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planning.lacity.org

March 11, 2022

Thomas Turner (A)
850 Colorado Boulevard, Unit 202
Los Angeles, CA 90041

The Crocker Club Company (O)
c/o Poyo Su
453 South Spring Street, Unit 200
Los Angeles, CA 90013

CASE NO. ZA-2020-7899-CUB-CUX
CONDITIONAL USE – ALCOHOL AND
PUBLIC DANCING

453 South Spring Street
Central City Community Plan

Zone: [Q]C4-4D

C.D: 14

D.M.: 129A211

CEQA: ENV-2020-7900-CE

Legal Description: Arb 1, Fractional Lot 1,
Ord's Survey

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code Section 12.24W.1, I hereby APPROVE:

a conditional use to authorize the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing bar/lounge in the [Q]C4-4D Zone; and,

Pursuant to Los Angeles Municipal Code Section 12.24W.18, I hereby APPROVE:

a conditional use to authorize patron dancing in conjunction with an existing bar/lounge in the [Q]C4-4D Zone,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. **Authorization.** Authorized herein are conditional uses to permit the sale and on-site consumption of a full line of alcoholic beverages and dancing, in conjunction with the continued use and maintenance of a 5,635 square-foot bar/lounge and 600 square-foot outdoor patio area, upon the following limitations:
 - a. Interior seating shall be limited to a maximum of 81 seats, and exterior seating limited to a maximum of 16.
 - b. Maximum occupancy shall not exceed 335 persons, but at no time shall exceed the maximum occupancy as determined by the Fire Department.
 - c. The dance floor shall not exceed 400 square feet or an occupancy of 30 patrons.
 - d. Hours of operation shall be limited to 9 a.m. to 2 a.m., daily; the outdoor patio shall observe hours not to exceed 9 a.m. to 1 a.m. daily.

8. After hour use shall be prohibited, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk, front desk or near the hostess station

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

10. The applicant shall provide a contact phone number to surrounding residential and commercial tenants either directly or via a tenant association where a live person can be reached during hours of operation of the premises to voice any concerns regarding noise or other activities associated with patrons that may be causing disturbances to neighbors.
11. The applicant shall, on a continuing and quarterly basis, arrange, host or attend a meeting with surrounding residential associations (including those affiliated with the Rowan and the El Dorado complexes) to discuss any concerns with operational issues of the bar/lounge. The applicant shall maintain a log of when the meetings took place and of attendance. The frequency of such meetings may be modified based on mutual agreement between the applicant and representatives of the residential buildings and/or any homeowner associations.
12. **Private Events.** Any use of the facility for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
13. The facility shall not be leased or rented out to promoters at any time.
14. **STAR Training.** Within the first six months of operation, all employees involved with the sale or service of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) training program. Upon completion of such training, the applicant shall request the Police Department to issue a letter to the Department of City Planning referencing Case No. ZA-2021-7899-CUB-CUX and identifying which employees completed the training. STAR training shall be conducted for all new hires within three months of their employment and all employees every 24 months thereafter.
15. An electronic age verification device and a black light device shall be purchased and retained on the premises available to determine the age of any individual and shall

be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.

16. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation's alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.
17. Prior to utilizing the grant authorized herein, the business operator shall apply for and secure an LAPD "Dance Hall" permit, a copy of which shall be submitted to the Department of City Planning, Development Services Center, for inclusion in the administrative case file.
18. Live musical entertainment is limited to four (4) musicians. Any music shall not be audible beyond the building. Any DJ performing shall be limited to an "ambient DJ" who does not speak to the patrons or use a microphone.
19. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment outdoors at any time.
20. Prior to utilizing the grant authorized herein, the business operator shall apply for and secure an LAPD "Cafe Entertainment/Shows" permit, if appropriate, a copy of which shall be submitted to the Department of City Planning, Development Services Center, for inclusion in the administrative case file.
21. No speakers or amplified sound is permitted in the outdoor patio area.
22. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
23. A camera surveillance system shall be installed, in consultation with the Los Angeles Police Department, and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department. All data shall be made available to law enforcement agencies upon request.
24. **Security Plan.** The applicant shall prepare a security plan that must be reviewed and approved by the Police Department within 12 months of the approval of this grant. The approved security plan shall be submitted to the Department of City Planning, Development Services Center, and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.

Notwithstanding said plan, the plan shall include but not be limited to the following requirements:

- a. Security shall be provided beginning no later than 5 p.m. until one-half hour after closing at all times that the premises are open for business. A minimum of two (2) security guards shall be on duty and on the premises beginning at 5 p.m. Said number shall be supplemented as warranted and security shall be provided before 5 p.m. as necessary based on anticipated attendance or type of event.
 - b. Security guards shall monitor the exterior premises along Spring Street and Fifth Street, ensuring that patrons do not loiter and that patrons quietly enter or depart the premises.
 - c. Security guards shall disperse any crowds that congregate in front of the subject property and as necessary contact the Police Department if assistance is needed and/or if crowds have only moved to an abutting property and remain there.
 - d. Security guards shall not function in any other capacity (i.e., parking attendant, bartender, janitor, etc.) during assigned shifts.
 - e. The on-duty manager and all security personnel shall have two-way communication equipment that will enable all parties to effectively communicate with one another in order to provide enhanced safety and security for patrons.
 - f. All security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. Guards shall maintain on their persons all required State Consumer Affairs guard card during their shift. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.
25. Parking shall be provided to the satisfaction of the Department of Building and Safety. Any future parking plan that is voluntarily arranged by the applicant shall be submitted to the Zoning Administrator for inclusion in the file for reference.
26. **Valet Parking.** If at any time the business operator offers valet service, the valet company and its hired attendants must obtain a LAPD Valet Parking Permit which is granted by the LAPD Board of Commissioners office. The valet parking company must be in possession of a Valet Parking Operator (VPO) permit, while its hired drivers must be in possession of a Valet Parking Attendant (VPA) permit through LAPD Commission Investigation Division. Note: Prior to providing valet services, the applicant should e-mail ladot.valetop@lacity.org to begin the application process, review, and approval of valet operations.

