved by the City in 1997. Implementation of the Master Plan involves major renovation and restoration of the Observatory. The planetarium theater, the Hall of Science, the rotunda are all being brought back to their original grandeur as well as being updated and made more user-friendly.

A key element of this new space will be two new exhibit spaces with state-of-the-art exhibits; new exhibits also are planned for the existing, renovated Hall of Science. A new, 200-seat proscenium arch-style presentation theater, the Leonard Nimoy Event Horizon, is planned. Classrooms and a conference room will be added. Also, an expanded bookstore, new elevators to improve access to the entire building, and more restrooms are planned. A modest food service facility will be moved on site. The Observatory closed to the public on January 6, 2002, to pack up and move everything out of the building. Construction got underway on October 30, 2002, and the Observatory opened in October 2006.

WPC was awarded the Observatory Concession Agreement by LADRP after a competitive bidding process. The Concession Agreement allows catered events at the Observatory and requires that the concessionaire secure the rights to serve alcohol at catered events. The Concession Agreement was approved by the City Council in early 2006. This application does not seek approval of catered events at the Observatory because the City Council has already approved the Concession Agreement. This application only seeks approval of serving alcohol at catered events, as required by the Concession Agreement, and always subject to LADRP approval.

Under the Concession Agreement, all catered events are subject to LADRP approval. WPC cannot schedule any catered event at the Observatory without LADRP approval and oversight. As shown on an August 9, 2006 LADRP Board Report, the LADRP has placed a moratorium on "Standard Use Rentals" or special catered events until June 30 2007. The August 9 Board Report also requires all special events at the Observatory to be concluded by 9 pm and that parking must be off-site. Consequently, no private catered events (as distinguished from City-sponsored catered events) may take place at the Observatory until after June 30, 2007—and thereafter only subject to LADRP approval.

The August 9 Board Report is more restrictive with regard to catered events at the Observatory than are the rights sought in this variance application. The purpose of this variance application is to grant permission to serve alcohol at catered events subject to LADRP approval as it exists today or as LADRP approval may change in the future. If this variance were limited to the current LADRP restrictions on catered events at the Observatory, then a new variance would be needed if LADRP chose to minimally expand its restrictions because only the City Planning Department may *grant* rights with regard to alcohol service. Thus this variance requests that the City Planning Department establish appropriate limits on the service of alcohol at the Observatory, but allow the LADRP flexibility to modify its restrictions within the limits established by this variance.

In most instances, alcohol service is approved pursuant to a conditional use permit ("CUP"). The Los Angeles Municipal Code Section 12.24 W(1) requires CUPs for the sale of alcohol in commercial and industrial zones. In this instance, however, the Observatory is located

in Griffith Park's Open Space zone. Consequently, a zone variance entitlement procedure ("**Variance**") is required to approve the Applicant's intended service of alcohol at the Observatory.

A zone variance is accompanied by a project description, site plan, and proposed conditions of approval. The Applicant is requesting that the City Zoning Administrator issue a variance that is consistent with the scope of alcohol service at the Observatory described above.

Similar variances for the service of alcohol for on-site consumption have been granted by the City Zoning Administrator for other concessions within the Griffith Park Open Space Zone. In particular, Case No. ZA 98-0903(ZV) granted a Variance for the service of alcoholic beverages for on-site consumption to Somerset Caterers for its concession at the Gene Autry Western Heritage Museum. A similar Variance Case No. ZA 98-0012 (ZV) was granted to the Los Angeles Zoo for its cafes and special events.

Zoning

The Observatory is located in Griffith Park area which is zoned OS-1XL, which is a open space zone in the Number 1XL Height District.

General Plan

The Hollywood Community Plan (the "**General Plan**") land use designation for Griffith Park is open space. The Zoning is consistent with the General Plan designation.

Surrounding Land Use

- North – Zoning is OS-1XL, Griffith Park open space
- South – Zoning is OS-1XL, Griffith Park open space. There is a residential subdivision bordering Griffith Park that is over 1000 feet from the Observatory and a steep grade of approximately 330 feet below the grade of the Observatory.
- East – Zoning is OS-1XL, Griffith Park open space. The Greek Theater is approximately 1,500 feet to the east of the Property.
- West – Zoning is OS-1XL, Griffith Park open space.

Case Files and Permits

- Griffith Park Observatory Master Plan Environmental Impact Report No. 187-97.
- Case No. ZA 98-0903(ZV) granted a variance for the service of alcoholic beverages for on-site consumption to Somerset Caterers for its concession at the Gene Autry Western Heritage Museum.
- Case No. ZA 98-0012 (ZV) was granted to the Los Angeles Zoo for its cafes and special events.

- City Council File Index No. 06-0332 (April 5, 2006) Approving the Concession Agreement between the City of Los Angeles Department of Recreation and Parks and Wolfgang Puck Catering and Events, LLC.

