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February 11, 2021

Eric Cloutier (A)  
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Manhattan Loft, LLC (O)  
215 West 6th Street  
Los Angeles, CA 90014

Elizabeth Peterson & Christine Rivera (R)  
Elizabeth Peterson Group  
400 South Main Street  
Los Angeles, CA 90013

CASE NO. ZA-2020-3732-CUB-CUX  
CONDITIONAL USE  
215 West 6<sup>th</sup> Street  
Central City Planning Area  
Zone: C5-4D  
C.D.: 14 – Kevin de Leon  
D.M.: 129A211  
CEQA: ENV-2020-3733-CE  
Legal Description: Lots 1, Tract TR62902-  
C

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

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

a Conditional Use Permit to allow the sale and dispensing of a full line of Alcoholic beverages for on-site consumption, in conjunction with existing bar and lounge; and

Pursuant to LAMC Section 12.24-W.18, I hereby APPROVE:

a Conditional Use Permit to allow live entertainment and patron dancing in conjunction with an existing bar/lounge.

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. Prior to the effectuation 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcohol for on-site consumption, in conjunction with a 6,315 square-foot bar and lounge from the effective date of this grant. Subject to the following limitations:
  - a. The hours of operation shall be limited to 9:00 a.m. to 2:00 a.m., daily.
  - b. Interior seating shall be limited to a maximum of 363 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
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. Prior to the utilization of this grant, a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days.

10. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
11. **Complaint Log.** 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:
  1. Entry, visible to pedestrians
  2. Customer service desk, front desk or near the reception area.

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.

12. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
13. **Private Events.** Any use of the restaurant 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.
14. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
15. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
16. 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.
17. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.

18. 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.
19. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
20. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. 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 facility to discourage illegal and criminal activity on the subject premises and any exterior area 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 or truancy occur.
21. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, 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.
22. Live entertainment and dancing shall be permitted until 2:00 a.m. daily pursuant to a current Los Angeles Police Commission permit. Prior to the utilization of this grant, evidence of the permit shall be submitted to the Department of City Planning for inclusion in the case file.
23. Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining/entrance to the bar/lounge in accordance with LAMC Section 41.50 B2C.
24. The business operator and or the operator's agents shall comply with California Labor Code Section 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.

#### **ADMINISTRATIVE CONDITIONS**

25. Should there be a change in the ownership and/or the operator of the business, the property owner and 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 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 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 floor plan, seating arrangement, or number of seats of the new operation.

26. 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 his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall 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 and the Los Angeles Police Department's corresponding division. 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.
27. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations 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.

**28. 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 **February 25, 2021**, 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 November 4, 2020 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Sections 12.24-W.1 and 12.24-W.18 of the Los Angeles Municipal Code have been established by the following facts:



## **BACKGROUND**

The subject property is a level, rectangular-shaped parcel of land comprised of one lot, having a total of 26,000 square-feet (approximately .455 acres) of area. The parcel has a frontage of approximately 180 feet along the north side of 6<sup>th</sup> Street, a frontage of approximately 131 feet along the west side of Spring Street.

The subject property is zoned C5-4D with a land use designation of Regional Center Commercial. The subject property is located within an Urban Agriculture Incentive Zone, the Greater Downtown Housing Incentive Area (ZI-2385), Transit Priority Area in the City of Los Angeles (ZI-2452), City Center (ZI- 2488), and a Los Angeles State Enterprise Zone (ZI-2374). The subject site is not otherwise located within any Specific Plan Areas or subject to Interim Control Ordinances.

The subject property is a developed fourteen-story mixed-use structure with residential uses on all floors above ground floor and commercial use in the basement level. The project site is located within the basement-level of the project having approximately 6,315 square-feet of floor area. On October 7<sup>th</sup>, 2013, Certificate of Occupancy No. 20528 was issued for a fourteen-story building of 198 joint live/work Condominium/Multi-Family units with roof deck, pool, spa, and retail use. The Certificate corrected one originally issued on June 26, 2013.

The applicant is requesting a new Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 6,315 square-foot bar/lounge having 363 interior seats. The applicant is also requesting a Conditional Use Permit to allow live entertainment and patron dancing in conjunction with an existing bar/lounge.