27. Valet attendants shall be prohibited from using whistles or honking cars to communicate that a vehicle is ready for pick-up or to summon a valet attendant.
28. Prior to use of an outdoor patio area, the applicant shall secure a revocable permit from the Bureau of Engineering. Use and maintenance of the patio area shall be consistent with the conditions of both this grant and that permit and shall not exceed a maximum of seats 16.
29. All patrons appearing to be under the age of 35 years shall be required to present **State approved** bona fide identification at the time of entry into the lounge/bar area.
30. Trash pick-up shall be limited to the hours between 10 a.m. and 10 p.m. Trash shall not be emptied before 10 a.m. or after 9 p.m.
31. No private rooms for lounging, entertainment or any other purpose are permitted except that existing rooms with wood walls to be replaced with full glass panels shall be permitted, provided there is unobstructed viewing into each room.
32. Exterior windows and glass doors of the establishment shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the establishment by Police and private security.
33. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
34. The front door(s) shall be kept closed at all times during the operation of the premises except in case of emergency. The rear door(s) of the premises shall be kept closed at all times, except for emergency access, and shall be equipped on the inside with an automatic locking device. Temporary use of the door(s) for delivery or supplies does not constitute a violation. Said door(s) are not to consist solely of a screen or ventilated security door.
35. Patrons shall only use Spring Street for drop-off and entry.
36. Patrons shall be permitted to exit via Spring Street or 5th Street between 11 p.m. and closing hour based on an assessment by management and security staff of the size of crowd along each street frontage. Valet operations shall be accommodated accordingly.
37. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
38. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.

39. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
40. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70, including any wet-shirt contests, leg contest, mud or oil wrestling, lap dancing or similar adult-type entertainment shall be permitted.
41. No employee or agent shall be permitted to accept money or any other item of value from a customer for the purpose of sitting or otherwise spending time with the customers while on the premises. No female or male patrons shall be made available to act as escorts, companions or guests of customers. Employees shall not be allowed to solicit or accept any alcoholic or non-alcoholic beverage from any customers in the premises.
42. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
43. The applicant(s) shall comply with Section 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
44. The applicant/business operator/manager shall retain full control of all events within the subject premises. At no time will the premises host raves or other similar events. The premises shall not sublet to outside promoters or to any third parties for private parties or special events.
45. The applicant/business operator/manager shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
46. Conditions of this grant shall be retained at all times on the premises and shall be made immediately available upon request by the LAPD, ABC, Building and Safety, or City Planning. The manager and all employees shall be knowledgeable of the conditions herein.
47. The applicant/business operator/manager of the premise permitted by this action shall maintain on the premise, and present upon request to any law enforcement officer, a copy of the business permit and insurance information.
48. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities

shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area, including accessory parking areas, over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

49. The applicant/business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.
50. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.
51. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E,3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
52. Should there be a change in the ownership and/or the operator of the business, the property owner and/or the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Development Services Center, Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Development Services Center, Department of City Planning, within 30 days of the beginning day of his/her new operation of the establishment along with

any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

53. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
54. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (upon their own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, prepare a radius map, and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, the Los Angeles Police Department's corresponding division, and the local Neighborhood Council. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
55. **Plan Approval.** The applicant shall file a Plan Approval application no sooner than **5 years** but within 6 years from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Department of City Planning. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the terms of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

56. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City

retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

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 **MARCH 29, 2022**, 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:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(213)482-7077)

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
[\(818\) 374-5050](tel:(818)374-5050)

West Los Angeles
West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
[\(310\) 231-2598](tel:(310)231-2598)

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 subsequent contact regarding this determination must be with the staff assigned to this 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, and the statements made at the public hearing on January 4, 2022, 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 conditional use approvals under the provisions of Section 12.24 have been established by the following facts:

BACKGROUND

The subject property is a level, approximately 17,273 square-foot, rectangular-shaped lot with an approximately 114-foot frontage along the west side of Spring Street and an approximately 155-foot frontage on the eastern side of 5th Street.

The site is developed with a 12-story office building per the Certificate of Occupancy, permit no. LA13250-58, issued on November 24, 1959. The subject establishment, the Crocker Club, occupies approximately 5,635 square feet of floor area at the basement of the subject property with a 600-foot patio located at the ground floor per the Revocable Permit, Permit No. R-1550-0026, issued on May 6, 2015.

The subject property is located within the Central City Community Plan area, which designates the land use of the subject lot as Regional Center Commercial, corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, RAS4 Zones. In addition, the project site is located within the boundaries of the historic Spring Street Financial District, a Transit Priority Area in the City of Los Angeles, Greater Downtown Housing Incentive Area, City Center Redevelopment Project Area, Los Angeles State Enterprise Zone, and is approximately 1.37 kilometers from the Puente Hills Blind Thrust fault.

On March 8, 2006, the Zoning Administrator approved a Conditional Use (Case No. ZA 2005-7005-CUB-CUX) to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing on a 400 square-foot dance floor, in conjunction with a 5,200 square-foot bar/lounge with limited live entertainment, accommodating 299 patrons, with hours of operation from 11 a.m. to 2 a.m. daily, for a limited term of 5 years.

On August 3, 2012, the Zoning Administrator approved a Conditional Use (Case No. ZA 2011-3260-CUB-CUX) to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing on a 400 square-foot dance floor, in conjunction with a 5,200 square-foot bar/lounge with limited live entertainment, accommodating 299 patrons, with hours of operation from 11 a.m. to 2 a.m. daily, for a limited term of 5 years.

The applicant seeks Conditional Use Permits to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and dancing on a 400 square feet of dance floor, in conjunction with an existing 5,635 square-foot bar/lounge with 81 indoor seats, a 40 square feet of DJ area with live entertainment and a 600 square-foot outdoor patio with 16 seats in the [Q]C4-4D Zone. The proposed hours of operation are from 9:00 am to 2:00 am, daily.

According to the applicant:

The Applicant's request at this juncture to conditionally allow alcohol sales and dancing in conjunction with an existing bar & lounge is identical to what was approved from the previous grant with the exception of the Applicant's request for the hours of operations from 9am to 2am, daily. As such, as the restaurant with its current operations has proven to be a convenient location for a unique dining and entertainment experience, the Applicant only seeks to complete the overall

experience by legally providing their customers the ability to sell alcohol, provide entertainment and dancing, similarly to what was already granted in 2009.