California Environmental Quality Act

The Griffith Park Observatory Master Plan Environmental Impact Report No. 187-97 serves as the CEQA compliance document for this application. The proposed variance for alcohol service is anticipated in the Concession Agreement with LADRP, which was contemplated in the Master Plan EIR. The General Manager of LADRP prepared a report to City Council regarding the Concession Agreement with WPC. On page 6 of the General Manager's report he notes that the 1997 Master Plan EIR included analysis of the Concession Agreement.

Variance Findings

- 1. That 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.**

The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships for the Observatory inconsistent with the general purpose and intent of the zoning regulations. The purpose of the Open Space zone is to preserve open space. Like many public facilities in Griffith Park, the Observatory is an active use of open space that provides a significant community benefit and has done so for several decades. The requested variance does not remove any protected open space, but instead allows an historic public amenity to provide better events and services for Observatory patrons and the community. The zone variance request to sell alcoholic beverages would be consistent with other operations of this type in the vicinity. The Applicant will operate the Observatory Café at the Observatory, but alcohol service is not requested as part of the regular Café operation.

The Applicant's proposal can be accommodated in a manner consistent with the intent and purpose of zoning regulations which are written to attain compatibility between sites and neighboring properties. Denial of the request would unfairly impair/prevent the LADRP and the Applicant from enjoying reasonable use of the Observatory as a public space utilized for special events approved by LADRP. In this instance, the Code's desire to achieve compatibility between respective sites and protect neighboring properties and the Applicant's desire to provide a more viable/functional public service in conjunction with the Observatory can be accommodated in a manner consistent with the intent and purpose of the zoning regulations by imposing conditions of approval—such as are volunteered by the Applicant.

- 2. That there are special circumstances applicable to the subject property such as size, topography, location or surrounding that do not apply to other properties in the same zone and vicinity.**

There are special circumstances applicable to the Property because, although the Property is located within the OS IXL zone, the remote location, steep topography and distance to nearby developed property is such that there are no impacts to surrounding uses such as residences or

park users that would be compromised by the sale and consumption of alcoholic beverages at catered events approved by LADRP. There is only one access road and its primary purpose is to serve Observatory visitors and others attending special events at the Observatory.

The Observatory facility is located in a public site, a vast expanse of open space and varied topography. The Observatory itself is self contained, well bounded, and easily secured. The proposed request is logical insofar as it allows for the functional integration of a wider range of beverages to Cafe guests and to participants in catered special and fundraising events. Surrounding properties to the Observatory are within the OS-1XL zone of Griffith Park. The RE Zone beyond the southern boundary of Griffith Park consists of large lot single family homes and is characterized by hillside topography. The open space is designated as Griffith Park, the Los Angeles Zoo and golf courses in the vicinity. The unique features of this site include the large expanse of the site, its public nature, topography, shape and configuration of as well as the location of existing improvements thereon, making the request as proposed, logical, as it would allow for the functional integration of the use of the site and would offer a wider range of beverages with food services and at special catered events on the site.

3. That 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 to the property in question.

The use of the Property as an Observatory is generally consistent with the General Plan. The park was gifted to the City in 1896. Subsequently, the Observatory was designed and built and was dedicated in 1934. In 1935 the Observatory became the official property of the City of Los Angeles. The Greek Theater, the Los Angeles Zoo, the Western Heritage Museum, the Equestrian Center, the Los Feliz Golf Course, and the Roosevelt Golf Course located within the boundaries of Griffith Park all have the right to serve alcoholic beverages for onsite consumption in connection with the activities at each location.

The Applicant proposes to serve alcohol for on-site consumption to visitors during tightly controlled catered special events similar to the other venues in Griffith Park. There will be no bar or lounge area just for the purpose for consuming alcoholic beverages. Accordingly, a variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone or vicinity. The property right at-stake is the right of the LADRP, a proprietary agency of the City, to utilize the recently renovated Observatory for city-sponsored catered events and for private events approved by LADRP. Catered events raise revenue for the Observatory and the City. Catered events at public venues are common, such as the annual *Beastly Ball* at the LA Zoo. For catered events to be successful, the responsible service of alcoholic beverages with food service is required.

4. That 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.

Granting the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. On the contrary, the sale of

alcoholic beverages to the adult patrons at special catered events approved by LADRP will complement food service at catered events. The location of the Observatory in relation to other uses is such that there are no other sensitive uses or residential uses within 1000 feet of the Observatory. The Observatory is also located in steep hillside terrain of over 330 feet above the nearest residential property outside of the southern boundary of Griffith Park. There is no facility on the Property that serves alcohol without food, or that is open strictly for the purpose of selling alcoholic beverages.

Furthermore, the Applicant has proposed conditions of approval to limit the amount of special catered events. As shown on an August 9, 2006 LADRP Staff Report, the LADRP has placed a moratorium on "Standard Use Rentals" or special catered events until June 30 2007. Consequently, no private catered events (as distinguished from City-sponsored catered events) may take place at the Observatory until after June 30, 2007—and thereafter only subject to LADRP approval. Consequently, catered events will be tightly controlled and limited by LADRP within the bounds set by this grant, thereby providing protection to the public welfare.