## **SURROUNDING PROPERTIES**

The surrounding properties are within the C5-4D, C2-4D, C2-2D, [Q]C5-4D-CDO-SN, [Q]C4-4D Zones and are characterized by level topography and fully improved streets. The property to the north of the subject site is the Spring Arcade Building and is zoned [Q]C5-4D-CDO-SN and is a multi-story building with residential uses above and commercial uses at ground level. The property to the east of the subject site across Spring Street is zoned C2-4D and is improved with a multi-story property having commercial uses on the ground floor and residential uses on upper floors. The Property to the south of the subject site across 6<sup>th</sup> Street is improved and is the Hayward Hotel having commercial units on the ground floor and apartments on upper floors and is zoned C5-4D. The property abutting the subject site to the west is zoned [Q]C5-4D-CDO-SN and is improved with a four-story building having three stories of residential uses above and ground floor retail use, the property is the Finney's Cafeteria which is a Los Angeles Historic Cultural Monument (HMC 137) designated January 15, 1975.

## **STREETS**

Spring Street, abutting the subject property to the north east, is a designated Modified Avenue II dedicated to a right-of-way width of 80 feet and roadway width of 52 feet, and is improved with a curb, gutter, and sidewalk.

6<sup>th</sup> Street, abutting the subject site to the south west, is a designated Modified Avenue III dedicated to a right-of-way width of 60 feet and roadway width of 40 feet, and is improved with a curb, gutter, and sidewalk.

**Previous relevant cases, affidavits and orders on the subject property:**

Case No. ZA-2003-7712-CUB – On January 29, 2004, The Zoning Administrator approved a conditional use permit to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed bar/lounge with live entertainment on the lower level of an existing building.

**Cases on Surrounding Properties:**

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages.

Case No. ZA-2018-5359-CUB – On October 7, 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 proposed restaurant located at 119 East 6th Street.

Case No. ZA-2018-428-CUB – On June 4, 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, at 541 South Spring Street #112- 113.

Case No. ZA-2016-3203-CUB – On March 20, 2017, 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 an existing restaurant in the [Q]C4-2D Zone, located at 464 South Main Street.

Case No. ZA-2016-1681-CUB – On November 29, 2016, 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 proposed restaurant in the [Q]C5-4D-CDO-SN and C5-4D Zones, located at 541 South Spring Street, #124-126.

Case No. ZA-2015-633-CUB-ZV – On September 19, 2016, the Zoning Administrator approved a request for a conditional use permit for the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a bar/lounge with live entertainment, and games; and a Variance from Municipal Code Section 12.21-A,4(a) to permit a reduction in on-site automobile parking for zero (0) parking spaces in lieu of five required parking spaces, located at 206 West 6th Street.

Case No. ZA-2015-401-CUB – On July 2, 2015, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for onsite consumption, in conjunction with a new restaurant in the C5-4D Zone, located at 519 South Spring Street.

Case No. ZA-2015-3918-CUB – On December 23, 2015, 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 proposed restaurant in the [Q]C4-4D Zone, located at 101 West 5th Street.

Case No. ZA-2015-3123-CUB – On February 24, 2016, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with the expansion of an existing restaurant in the C5-4D Zone, located at 557-567 South Spring Street.

Case No. ZA-2015-1527-MPA – On April 15, 2016, the Zoning Administrator approved plans to allow the on-site sale and dispensing of a full line of alcoholic beverages, in conjunction with a proposed bar in the [Q]C5-4D-CDO Zone, at 541 South Spring Street, #115-119.

Case No. ZA-2014-4732-CUB – On September 21, 2015, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of beer and wine only for on-site and off-site sales in conjunction with a 1,171 square-foot fashion retail shop and wine bar in the [Q]C5-4D and C5-4D Zone Classification, located at 541 South Spring Street, #114.

Case No. ZA-2014-1155-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sales and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,484 square-foot restaurant (Bierbeisl), located at 541 South Spring Street, #108-110.