According to additional information submitted by the applicant, the proposed bar/lounge would occupy 5,636 square feet and an additional 600 square feet of outdoor patio area at the front of the building. 81 seats are proposed interior and 16 seats exterior, with a maximum occupancy of 335 patrons. A valet parking service will be provided. Dancing and live entertainment will be limited to between 5 p.m. and 1:30 a.m. daily. One security guard would be provided between 9 a.m. and 10 p.m., and two between 10 p.m. and 2 a.m. daily. Alcoholic beverages will be sold without a food order, and discounted alcoholic drinks ("Happy Hour") will be offered.

Surrounding properties

The surrounding properties are a mix of commercial, office, multi-residential, and retail properties and fully improved streets. The properties to the north and northeast are zoned [Q]C4-4D-CDO-SN and [Q]C4-4D and are developed with parking lots and mixed-use buildings with residential, office and commercial uses. The properties to the east and southeast are zoned [Q]C4-4D and C2-4D are developed with a public park, parking lots, multi-residential buildings, and commercial properties. The properties to the south and southwest are zoned C2-4D and C5-D and are developed with a post office and mixed-use buildings with residential, office and commercial uses. The subject to the west are zoned [Q]C4-4D-CDO-SN are developed with mixed-use buildings with residential, office and commercial uses.

Streets

Spring Street, adjoining the subject property to the west, is a designated Modified Avenue II, dedicated to a width of 80 feet with one-way southbound traffic lanes only, and improved with asphalt roadway, concrete sidewalk, curb, and gutter.

5th Street, adjoining the property to the east, is a designated a Modified Avenue III, dedicated to a width of 65 feet with one-way west-bound traffic lanes only, and improved with asphalt roadway, concrete sidewalk, curb, and gutter.

Previous Cases, Affidavits, and Orders

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 500-foot radius of the subject property and found the following:

Subject Property:

Case No.ZA 2011-3260(CUB)(CUX) – On August 3, 2012, the Zoning Administrator approved conditional uses to authorize the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing, in conjunction with the continued operation of an existing 5,200 square-foot bar/lounge with limited

live entertainment, accommodating 299 patrons, with hours of operation from 11 a.m. to 2 a.m. daily.

Case No. ZA 2005-7005(CUB)(CUX) – On March 8, 2006, the Zoning Administrator approved conditional uses to authorize the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing in conjunction with the operation of a proposed 5,200 square-foot bar/lounge with limited live entertainment, accommodating 299 patrons, with hours of operation from 11 a.m. to 2 a.m. daily.

Case No. ZA 2001-0666(CU) – On June 11, 2001, the Zoning Administrator approved a conditional use to authorize the installation, use, and maintenance of an unmanned wireless telecommunications facility on the rooftop and penthouse of the existing building.

Surrounding Properties:

Case No. ZA-2021-6546-CUB-CUX – On January 4, 2022, the Zoning Administrator approved a conditional use authorization to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 3,307 square-foot restaurant, accommodating 124 seats, having live entertainment, with hours of operation from 11 a.m. to 1 a.m. daily, on property located within the C5-4D Zone, at 216 West 5th Street.

Case No. ZA-2019-6242-ZV-MCUP-CUX- On March 25, 2020, the Zoning Administrator approved a Zone Variance to allow an open air outdoor rooftop bar, a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, and a second a Conditional Use Permit to allow public patron dancing in conjunction with live entertainment in the [Q]C4-4D Zone located at 433 S. Spring Street.

Case No. ZA-2019-4776-CUB- On February 21, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant/bakery and bar in the [Q]C4-4D Zone located at 361 S. Spring Street.

Case No. ZA-2019-2349-ZV-CUB-CUX- On October 22, 2020, the Zoning Administrator approved a Zone Variance to allow an open air outdoor rooftop bar and a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in the [Q]C4-4D Zone located at 402-408 S. Spring Street.

Case No. ZA-2018-99-CUB- On May 25, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption and to allow on-site beer and wine tasting in the [Q]C4-4D Zone located at 460 S. Spring Street.

Case No. ZA-2018-4807-CUB- On April 3, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant in the [Q]C5-4D-CDO-SN Zone located at 514 S. Broadway.

Case No. ZA-2018-4678-CUB- On May 07, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with two existing restaurants in one tenant space with a proposed mezzanine bar area in the [Q]C5-4D-CDO-SN and C5-4D Zones located at 541 S. Spring Street.

Case No. ZA-2018-428-CUB- On June 04, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new restaurant located in the [Q]C5-4D:CDO-SN Zone located at 541 S. Spring Street.

Case No. ZA-2018-2881-CUB-CUX- On April 05, 2019, the Zoning Administrator approved two Conditional Use Permits to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing with live entertainment in conjunction with an existing bar/lounge located in the [Q]C4-4D Zone located at 416 S. Spring Street.

Case No. ZA 99-2586(RV) – On April 3, 2000, the Zoning Administrator modified the operation of the Regent Theater located at 448 South Main Street, in order to mitigate adverse impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation with 22 conditions.

Case No. ZA 98-0091(RV) – On November 5, 1999, the City Council denied an appeal (CF 99-1246) of the Board of Zoning Appeals determination (BZA 5707) to deny an appeal of the Zoning Administrator's modification of the operation of Bluebird Liquor located at 450 South Main Street, in order to mitigate adverse impacts caused by the operation on adjacent and nearby residential and commercial uses with 25 conditions.