Due to the remote location of the Observatory, there is only a single controlled access point that can be policed and monitored. The Applicant has a proven track record with successfully catering special events and serving gourmet food at public venues throughout California and several other states.

5. The granting of the variance will not adversely affect any element of the general plan.

The General Plan designation is Open space. The Hollywood District Plan designates Griffith Park for open space uses corresponding to the OS and A1 zones and is in Height District 1XL. The use of the facility as an Observatory will continue as it has in the past. There will be no additional floor area or structures added to the Observatory for this application. All proposed special events will take place on the newly-renovated existing grounds and in the existing structure and Café and will be subject to LADRP approval. The sales for alcoholic beverages will be only in connection with the sales for food at controlled catered events. Food sales and special events historically have occurred on the Property. Such use is consistent with the General Plan. Furthermore the General Plan supports upgrading and maintenance of public facilities of the City and the request is consistent with such goals as well as it will produce additional tax revenue. The preservation of open space will be maintained in such a way as to be consistent with the OS zone. Therefore granting a variance therefore will not adversely affect any element of the General Plan.

Findings of LAMC Section 12.24.W.1—A CUP is not Required—but CUP Findings may be helpful by providing additional information to the Zoning Administrator and the public

Although a variance is required to permit the on-site sale and consumption of alcoholic beverages, alcohol service is typically granted pursuant to conditional use permits. CUP findings are, therefore, included to further illuminate the appropriateness of the application for this Property and this area.

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

Approving the sales of alcohol will not adversely affect the economic welfare of the pertinent community. The use of the Property as an Observatory will continue as it has in the past. There will be no additional floor area or structures. All proposed special events will take place on the existing Observatory grounds. The sales for alcoholic beverages will be only in connection with the sales for food at controlled catered events approved by LADRP. Food sales and special events historically have occurred on the Property.

The location of the Observatory in relation to other uses is such that there are no other sensitive uses or residential uses within 1000 feet of the Observatory. The Observatory is also located in steep hillside terrain of over 330 feet above the nearest residential property outside of the southern boundary of Griffith Park. There is no facility on the Property that serves alcohol without food, or that is open strictly for the purpose of selling alcoholic beverages.

Furthermore, the Applicant has proposed conditions of approval to limit the amount of special catered events and additional conditions designed to ensure that the variance will not adversely effect the surrounding community. As shown on an August 9, 2006 LADRP Staff Report, the LADRP has placed a moratorium on "Standard Use Rentals" or special catered events until June 30 2007. Consequently, no private catered events (as distinguished from City-sponsored catered events) may take place at the Observatory until after June 30, 2007—and thereafter only subject to LADRP approval. Consequently, catered events will be tightly controlled and limited by LADRP within the bounds set by this grant, thereby providing protection to the public welfare.

Due to the remote location of the Observatory, there is only a single controlled access point that can be policed and monitored. The Applicant has a proven track record with successfully catering special events and serving gourmet food at public venues throughout California and several other states.

This application does not seek permission to serve alcohol in the Observatory Café during the hours the Café is open to Observatory visitors. The Observatory Café is intended to serve visitors, staff and volunteers of the Observatory. In the Café, food will be served cafeteria-style. Grab-and-go cart programming will be based upon volume, with more availability during peak season / days. The kitchen for the Café is a finishing kitchen, and cooked foods will be prepared off-site and brought to the Café. The reason for this is to prevent cooking hoods from emitting visible particles from the café that could obstruct nighttime viewing at the Observatory.

2. Granting the application will not result in an undue overconcentration of premises for the sale and dispensing for consideration of alcoholic beverages in the area of the City involved because the public convenience will be served by the issuance.

Overconcentration is determined by a census tract's existing population compared to the total number of alcohol licenses within the same census tract. Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Overconcentration is not undue, however, when approval of a license does not negatively impact the area and such license

benefits the public welfare and convenience. The Observatory is within Census Tract No. 1882. According to a report issued by the California Department of Alcoholic Beverage Control on March 16, 2006, 4 licenses for on-site consumption and 1 license for off-site consumption are allowed in the Census Tract. Currently, the Census Tract is not over concentrated. Approving the requested variance will result in the existence of 1 license over the number of licenses allowed in the census tract. However, this will not contribute to the area's undue overconcentration because the Observatory is a desirable attraction and located in unique setting for special events that is socially necessary and convenient. Moreover, the Applicant's proposal is intended to benefit the public welfare and convenience by creating a social gathering location that will promote social interaction for the visitor to the Observatory and at special events.

Further, the Observatory is located in LAPD's Northeast Division. In 2006, total violent crimes in Northeast Division had been reduced by 39% compared to 2004 statistics, and property crimes have been reduced by 26% during the same period. Reported crimes in Northeast Division and the area around the Observatory are below the Citywide average compared to other LAPD divisions.

3. The proposed use will not detrimentally affect nearby residentially zoned property or other sensitive uses such as hospitals, schools, churches or public playgrounds.