Case No. ZA-2013-0288-CUB-CUX-ZV – On June 12, 2013, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed expansion of an existing bar in the [Q]C4-2D Zone; and, approved a Conditional Use to allow entertainment and dancing in conjunction with a proposed expansion of an existing bar in the [Q]C4-2D Zone; and, approved a Variance from Section 12.21-A,4(i)(3) to permit zero on-site parking spaces in lieu of the four on-site parking spaces required; and, approved a Variance from Ordinance No. 164,307 to permit a floor area ratio of 7.24:1 in lieu of the maximum 3:1 permitted in the [Q]C4-2D Zone, located at 117-131 East 5th Street, 455 South Los Angeles Street.

Case No. ZA-2013-2362-CUB – On March 13, 2014, the Zoning Administrator denied a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in a proposed restaurant located in the [Q]C4-2D Zone, located at 452 South Main Street.

Case No. ZA-2013-2362-CUB-1A – At its meeting on June 10, 2014, the Central Area Planning Commission took the following actions: 1) Granted the appeal 2) Overturned the decision of the Zoning Administrator to Deny Without Prejudice a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in a proposed restaurant located in the [Q]C4-2D Zone, subject to Conditions of Approval, 3) Adopted the revised Findings, 4) Adopted Categorical Exemption ENV-2013-2363-CE as the environmental clearance for this action, located at 452 South Main Street.

Case No. ZA-2013-1925-CUB-PA1 – On February 12, 2016, the Zoning Administrator approved plans to permit the modification of Condition Nos. 10, 11, and 20, imposed under Case No. ZA-2013-1925(CUB), to reference the restaurant as a bar, while keeping all the

same previously imposed conditions for the sale and dispensing of a full line of alcoholic beverages for on-site consumption now in conjunction with a 1,304 square-foot bar in the C2-4D Zone, located at 626 South Spring Street.

Case No. ZA-2013-1925-CUB – On January 15, 2014, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing bar/restaurant, in the C2-4D Zone Classification, located at 626 South 6th Street.

Case No. ZA-2013-1076-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sales and dispensing of beer and wine only for on-site consumption in conjunction with a proposed 875 square-foot restaurant (Crepes Sans Frontieres), located at 541 South Spring Street, #127.

Case No. ZA-2013-1075-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with a proposed 1,654 square-foot restaurant (Guisado's), located at 541 South Spring Street, #101-103.

Case No. ZA-2013-1068-MCUP – On May 22, 2014, the Zoning Administrator approved a Master Conditional Use for the sale and dispensing of beer and wine and a full line of alcoholic beverages for on-site consumption, in conjunction with one existing and six proposed venues totaling 18,256 square feet seating a total of 774 patrons, comprised of 594 interior and 180 exterior seats, located within the ground level of the Spring Street Arcade Building at 541 South Spring Street and the Thom McCan Building at 546-550 South Broadway, in the [Q]C5-4D-CDO Zone.

Case No. ZA-2012-967-CUB – On August 21, 2012, the Zoning Administrator approved a Conditional Use to allow the on-sale and dispensing of a full line of alcoholic beverages, in conjunction with an existing 1,932 square-foot bar in the C2-4D Zone; and approved a Conditional Use to allow live entertainment in conjunction with an existing bar, located at 626 South Spring Street, Unit A.

Case No. ZA-2012-967-CUB-PA1 – On February 9, 2018, the Zoning Administrator approved an approval of plans to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant/bar with limited live entertainment in the C2-4D Zone, at 626 South Spring Street, Unit A.

Case No. ZA-2012-3462-CUB – On April 23, 2013, the Zoning Administrator approved a Conditional Use permit to allow the on-site sales and dispensing of a full line of alcohol, in conjunction with an existing cafe located in the C2-4D Zone, located at 600 South Spring Street, Unit R-1.

Case No. ZA-2012-3263-CUB – On April 10, 2013, the Zoning Administrator approved a Conditional Use to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a newly expanded 3,344 square-foot restaurant in the C4-2D Zone, located at 118 West 5th Street.

Case No. ZA-2012-231-CUB – On May 16, 2014, the Zoning Administrator ordered the case

terminated and the matter filed.