In addition, the following alcoholic beverage-related cases were also found to be within 600 feet of the subject property:

CPC-2016-3765-TDR-
MCUP-CUX-ZAD-DD-SPR
ZA-2016-3203-CUB
ZA-2016-1681-CUB
ZA-2015-702-CUB-CU
ZA-2015-401-CUB
ZA-2015-3918-CUB
ZA-2015-3123-CUB
ZA-2015-1255-CUB
ZA-2014-4732-CUB
ZA-2014-285-CUB
ZA-2013-4189-CUB
ZA-2013-2653-CUB
ZA-2013-2362-CUB

ZA-2013-1068-MCUP
ZA-2012-520-CUB-CUX
ZA-2012-377-CUB-CUX-ZV
ZA-2012-3278-CUB
ZA-2012-3263-CUB
ZA-2012-2655-CUB
ZA-2012-231-CUB
ZA-2012-1227-CUB
ZA-2011-3260-CUB-CUX
ZA-2011-2860-MCUP-ZV
ZA-2011-2748-PAB
ZA-2011-2746-PAB
ZA-2011-2039-PAB
ZA-2011-2038-PAB

ZA-2011-2037-PAB
ZA-2011-1019-CUB
ZA-2010-957-CUB
ZA-2010-2842-CUB
ZA-2010-1568-CUB
ZA-2010-1567-CUB
ZA-2009-979-CUB-CUX-ZV
ZA-2009-3718-CUB
ZA-2009-3016-CUB-CUX-ZV
ZA-2008-4437-CUB
CPC-2007-5191-CUB-CUX-
CU-YV-SPR
ZA-2007-3334-CUB-ZV
ZA-2006-1650-CUB

ZA-2005-7005-CUB-CUX
ZA-2005-5977-CUB-CUX
ZA-2005-5757-CUB
ZA-2004-1365-CUB-CUX-ZV
ZA-2003-7712-CUB
ZA-2003-1946-CUB

ZA-2001-2474-CUB-CUX-ZV
ZA-1996-416-CUZ
ZA-1988-918-CUB
ZA-1986-439-CUB
ZA-1986-4103-E
ZA-1985-713-CUB

ZA-1985-132-PAD-PAB
ZA-1985-1084-E
ZA-1984-647-E
ZAI-1983-18-E
ZAI-1979-51-B
ZAI-1978-26-B

Correspondence

Thomas Turner – In an email dated February 7, 2022, Mr. Turner summarized the additional outreach he conducted subsequent to the public hearing and provided detailed responses for additional information requested at the hearing.

Nick Leathers – In an email dated January 3, 2022, Mr. Leathers, a resident on Spring Street, expresses his opposition to the request. Mr. Leathers states that he lives across the street from the establishment and has experienced excessive noise and witnessed public intoxication as a result of the business; he further questions the utility of conditions if they are not complied with. In particular, non-compliance with Condition Nos. 12, 18, and 28 of Case No. ZA 2011-3260(CUB)(CUX).

Maira Sanchez – In an email dated January 3, 2022, Ms. Sanchez, a resident on Spring Street, expresses her opposition to the request for the outdoor patio component of the project. Ms. Sanchez states that she has experienced late-night-noise impacts and have witnessed fights between patrons on the street; she observes that the sidewalk in front of the establishment is narrow and cannot accommodate both the proposed patio and allow for passage of pedestrians and disabled individuals. She feels that in addition to the patio prohibition, the establishment should be required to maintain a minimum of two personnel at the door: one to manage the entrance and the second to ensure that arriving and departing patrons are quiet; and further, that they should not be serving patrons who are overly intoxicated.

Latane Mack – In an email dated December 23, 2021, Mr. Mack a resident on Spring Street, expresses his opposition to the project, and especially for the request to maintain an outdoor patio area. He states that he has been impacted by the noise and drunken brawls in the community.

Dorian – In an email dated December 23, 2021, Dorian, a resident on Spring Street, expresses his opposition to the project, and especially for the request to maintain an outdoor patio area. He states that there were fights, noise, and inebriated patrons causing problems along Spring Street, attributable to the establishment; since its closure during the COVID-19 pandemic, there has been a noticeable increase in the quality of life.

Claudia Oliveira, President, Downtown Los Angeles Neighborhood Council – In a letter November 9, 2021, the Neighborhood Council expresses their support for the project upon two conditions: that should the owner/operator change, the new owner/operator will present to their Planning and Land Use Committee; and that ground floor retail storefronts retain transparency at all times.

PUBLIC HEARING

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site for which an application was filed with the Department of City Planning. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. A public hearing was held before the Zoning Administrator on January 4, 2022 at 9:00 a.m. Due to continuing concerns over COVID-19, the hearing was conducted entirely telephonically. six individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Thomas Turner, the applicant, summarized the project and requests as follows:

- The establishment has been operating under a prior conditional use approval
- The request is to renew the authorization.
- The establishment is located downstairs, in a basement.
- We have been in operation for 10-12 years.
- We are well-established.
- The building is well maintained.
- We have not heard from either the City Council Office or the Police Department.
- We are seeking an increase in maximum occupancy to 335, which includes both interior and exterior spaces.
- We would like to open at 9 a.m. to accommodate special events.

Following the applicant's testimony, the hearing was opened to receive testimony from the general public:

Kersten Houland

- I live across the street.
- I am concerned about the noise this use generates, especially until 2 a.m.
- Friday and Saturday nights are especially difficult.
- I would recommend that amplified music be stopped at 11 p.m.

Patrick Cooper

- I live next door.
- I am strongly opposed to the outdoor patio.
- This use is the source of a lot of noise and disruption in the community.
- Their patrons are intoxicated and noisy.
- There are many restaurant uses in the area.
- The sidewalk is already narrow.
- I recommend that two persons be assigned to manage the door and noise.
- I sent in a letter.

Dorian I.

- I sent in a letter.
- I am a residential neighbor.
- I have concerns about the business being a good neighbor.
- The Crocker Club and the Down-N-Out have become nuisances.
- The entry and exit of patrons have been noisy; patrons have been drunk and aggressive, with fights.
- The applicant has not had any dialogue with surrounding neighbors.
- I oppose any outdoor spaces for this business.

Ashley W.

- I am a neighbor.
- I agree with Patrick and Dorian.
- The applicant has not controlled noise.
- The sidewalk is narrow.
- A noise curfew should be imposed at 11 p.m.

Miste Holloway

- I am the Rowan Building's general manager.
- There has been after-hours loitering.
- There are security concerns after hours.
- This is a residential area.