Catered events at the Observatory will not detrimentally affect residentially zoned property that is located over 1000 feet south of the Griffith Park boundary or other surrounding uses within the Griffith Park. There are no hospitals, churches, schools, or public playgrounds in proximity to the Observatory.

The Café grab-and-go cart programming will be based upon volume, with more availability during peak season / days. The kitchen for the Café is a finishing kitchen, and cooked foods will be prepared off-site at WPC's gourmet catering kitchen in Hollywood, then and brought to the Café. The reason for this is to prevent cooking hoods from emitting visible particles from the café that could obstruct nighttime viewing at the Observatory.

The LADRP has prohibited private catered events until June 30, 2007. And the LADRP retains complete control over approving any catered event at the Observatory. In addition, special catered events are required to end by 9:00 pm until June 30, 2007. Nevertheless, the Applicant, in coordination with LADRP, is requesting permission from the City Planning Department to have the right to serve alcoholic beverages at future catered events subject to LADRP approval. In any event, Catered events are expected to be rare. The Applicant will accept a condition of approval requiring that a calendar of scheduled catered events be provided to LFIA and the applicable Neighborhood Councils.

ADDITIONAL INFORMATION/FINDINGS

a. Will the approval of the Conditional Use (variance in this case) at this location adversely affect the economic welfare of the community? Why?

There will not be any detrimental effects to the economy. On the contrary additional revenue will be generated for LARP and the Observatory by special catered events and sales in the Café.

WPC has agreed not to serve alcohol in the café during regular Observatory hours when the café is open is open to the public visitors to the Observatory.

In addition, special catered events will generally conclude at the time the Observatory closes. Subject to LADRP approval, some catered events may end past park closing, and on very infrequent occasions extend to midnight or 1:00 am. In those cases, the Applicant, in coordination with LADRP, will provide for escorting parties from the Observatory and ensure that the park is secured before and after. The Applicant will accept a condition of approval requiring that a calendar of scheduled catered events be provided to LFIA and the Neighborhood Council.

The LADRP is currently holding a moratorium on special events during the first year of public operations, and thereafter would have a specific schedule of limited locations and times for event bookings so that the public is served as priority at the observatory. All bookings are at the discretion of LADRP and the Observatory. The Applicant will cater Observatory and City-sponsored events, as well as functions for outside corporate or non-profit clients.

b. Will the approval of the Conditional Use (variance in this case) result in or contribute to an undue concentration of such establishments? Why?

Granting a variance will not contribute to an undue overconcentration for the area because the Observatory is socially desirable and convenient, and will contribute to the public welfare. .

In sum, the Observatory is committed to serving alcohol responsibly and within the conditions and the limitations the City may choose to impose. Consequently, granting a variance does not create an undue overconcentration of alcohol licenses in the Property's census tract, because the public convenience is served and no detriment will result.

c. Will the approval of the Conditional Use (variance in this case) detrimentally affect nearby residentially zoned properties? Why?

No. Effects to nearby properties are minimal because the protection afforded by the distance and steep slopes from the Observatory, the Security Plan and the Applicant's voluntary conditions of approval require and prohibit the sale of alcohol for off-site consumption. In addition, conditions of approval limiting the number of catered events and otherwise controlling the operation of alcohol service at catered events will further

ensure that the variance does not detrimentally affect nearby residentially-zoned properties.

- d. What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?**

The Café hours of operation were dictated by the City.

Hours of Cafe per the LADRP concession agreement are:

Monday 10:00 a.m. to 8:00 p.m.
Tuesday 7:00 a.m. to 8:00 p.m.
Wednesday 7:00 a.m. to 8:00 p.m.
Thursday 7:00 a.m. to 8:00 p.m.
Friday 7:00 a.m. to 9:00 p.m.
Saturday 7:00 a.m. to 9:00 p.m.
Sunday 7:00 a.m. to 8:00 p.m.

In addition, special catered events will generally conclude by or about the park closing time. Subject to LADRP approval, some special events may end past park closing, and on very infrequent occasions extend to midnight or 1:00 am. In those cases, the Applicant, in coordination with LADRP, will arrange for escorting parties from the Observatory and ensure that the park is secured before and after. Catered events after-hours are expected to be rare. The Applicant will accept a condition of approval requiring that a calendar of scheduled catered events be provided to LFIA and the Neighborhood Councils.

- e. What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?**

The application proposes no changes of use to the facilities at the Observatory.

- f. Is parking available on the site? If so, how many spaces? If spaces are not available on the site, have arrangements been made for off site parking by lease or covenant? Where? How many off-site spaces?**

Yes. Parking will be provided consistent with the Master Plan requirements. A total of 200 parking spaces is available on the Observatory grounds. Up to 400 additional parking spaces are available on the adjacent roads within the Griffith Park open space. In addition, if required by LADRP for any special catered event, parking could be provided off-site and shuttle service could be provided.

- g. Is there to be entertainment such as a piano bar, jukebox, dancing, live entertainment, movies, etc.? (Specify?) (On-site only)**

No entertainment such as a piano bar, jukebox, dancing, live entertainment, movies is planned as part of the concession for regular Observatory hours and patrons. Live music, recorded music, and dancing may be provided as part of special events at the Observatory.

h. Is a full line of alcoholic beverages to be served or just beer and wine?