Case No. ZA-2012-2294-CUB – On December 10, 2012, 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 bar in the C2-2D Zone, located at 656 South Main Street.

### **PUBLIC CORRESPONDENCE**

On October 15<sup>th</sup>, 2020, staff received an email from a B. Davis opposing the project indicating that there is no need for more alcohol selling establishments on Spring Street.

On November 3<sup>rd</sup>, 2020, staff received a letter of support from the following members of the public: an A. Cochran, A. Hernandez, A. Alvarado, A. Yoder, K. Young, N. Melamed, D. Spears.

### **PUBLIC HEARING**

The public hearing was held on Wednesday, November 4, 2020 at approximately 2:00p.m telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19.

#### **Elizabeth Peterson – Applicant's Representative**

- Request a conditional use permit to allow the on-site sale and dispensing of a full line of alcoholic beverages,
- The bar/lounge will have patron dancing and operate from 9:00am to 2:00am daily,
- The project has no parking; there are major bus lines that run though the area,
- (read from prepared notes, which will be forwarded to the AZA.
- There is ample parking on the corner of Spring Street (at Joe's)
- Parking is not anticipated,
- Most guests will be walking, or using ride sharing (Lyft, Uber, etc...)
- Mainly, use the public transportation,
- This is 14-story building, in the historic core of downtown,
- The property is surrounded by cafes, restaurants, nightclubs retail stores and residential uses,
- There will be one security guard for every 75 patrons,
- There is adequate lighting on the building façade; there will be adequate lighting I the bar,
- The operator is Eric Cloutier and well known to LAPD,
- Eric loves California and has built a great team out here,
- Eric operates The Majestic and The Reserve located at 650 S. Spring Street,
- We were committed to returning and revitalizing the area,
- One adjacent restaurant; other businesses in the area,
- We presented to the Land Use Committee of Neighbor Council on November 17,
- This is an adaptive reuse building; no parking is triggered,
- Live entertainment will consist of piano at the bar, and neighborhood performers,

## **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.

### **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 W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings supplemental to the standard findings for most other conditional use categories.

### **CONDITIONAL USE FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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 developed fourteen-story mixed-use structure with residential uses on all floors above ground floor and commercial use in the basement level. The project site is located within the basement-level of the project having approximately 6,315 square-feet of floor area. On October 7<sup>th</sup>, 2013, Certificate of Occupancy No. 20528 was issued for a fourteen-story building of 198 joint live/work Condominium/Multi-Family units with roof deck, pool, spa, and retail use. The Certificate corrected one originally issued on June 26, 2013.

The applicant is requesting a new Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 6,315 square-foot bar/lounge having 363 interior seats with hours of operation from 9:00 a.m. to 2:00 a.m. The applicant is also requesting a Conditional Use Permit to allow live entertainment and patron dancing in conjunction with an existing bar/lounge.

The subject property is also developed in a manner similar to surrounding properties within the Commercial Zones, with retail uses and restaurant uses that serve a diverse population within the City of Los Angeles. As such, a bar/lounge providing a full line of alcoholic beverages for on-site consumption will offer a convenient location for local residents and visitors and will perform a function and provide a service that

is beneficial to the surrounding community.

The Historic Core of the Central City is characterized by the dining and entertainment attractions that make the region a destination for residents, tourists, visitors, and those employed in the area. The variety of entertainment options in close proximity creates more combinations for patronage to meet the desires of the varied tastes and interests. The alcohol service with dancing provides an alternative option for those seeking to enjoy the offerings in the region. The alcohol service with dancing provides a venue which is a complementary addition to the many restaurants and show venues in the area. In light of the above, the subject project will perform a function that enhances the character of the City Center Community and broader Los Angeles 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 surrounding properties are within the C5-4D, C2-4D, C2-2D, [Q]C5-4D-CDO-SN, [Q]C4-4D Zones and are characterized by level topography and fully improved streets. The property to the north of the subject site is the Spring Arcade Building and is zoned [Q]C5-4D-CDO-SN and is a multi-story building with residential uses above and commercial uses at ground level. The property to the east of the subject site across Spring Street is zoned C2-4D and is improved with a multi-story property having commercial uses on the ground floor and residential uses on upper floors. The Property to the south of the subject site across 6<sup>th</sup> Street is improved and is the Hayward Hotel having commercial units on the ground floor and apartments on upper floors and is zoned C5-4D. The property abutting the subject site to the west is zoned [Q]C5-4D-CDO-SN and is improved with a four-story building having three stories of residential uses above and ground floor retail use, the property is the Finney's Cafeteria which is a Los Angeles Historic Cultural Monument (HMC 137) designated January 15, 1975.