The applicant was given an opportunity to respond to the comments presented:

Thomas Turner

- I was not aware that I needed to reach out to the neighbors to address problems.
- The outdoor patio area is to allow patrons to enjoy a drink outside.
- We shut down at 1:30 a.m.
- We have security.
- There are other establishments in the area.
- No music is proposed outside.
- We have a sound-proof entrance.
- The stairway has been modified; we have added soundproofing, acoustic curtains.
- We have two door hosts, one ID checker and one host.

The Zoning Administrator, having reviewed the administrative record, asked the applicant to meet with adjacent neighbors, pursuant to Condition No. 18 of Case No. ZA 2011-3260(CUB), and to provide substantial evidence of compliance with Condition Nos. 13, 15, 17, 18, 19, 23, 25, 30, and 31. Further, the Zoning Administrator requested that the applicant submit a copy of their current ABC permit and operating conditions.

At the conclusion of the hearing, the Zoning Administrator took the matter under advisement until February 4, 2022, in order for the applicant to meet with surrounding residents, and to provide additional information regarding the conduct of the establishment.

On February 4, 2022, the Zoning Administrator granted the applicant's request for additional time to submit additional information.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

The following conditions are submitted for consideration:

- Sales, service or consumption of alcoholic beverages shall be permitted between the hours of 11 a.m. and 1.30 a.m. daily.
- Sales or delivery of alcoholic beverages to customers shall be made from behind the counter or by a waitress or clerk. No self-service of alcoholic beverages is permitted.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- No person under the age of 21 shall serve any alcoholic beverages.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- No off-site sales of alcohol as a secondary use to the on-site sales is permitted.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- Petitioner shall not share any profits, or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge for the sale of drinks.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.

- No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
- There shall not be a requirement to purchase a minimum number of drinks.
- There shall be no table sized alcohol dispensers, mini kegs, buckets of beer, or other large volume containers.
- Delivery of alcoholic beverages shall be permitted between the hours of 10 a.m. and 9 p.m. daily.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property is a level, approximately 17,273 square-foot, rectangular-shaped lot with an approximately 114-foot frontage along the west side of Spring Street and an approximately 155-foot frontage on the eastern side of 5th Street.

The site is developed with a 12-story office building per the Certificate of Occupancy, permit no. LA13250-58, issued on November 24, 1959. The subject establishment, the Crocker Club, occupies approximately 5,635 square feet of floor area at the basement of the subject property with a 600-foot patio located at the ground floor per the Revocable Permit, Permit No. R-1550-0026, issued on May 6, 2015.

The surrounding properties are a mix of commercial, office, multi-residential, and retail properties and fully improved streets. The properties to the north and northeast are developed with parking lots and mixed-use buildings with residential, office and commercial uses. The properties to the east and southeast are developed with a public park, parking lots, multi-residential buildings, and commercial properties. The properties to the south and southwest are developed with a post office and mixed-use buildings with residential, office and commercial uses. The subject to the west are developed with mixed-use buildings with residential, office and commercial uses.

On August 3, 2012, the Zoning Administrator approved a Conditional Use (Case No. ZA 2011-3260-CUB-CUX) to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing on a 400 square-foot dance floor, in conjunction with a 5,200 square-foot bar/lounge with limited live

entertainment, accommodating 299 patrons, with hours of operation from 11 a.m. to 2 a.m. daily, for a limited term of 5 years.

The applicant seeks to continue conditional use authorizations Permits to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and dancing on a 400 square feet of dance floor, in conjunction with an existing 5,635 square-foot bar/lounge with 81 indoor seats, a 40 square feet of DJ area with live entertainment and a 600 square-foot outdoor patio with 16 seats in the [Q]C4-4D Zone. The proposed hours of operation are from 9:00 am to 2:00 am, daily.

According to the applicant:

The Applicant's request at this juncture to conditionally allow alcohol sales and dancing in conjunction with an existing bar & lounge is identical to what was approved from the previous grant with the exception of the Applicant's request for the hours of operations from 9am to 2am, daily. As such, as the restaurant with its current operations has proven to be a convenient location for a unique dining and entertainment experience, the Applicant only seeks to complete the overall experience by legally providing their customers the ability to sell alcohol, provide entertainment and dancing, similarly to what was already granted in 2009.

The request expands on the prior conditional use grant by expanding the size of the use from 5,200 square feet to 5,635 square feet and the addition of a 600 square-foot outdoor patio area, and an earlier opening hour. However, in a communication with the applicant on March 3, 2022, the applicant clarified that the size of the establishment has not physically changed, and only the patio area was being added. The additional square-footage in the request is attributable to back-of-house areas not originally part of the calculation, but always a part of the establishment. On review of the approved floor area plans associated with prior grants, this appears to be accurate.

The existing bar/lounge is a part of the fabric of the local commercial activity within the community. The area serves a mixture of uses which includes retail, office, and residential uses, all in close proximity. The continuation of the authorization for a full line of alcoholic beverage sales and service in conjunction with this bar/lounge, which has been in operation for over 10 years is not an unexpected request. Granting the request will assist with the continued activation of the site and promote commercial activity by contributing to the vitality of the downtown area. The bar/lounge contributes to the economic welfare of the community and adds economic vigor by drawing more customers to the area. The sale of alcoholic beverages allows it to remain competitive with other entertainment establishments in the area. The bar/lounge can continue to be a viable entertainment option for residents of the immediate area as well as visitors looking for greater options. In conjunction with the imposition of conditions addressing operational and alcohol-related issues, the authorization will assure that the service of alcohol is not disruptive to the community. A continuation of the authorization, along with the conditions addressing operational

issues, will assure that the continued sale of a full line of alcoholic beverages for on-site consumption in conjunction with the continued operation of the bar/lounge, will not be disruptive to the community. For these reasons, the project will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is beneficial to the community, city or region.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is a level, approximately 17,273 square-foot, rectangular-shaped lot with an approximately 114-foot frontage along the west side of Spring Street and an approximately 155-foot frontage on the eastern side of 5th Street.

The site is developed with a 12-story office building per the Certificate of Occupancy, permit no. LA13250-58, issued on November 24, 1959. The subject establishment, the Crocker Club, occupies approximately 5,635 square feet of floor area at the basement of the subject property with a 600-foot patio located at the ground floor per the Revocable Permit, Permit No. R-1550-0026, issued on May 6, 2015.