A full line of alcoholic beverages is proposed for on-site consumption at catered events only.

i. Will cups, glasses or other similar containers be sold which might be used for the consumption of liquor on the premises? (Off-site only)

Applicant does not propose to sell alcohol for off-site consumption.

j. If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only)

There will be no cocktail lounge maintained incidental to the Cafe.

k. Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons?

No.

l. Will video game machines be available for use on the subject property and if so, how many such machines will be in use?

No.

m. Will you have signs visible on the outside, which advertise the availability of alcohol?

No.

n. Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in Section 12.03 of the Los Angeles Municipal Code?

A finishing kitchen exists for food service in the Café. However, cooked food and food for catered events are prepared offsite at WPC's gourmet kitchen in Hollywood, then brought to the Observatory and may be finished at the Observatory Cafe. At no time will alcohol be sold when food is not available. Food will be available at all special events and at all times alcohol is being served.

o. Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?

Beer may be sold in individual 12 ounce bottles. Wine will be sold by the glass. All other alcoholic beverages will be sold in glasses. Wine may be served in bottles at special catered events.

p. Will "fortified" wine (greater than 16% alcohol) be sold?

No.

q. Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out)?

No.

r. Will discount alcoholic drinks or a "Happy Hour" be offered at any time?

No.

s. Will security guards be provided and if so, when and how many?

The Observatory provides on-site security. Additional security will be provided as-needed for special events. Security for special events will be coordinated with the Los Angeles Police department and the LADRP Park Police.

t. Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?

No. There are no adjacent properties under the control of the Applicant.

u. Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?

Yes. A catering operation is inclusive of both food and alcohol sales.

v. Provide a copy of the proposed menu if food is to be served.

See the attached Café menu and catering menu.

w. How many employees will you have on the site at any given time?

Approximately twenty employees will be on-site during catered events, but the amount of employees will vary depending on the size of the event.

x. What security measures will be taken including:

(1) Posting of Rules and Regulations on the premises.

Conditions of approval, use permits and alcohol licenses will be kept on-site and available for inspection.

(2) To prevent such problems as gambling, loitering, theft, vandalism and truancy.

The Observatory has a security force on-site.

(3) Will security guards be provided and if so, when and how many?

The Observatory provides security on-site. Additional security will be provided as-needed for special events. Security for special events will be coordinated with the Los Angeles Police department and the LADRP Park Police

(4) Other measures.

y. Will there be minimum age requirements for patrons? If so, how will this be enforced?

All ages are welcome to the Observatory and no age restrictions are anticipated for catered events at the Observatory, but age verification for service of alcoholic beverages will be required.

z. Are there any schools (public or private and including nursery schools) churches or parks within 1,000 ft. of your proposed business? Where?

No. The Observatory is located in Griffith Park but there are no active recreational facilities within 1,000 feet of the Observatory.

aa. For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater)?

Not applicable.

bb. For off-site sales, where will the alcohol be stored and displayed (indicate on floor plan)?

Not applicable.

PROPOSED CONDITIONS OF APPROVAL

The Applicant proposes the following conditions of approval for the requested variance:

1. Sales, service or consumption of alcoholic beverages shall be permitted at special catered events between the hours of 11:00 a.m. and 1:00 am. any day of the week subject to approval by the Los Angeles Department of Recreation and Parks ("LADRP") and further subject to the conditions set forth herein.
2. Delivery of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 9:00 p.m. each day of the week.
3. There shall be no coin operated games or video machine maintained upon the premises at any time.
4. No pool or billiard tables may be maintained on the premises.
5. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
6. Although special events may be private events requiring ticket purchase by attendees, Applicant shall not require an admission charge or cover charge, and shall not require a attendees to purchase a minimum number of drinks.