The subject site is within a commercially zoned area in the Historic Core—a neighborhood characterized by the dining and entertainment that takes place in the area. The subject property is a level, rectangular-shaped parcel of land comprised of one lot, having a total of 26,000 square-feet (approximately .455 acres) of area. The parcel has a frontage of approximately 180 feet along the north side of 6<sup>th</sup> Street, a frontage of approximately 131 feet along the west side of Spring Street. The subject property is a developed fourteen-story mixed-use structure with residential uses on all floors above ground floor and commercial use in the basement level.

The alcohol service with dancing is located within the basement-level of the building, which is comprised of approximately 6,315 square-feet of floor area. On October 7<sup>th</sup>, 2013, Certificate of Occupancy No. 20528 was issued for a fourteen-story building of 198 joint live/work Condominium/Multi-Family units with roof deck, pool, spa, and retail use. The Certificate corrected one originally issued on June 26, 2013.

The applicant is requesting a new Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 6,315 square-foot bar/lounge having 363 interior seats. The applicant is also requesting a Conditional Use Permit to allow live entertainment and patron dancing in conjunction with an existing bar/lounge.

The project is within an existing building and will not involve changes to the floor area or height. Activities of the site will be completely contained within the site. Conditions have been imposed to encourage responsible management and deter criminal activity. As conditioned, the continued operation of the bar/lounge with the sale and dispensing of a full line of alcoholic beverages for on-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

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

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Central City Community Plan Map, and designates the land use as Regional Center Commercial. The Community Plan serves to preserve and enhance the character of residential and commercial zones in the area.

The Central City Community Plan identifies a number of issues and opportunities that can be addressed to enhance the community, especially regarding commercial uses. For instance, opportunities identified in the Community Plan such as historically and aesthetically significant spacious, vacant buildings appropriate for larger retail. Continuing issues identified include having a lack of the necessary mix of retail to attract a variety of users to the downtown area in the evenings and on weekends.

Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption. While the Community Plan is silent on alcohol sales in the Community Commercial areas, the project is nevertheless consistent with the following Commercial Objectives and Policies of the Community Plan:

Objective 2-2: To retain the existing retail base in Central City

Policy 2-2.1: Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force,



and businesses.

- 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 use of the subject site as a bar/lounge supports the objectives listed above by building on the agglomeration for bars, restaurants and other entertainment venues in the Historic Core of the City Center. The proposed project would support the intended mixed-use of the building by creating the 24-hour downtown environment and contribute to the night life that is an attractive feature of the area for residents and tourists alike. Therefore, the requested Conditional Use Permit conforms to the purpose, intent, and provisions of the applicable portions of the General Plan and Community Plan.

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

The approval of the Conditional Use Permit to allow the sale and dispensing of a full line of alcohol along with live entertainment and patron dancing on the subject site will not adversely affect the welfare of the community. The subject property is zoned C5-4D which allows for commercial uses. The subject site, located along 6<sup>th</sup> Street in Central City, is a typical use found in the Historic Core neighborhood and enhances the character of the area by providing an entertainment experience for the community and visitors to the area. The addition of the bar/lounge would positively impact the financial health of the property and improve the economic vitality of the area via increased tax revenue and local employment.

With oversight from the California Department of Alcoholic Beverage Control and conditions which have been imposed upon the bar/lounge, the alcohol service with dancing will be compatible with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department, LEAD (Licensee Education on Alcohol and Drugs) training, or RBS (Responsible Beverage Service) provided by the Department of Alcoholic Beverage Control. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of a full line of alcohol on-site consumption in conjunction with an existing bar/lounge 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 (4) on-site and two (2) off-site consumption licenses are allocated to the subject census tract (Census Tract 2073.01). Currently there are ninety-seven on-sale licenses and eight off-sale licenses in this census tract. There is no history of an ABC license on the subject site.