The surrounding properties are a mix of commercial, office, multi-residential, and retail properties and fully improved streets. The properties to the north and northeast are developed with parking lots and mixed-use buildings with residential, office and commercial uses. The properties to the east and southeast are developed with a public park, parking lots, multi-residential buildings, and commercial properties. The properties to the south and southwest are developed with a post office and mixed-use buildings with residential, office and commercial uses. The subject to the west are developed with mixed-use buildings with residential, office and commercial uses.

The applicant seeks to continue conditional use authorizations Permits to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and dancing on a 400 square feet of dance floor, in conjunction with an existing 5,635 square-foot bar/lounge with 81 indoor seats, a 40 square feet of DJ area with live entertainment and a 600 square-foot outdoor patio with 16 seats in the [Q]C4-4D Zone. The proposed hours of operation are from 9:00 am to 2:00 am, daily.

According to the applicant:

The Applicant's request at this juncture to conditionally allow alcohol sales and dancing in conjunction with an existing bar & lounge is identical to what was approved from the previous grant with the exception of the Applicant's request for the hours of operations from 9am to 2am, daily. As such, as the restaurant with its current operations has proven to be a convenient location for a unique dining and entertainment experience, the Applicant only seeks to complete the overall experience by legally providing their customers the ability to sell alcohol, provide entertainment and dancing, similarly to what was already granted in 2009.

According to additional information submitted by the applicant, the proposed bar/lounge would occupy 5,636 square feet and an additional 600 square feet of outdoor patio area at the front of the building. 81 seats are proposed interior and 16 seats exterior, with a maximum occupancy of 335 patrons. A valet parking service will be provided. Dancing and live entertainment will be limited to between 5 p.m. and 1:30 a.m. daily. One security guard would be provided between 9 a.m. and 10 p.m., and two between 10 p.m. and 2 a.m. daily. Alcoholic beverages will be sold without a food order, and discounted alcoholic drinks ("Happy Hour") will be offered.

The request expands on the prior conditional use grant by expanding the size of the use from 5,200 square feet to 5,635 square feet and the addition of a 600 square-foot outdoor patio area, and an earlier opening hour. However, in a communication with the applicant on March 3, 2022, the applicant clarified that the size of the establishment has not physically changed, and only the patio area was being added. The additional square-footage in the request is attributable to back-of-house areas not originally part of the calculation, but always a part of the establishment. On review of the approved floor area plans associated with prior grants, this appears to be accurate.

On August 3, 2012, the Zoning Administrator approved a Conditional Use (Case No. ZA 2011-3260-CUB-CUX) to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing on a 400 square-foot dance floor, in conjunction with a 5,200 square-foot bar/lounge with limited live entertainment, accommodating 299 patrons, with hours of operation from 11 a.m. to 2 a.m. daily, for a limited term of 5 years. At that time, the grant imposed 46 conditions of approval. The bar/lounge currently holds a Type 48 Alcohol License from ABC (License No. 445608) for the sale and dispensing of a full line of alcoholic beverages for on-site consumption. The bar/lounge has been operating with this type of license since 2006.

Both at the public hearing and through written correspondence, local residents opposed the project, with an emphasis on prohibiting the outdoor seating area. Residents complained of late-night noise coming from the establishment's entertainment, patron noise, intoxicated patrons, and fights. Concern was also raised because this is a heavily pedestrian-trafficked area, and that the patio would diminish the available space for safe pedestrian passage.

Many of the prior conditions of approval, finding their origination in Case No. Case No. ZA 2005-7005(CUB)(CUX) and repeated in Case No. ZA 2011-3260(CUB)(CUX), are found to continue to be necessary to ensure the establishment's compatibility with the surrounding neighborhood. Several conditions have been updated to reflect more contemporary policy and practice, and others have been further clarified. These have been further supplemented by conditions relating to issues raised by neighbors and others which are intended to mitigate neighbors' concerns. Additional conditions have been imposed to clarify the applicant's responsibilities and the actions that the city can require of the applicant. While this grant is no longer given to a term limit, a subsequent Plan Approval is being required

in five years so that the Zoning Administrator can review the applicant's compliance with the conditions and evaluate whether additional or modified conditions are required to maintain compatibility with the community.

Given the policy direction of the city of being more accepting and permitting of outdoor spaces, this grant conditionally authorizes the applicant's request for seating on the sidewalk.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the bar/lounge is found to be noncompliant with these conditions. Conditions have also been recommended to the Department of Alcoholic Beverages Control for consideration as part of their license issuing process, which the applicant may also be subject to. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City Community Plan area. The Community Plan Area Map designates the property for Neighborhood Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, RAS4. The property is zoned [Q]C4-4D. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Central City Community Plan text is silent with regards to the sale and dispensing of alcohol and public dancing. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

Objective 2-1 To improve Central City's competitiveness as a location for offices, business, retail, and industry.

Policy 2-1.2 To maintain a safe, clean, attractive, and lively environment.

Objective 2-4 To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.

Policy 2-4.1 Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

The applicant seeks to continue conditional use authorizations Permits to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and dancing on a 400 square feet of dance floor, in conjunction with an existing 5,635 square-foot bar/lounge with 81 indoor seats, a 40 square feet of DJ area with live entertainment and a 600 square-foot outdoor patio with 16 seats in the [Q]C4-4D Zone. The proposed hours of operation are from 9:00 am to 2:00 am, daily.

Approval of the request advances the objectives of the Plan to create activities in the Downtown area which seek to revitalize the area and provide activities that extend beyond the typical daytime business hours. Therefore, the Zoning Administrator finds that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

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

The applicant seeks to continue conditional use authorizations Permits to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and dancing on a 400 square feet of dance floor, in conjunction with an existing 5,635 square-foot bar/lounge with 81 indoor seats, a 40 square feet of DJ area with live entertainment and a 600 square-foot outdoor patio with 16 seats in the [Q]C4-4D Zone. The proposed hours of operation are from 9:00 am to 2:00 am, daily.