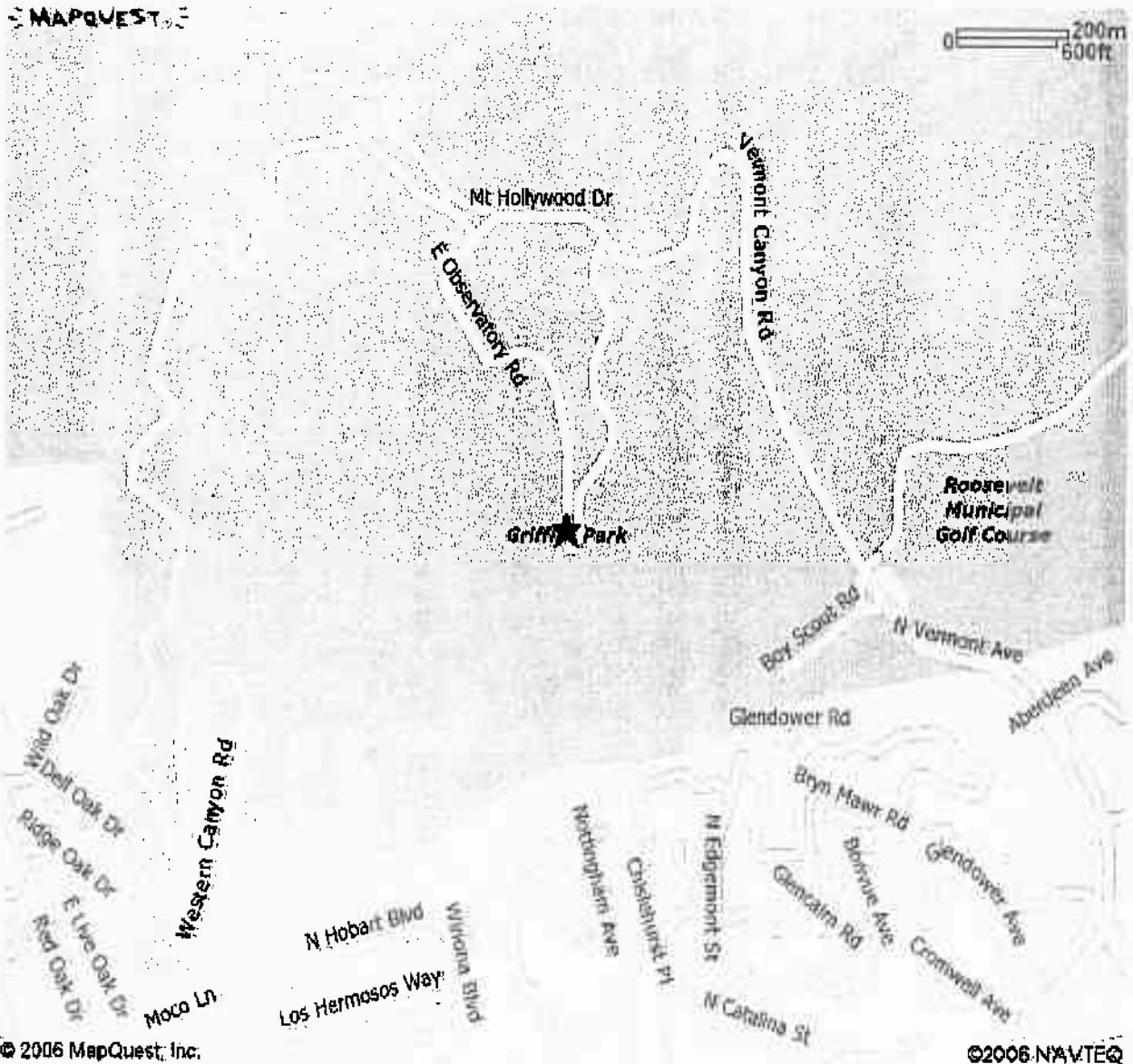
7. Any music, sound or noise emitted that is under Applicant's control shall not exceed decibel levels that are stated in the Noise Abatement laws and Zoning Administrative Authority, LAMC Section 12.24.ix.2(b), and shall not be audible beyond the Observatory grounds and structure walls.
8. The sale of beer, wine and distilled spirits for consumption off the premises is strictly prohibited.
9. The Applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control, if any.
10. No wine shall be sold with an alcoholic content greater than 16% by volume.
11. No alcoholic beverage shall be consumed on any property adjacent to the premises that is under Applicant's control.
12. No person under the age of 21 shall serve alcoholic beverages.
13. Sales and delivery of alcoholic beverages to customers shall be made from behind the counter or by a waitress or clerk, although table service of bottles of wine and beer is permitted for sit-down dinner events.
14. Alcoholic beverages offered for sale at the premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.
15. Within six months of the effective date of this determination, all personnel acting in the capacity of a manager of the premise shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department.
16. On at least a monthly basis, the Applicant shall provide a calendar of scheduled catered events to the Los Feliz Improvement Association and any Neighborhood Council that requests to be provided such a calendar of scheduled catered events.
17. Limitations on Special Catered Events Serving Alcohol. In addition to any limitations on privately-sponsored catered events imposed by the LADRP, privately-sponsored special catered events lasting past Midnight shall be limited to six (6) such events per calendar year.
18. The Applicant shall only serve alcohol at the Observatory in compliance with the approval of LADRP and in compliance with the Concession Agreement in its present form or however it may be amended in the future.

ATTACHMENT B

**DATES THE APPLICANT HAS MET WITH THE COMMUNITY
TO PRESENT AND DISCUSS THE APPLICATION FOR A
VARIANCE TO PERMIT ON-SITE SERVICE OF ALCOHOLIC BEVERAGES,
AT GRIFFITH PARK OBSERVATORY
2800 East Observatory Avenue**

September 19, 2006	Greater Griffith Park Neighborhood Council (GGPNC)
September 25, 2006	Los Feliz Improvement Association (LFIA)
October 9, 2006	Parks, River and Open Space Committee (PROS)
November 20, 2006	Hollywood United Neighborhood Council (HUNC)