The surrounding properties are a mix of commercial, office, multi-residential, and retail properties and fully improved streets. The properties to the north and northeast are developed with parking lots and mixed-use buildings with residential, office and commercial uses. The properties to the east and southeast are developed with a public park, parking lots, multi-residential buildings, and commercial properties. The properties to the south and southwest are developed with a post office and mixed-use buildings with residential, office and commercial uses. The subject to the west are developed with mixed-use buildings with residential, office and commercial uses.

The bar/lounge has been in operation at this location, substantially as proposed presently, since the Zoning Administrator first approved conditional uses for alcohol consumption and dancing in 2006 (Case No. ZA 2005-7005-CUB-CUX).

Both at the public hearing and through written correspondence, local residents opposed the project, with an emphasis on prohibiting the outdoor seating area. Residents complained of late-night noise coming from the establishment's entertainment, patron noise, intoxicated patrons, and fights. Concern was also raised because this is a heavily pedestrian-trafficked area, and that the patio would diminish the available space for safe pedestrian passage.

Conditions have been incorporated into this grant that respond to these concerns, including clarifying previously adopted conditions, and new conditions to address use of the outdoor patio area. Further, in two years, the City will conduct a review of the applicant's compliance with the conditions of operation, and in five years time, the applicant is required to file for a Plan Approval, to more comprehensively review the operation of the use and its compatibility with the surrounding community.

The approval of the Conditional Use request for the continued sale and dispensing of a full line of alcoholic beverages on-site consumption in conjunction with the existing bar/lounge will not adversely affect the welfare of the community. The bar/lounge has operated at the site for over ten years offering an entertainment option with dancing and live entertainment, including alcohol. For as long as the establishment has held an alcohol license with the California Department of Alcoholic Beverage Control (ABC), there has been no record indicating that it has adversely impacted the surrounding community. Nevertheless, conditions, such as those related to the STAR Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. With no significant change in use or operations to the existing bar/lounge, the continued sale of a full line of alcoholic beverages for on-site consumption will continue to contribute to the collection of tax revenue, increased employment opportunities, and the cultural and commercial vibrancy of the neighborhood.

In conjunction with the approval of the request to authorize the continued sale and consumption of a full line of alcoholic beverages within the bar/lounge, the Zoning Administrator has imposed numerous conditions of approval that the owner/operator/manager is required to comply with. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the restaurant is found to be noncompliant with these conditions. Additional conditions have been recommended for consideration by the Department of Alcoholic Beverage Control (ABC) in conjunction with their approval process. Conditions are intended to ensure that the continued use and operation of the restaurant is well integrated into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain the order and ensure cleanliness of the project and its surroundings.

Adherence to and compliance with these conditions of approval will minimize the potential for adverse impacts on the surrounding community, and as a result, granting the request will not adversely affect the welfare of the pertinent community. Thus, as conditioned, it can be found that the proposed use, including the sale, dispensing, and on-site consumption of beer and wine only will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs, or alcohol, disturbing the peace, and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject Census Tract 2073.01 (2073.05). Currently, there are no off-sale licenses and 39 active on-site licenses in the census tract. Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community.

According to statistics provided by the Los Angeles Police Department's Olympic Division Vice Unit, within Crime Reporting District No. 143 which has jurisdiction over the subject property, a total of 98 crimes were reported in 2021, including 85 Part I crimes and 15 Part II arrests, compared to the Citywide average of 149 crimes and the High Crime Reporting District average of 179 crimes for the same reporting period. Alcohol-related Part II arrests reported include Narcotics (3), Liquor Laws (2), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI-related (1), and Miscellaneous Other Violations (4). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The number of active on-site ABC licenses within the census tract where the subject site is exceeds the ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The above statistics indicate that the crime rate in the reporting district where the subject site is located is lower than the citywide average. No evidence has been submitted to the record linking the subject site or use to the crime rates in the area.

Granting of the request will not result in an additional license for the sale or dispensing for consideration of alcoholic beverages, including full line of alcoholic beverages, in the area of the City involved because the request does not result in any additional alcoholic beverages licenses within the community. The applicant is a long-time business within the community, has possessed a Type 48 license to sell a full-line of alcoholic beverages for on-site consumption since 2007, and only seeks to extend their conditional use grant, with minor modifications.

The Zoning Administrator has imposed conditions of approval to minimize alcohol-related impacts on the surrounding community and recommended others to the Department of Alcoholic Beverage Control for consideration when they issue a license for this restaurant. The compliance with the conditions will help to safeguard the welfare of the community. As conditioned, allowing the sale of alcoholic beverages for on-site consumption at the subject location will benefit the public welfare and convenience because a successful business supports and economic vitality of the area.

For the reasons stated above, the Zoning Administrator finds that granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The applicant seeks to continue conditional use authorizations Permits to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and dancing on a 400 square feet of dance floor, in conjunction with an existing 5,635 square-foot bar/lounge with 81 indoor seats, a 40 square feet of DJ area with live entertainment and a 600 square-foot outdoor patio with 16 seats in the [Q]C4-4D Zone. The proposed hours of operation are from 9:00 am to 2:00 am, daily.

The surrounding properties are a mix of commercial, office, multi-residential, and retail properties and fully improved streets. The properties to the north and northeast are developed with parking lots and mixed-use buildings with residential, office and commercial uses. The properties to the east and southeast are developed with a public park, parking lots, multi-residential buildings, and commercial properties. The properties to the south and southwest are developed with a post office and mixed-use buildings with residential, office and commercial uses. The subject to the west are developed with mixed-use buildings with residential, office and commercial uses.