Vicinity Map



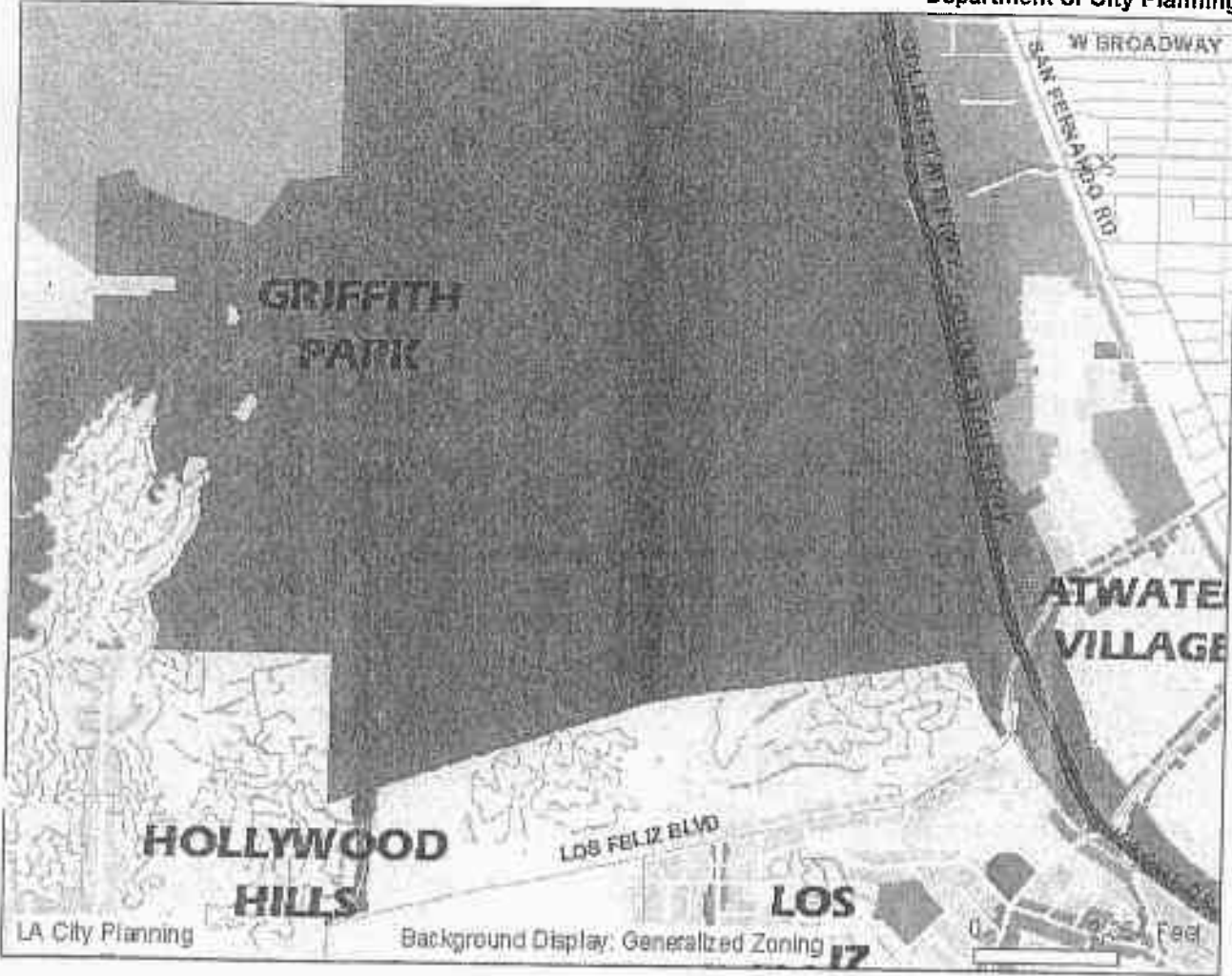
Address: 2800 East Observatory Road

QMS# 06-267










ZIMAS INTERNET

12/09/2005

City of Los Angeles
Department of City Planning

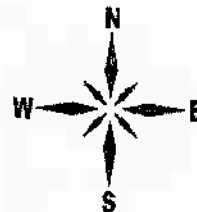


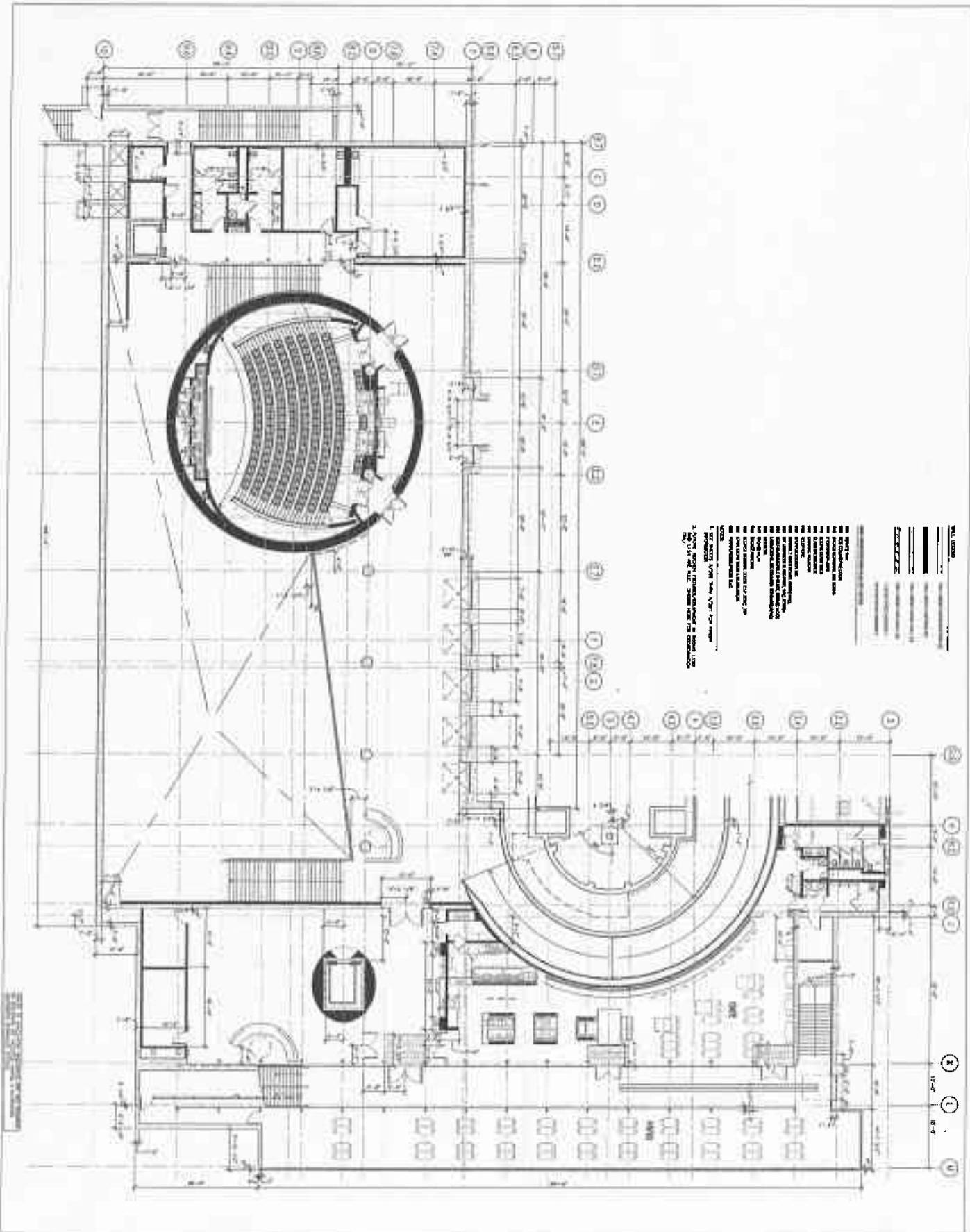
Generalized Zoning

-  OS
-  A, RA
-  RE, RS, R1, RU, RZ, RW1
-  R2, RD, RMP, RW2, R3, R4, R5
-  ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC
-  CM, MR, CCS, M1, M2, M3, SL
-  P, PB
-  PF
-  HILLSIDE

Property Information

Address: 2800 N VERMONT AVE
 APN: 5593002***
 Tract: RANCHO LOS FELIS
 Block: None
 Lot: PT LT NO 38
 Arb: 48
 PIN #: 156B197 1
 Zoning: OS-1XL
 General Plan: Open Space





NOTES

1. SEE GENERAL NOTES TO DRAWING A2111.
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
11. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
12. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
13. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.
14. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES, CALIFORNIA, ORDINANCES AND REGULATIONS.

GRIFFITH OBSERVATORY
 LOS ANGELES, CALIFORNIA, DEPARTMENT OF PUBLIC WORKS

100% FINAL PLANS

DESIGNED BY: **LEO A. LINDBERGH**
 ARCHITECT: **LEO A. LINDBERGH ARCHITECTS, INC.**
 1200 WEST 10TH STREET, LOS ANGELES, CALIFORNIA 90012

GENERAL CONTRACTOR: **BLISS OFFICER**
 SUPERVISOR OF PLANNING & CONSTRUCTION: **ROBERT FINESTY**
 PROJECT MANAGER: **DAVID S. LAO**
 PROJECT MANAGER: **DAVID S. LAO**

SEATING CAPACITY

INTERIOR SEATING	60
EXTERIOR SEATING	80
TOTAL SEATING	140

REVISIONS

NO.	DATE	DESCRIPTION

DATE: 11/1/54

PROJECT TITLE: GRIFFITH OBSERVATORY

PROJECT NO.: A2111

DATE: 11/1/54

SCALE: AS SHOWN

PROJECT MANAGER: DAVID S. LAO

ARCHITECT: LEO A. LINDBERGH ARCHITECTS, INC.

1200 WEST 10TH STREET, LOS ANGELES, CALIFORNIA 90012

A2111