In addition to the residential uses in the immediate area, according to information submitted by the applicant, the following sensitive uses are located within a 1,000-foot radius of the site:

Sensitive uses within 0-600 feet

Spring Street Park	428 S. Spring Street
Skid Row Housing Trust Tenant	108 E. 5th Street
New City Church of Los Angeles	514 S. Spring Street
Pershing Square Subway Station	500 S. Hill Street

Sensitive uses between 600 feet-1,000 feet

Pershing Square Park	532 S. Olive Street
Second Appellate District Library	300 S. Spring Street #3547
Ronald Reagan State Building	300 S. Spring Street
Biddy Mason Memorial Park	333 S. Spring Street
CA State Division of Workers' Compensation	320 W. 4th Street
Angel's Knoll Park	356 S. Olive Street

The applicant has also indicated the following existing alcoholic beverage licenses within a 1,000-foot radius of the site:

Alcohol Licenses within 600 feet

Alexandria Hotel	501 S. Spring Street	Type 47, 68, 58
Bar Ama	118 W. 4th St	Type 47
Bar Franca	438 S. Main Street	Type 48
Bayleaf & Calavera Burrito Company Inc	541 S. Spring Street, Ste 106 & 107	Type 41
Bernadette's	361 S. Broadway St,	Type 58, 42
Blossom Café	426 S. Main St	Type 41
Blu Jam Café	541 S. Spring Street, #108-110	Type 41, 77
Buzz Wine Beer Shop	460 S. Spring Street, Unit 3	Type 21, 1, 42
Clark Hotel	426 S. Hill Street	Type 47, 66, 68
Clayton's Public House	541 S. Spring Street, Ste 134-137	Type 47, 58
Coronados Fresh Mexican Bar Bakery	212-216 W. 5th Street	Type 47
Crocker Club	453 S. Spring Street, Ste 700	Type 48
Df Roasters	541 S. Spring Street, #124-126	Type 41
El Dorado St	416 S. Spring Street	Type 48, 58
Exposition Bar, Group LLC	519 S. Spring Street	Type 47
Four Six Four	464 S. Main Street	Type 41
Garcons De Café	541 S. Spring Street, #114	Type 42, 58
Guisados	541 S. Spring Street, Ste 101-103	Type 41
Hock & Hoof	517 S. Spring Street	Type 41
Kazu-Nori	421 S. Main Street	Type 41
Mezcalero	510 S. Broadway	Type 47
Mrs Fish	448 S. Hill Street, Ste B	Type 48, 58
Orsa & Winston	122 W. 4th Street	Type 41
Pershing Corner LLC	448 S. Hill Street, Ste G	Type 47
Pizza Napolita	541 S. Spring Street, #112-113	Type 41

Precinct	307 W. 4th Street, 2nd Fl., Ste A & C	Type 47
Rite Aid 5429	500 S. Broadway	Type 21
Super Star Hospitality Group Inc.	542 S. Broadway	Type 47
The Grave Maurice	116 W. 4th Ave Street	Type 48
The Nickel	524 Main St	Type 41
The Red Chickz	557 S. Spring Street	Type 41
The Regent Theatre	448 S. Main Street	Type 47, 58
Yuko Kitchen	101 W. 5th Street	Type 41

Alcohol Licenses within 600 feet-1,000 feet

A Mano	317 S. Broadway, Spc A3 & A4	Type 41
Association The	110 E. 6th Street	Type 48, 58
Back To Our Roots LLC	600 S. Spring Street, Ste R-1	Type 47
Baco Mercat	408 S. Main Street	Type 47, 58
Bar Moruno	317 S. Broadway, E12	Type 41
Belcampo Meat Co	317 S. Broadway, F9 & F10	Type 41
Berlin Currywurst	317 S. Broadway, Stall C1 ½	Type 41
Blacksmiths	117 Winston Street	Type 47
Casa India	348 S. Broadway	Type 41
China Café	317 S. Broadway #Mezz Flr	Type 41
Coles Originator Of The French Dip	118 E. 6th Street	Type 47, 58
Courage & Craft	317 S Broadway, A1-2	Type 21
Exchange LA	618 S. Spring Street	Type 48, 58, 77
Horse Thief Bbq	324 S. Hill Street	Type 41
King Eddy Saloon	129-31 E. 5th Street	Type 48, 58
La Cita	336 S. Hill Street	Type 58
La Theatre	615 S. Broadway	Type 47, 68, 77
Las Morelianas	317 S. Broadway, B1-C1	Type 41
Lucky Bird	317 S. S Broadway F-4	Type 41
Maccheroni Republic	332 S. Broadway	Type 41
Madcapra	317 S. Broadway, Pc B-10	Type 41
Olio Wood Fired Pizzeria Gcm	317 S. Broadway, B6 & B7	Type 41
Onyx Lounge	118 W. Fifth Street	Type 47
Palace Theater	626 S. Broadway	Type 48
Palace Theatre	630 S. Broadway	Type 47, 77, 68
Prawn	317 S. Broadway,	Type 41
Redline	131 E. 6th Street	Type 48
Rhythm Room La	206 W 6th St, Bsmt	Type 47
Sarita's Pupuseria	317 S. Broadway #E5-E6	Type 41
Silverlake Ramen	615 S. Spring Street	Type 41
So Main Street, LLC	600 S. Main Street	Type 47
Spread Mediterranean Kitchen	334 S. Main Street Ste 1101-B	Type 47, 58

Spring Street Bar	626 S. Spring Street, Ste B	Type 48
Sticky Rice	317 S. Broadway, B5, C4-5	Type 41
Sushi Zo	334 S. Main Street #1106	Type 13
The Black Sheep	126 E. 6th Street	Type 41
The Lash	117 E. Winston Street, Ste 104	Type 48, 68
The Oyster Gourmet	317 S. Broadway, Spc E13	Type 41

The continuation of an existing bar/lounge's authorization for a full line of alcoholic beverage service for on-site consumption would have no new impact on the surrounding community or identified sensitive uses. Although the project site is near residential uses and public and institutional uses, the existing establishment has had no significant violations of the prior conditions of approval have been noted. The property is located within the urban core of the city, where a higher concentration of alcoholic beverage service is expected. The grant has been well conditioned and is in keeping with the existing uses adjacent to the development. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise, loitering, and security. The project is consistent with the zoning and in keeping with the form and function of the surrounding area. After giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, it can be found that, as conditioned, the proposed restaurant, with the sale of beer and wine only for on-site consumption, will not detrimentally affect nearby residentially zoned communities or sensitive uses in the area of the City involved.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas outside of a flood zone.

Inquiries regarding the matter shall be directed to Maira Sanchez, Planning Staff for the Department of City Planning at (213)978-1243 or Maira.Sanchez@lacity.org.



JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator
JAH:JC:DL:MS

cc: Councilmember Kevin de León
Fourteenth Council District
Adjacent Property Owners
Interested Parties