Within 1,000 feet of the subject site, there are 62 alcohol-selling establishments. These establishments include five theatre venues with licenses for on-site consumption of alcoholic beverages.

The project is located along 6<sup>th</sup> Street in the Central City Community Plan area, a popular commercial corridor. While approval of the sale and dispensing of a full line of alcoholic beverages for on-site consumption will result in the addition of one on-sale alcohol license in the census tract, ABC has authorized the sale and dispensing of alcoholic beverages beyond the number designated for the census tract. In active commercial areas, ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the increasing resident population base in the area. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to the public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness. The concentration of ABC Licenses is not undue when the approval of a license benefits the public welfare and convenience.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 153, which has jurisdiction over the subject property, a total of 605 crimes were reported in 2019 (310 Part I and 295 Part II crimes), compared to the total area average of 170 offenses for the same reporting period.

Part II alcohol-related crimes reported include, Other Assault (43), Forgery/Counterfeit (2) Embezzlement/Fraud (2), Stolen Property (1), Weapons Violation (11), Prostitution Related (2), Sex Offenses (3), Offenses Against Family (2), Narcotics (58), Liquor Laws (13), Public Drunkenness (10), Disturbing the Peace (4), Disorderly Conduct (10), Gambling (0), DUI related (5), Moving Traffic Violations (5), Miscellaneous Other Violations (86) and other offenses (35). Of the 605 total crimes reported for the Reporting District, 5 arrests were made for driving under the

influence.

The above statistics indicate that the crime rate in the Reporting District where the subject site is located is higher than the city average and constitutes a High Crime Reporting District. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions that will safeguard the welfare of the community. While the bar/lounge will close at 2:00 a.m. daily, it will serve to enhance the nightlife and character of the area, while the imposed conditions will protect the public welfare. Additionally, the applicant will be required to obtain a Police Permit before starting operations.

The project will not adversely affect community welfare because the existing bar/lounge is a desirable use in an area designated for commercial uses. In this case, the bar/lounge will continue to provide a convenience and positive amenity to workers, visitors, and residents in the immediate neighborhood and, as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

- 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 project site is zoned for commercial uses and will continue to be utilized as such with the continued operation of the bar/lounge. The following sensitive uses and alcohol-selling establishments are located within a 1,000-foot radius of the site:

**Residential Uses**

Multi-story, Multi-family	Spring Street, Broadway, Hill Street, 5th Street, 6 <sup>th</sup> Street, 7 <sup>th</sup> Street, Main Street, Los Angeles
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**Sensitive Uses**

New City Church of LA	514 S Spring St
National Autonomous University of Mexican College - UNAM	634 S Spring St #100

**Alcohol Selling Establishments**

Onyx Lounge	118 W 5 <sup>th</sup> St
Adelita's Cantina	210 W 5 <sup>th</sup> St
Coronado Rest'n, Bar & Bakery	212 W 5 <sup>th</sup> St
Little Easy Bar	216 W 5 <sup>th</sup> St
Las Perlas Bar	103 E 6 <sup>th</sup> St

The Association Lounge	110 E 6 <sup>th</sup> St
Coles Originator French Dip	118 E 6 <sup>th</sup> St
Rhythm Room LA	206 W 6 <sup>th</sup> St
Rite Aid	500 S Broadway
Mezcalero Bar	510 S Broadway
Kai Japanese Roots Sushi Restaurant	542 S Broadway
Palace Theater	626 S Broadway
Clifton's Republic Restaurant	648 S Broadway
Buzz Wine Bar Shop	460 S Spring St
Gamez Bar	500 S Spring St
Alexandria Hotel	501 S Spring St
Los Angeles Theater Center	514 S Spring St
Hock & Hoof Restaurant	517 S Spring St
Guisados Mexican Restaurant	541 S Spring St #101-103
Blue Jam Café	541 S Spring St #108-110
Garçons de Café	541 S Spring St #114
Don Francisco's Coffee Casa Cubana	541 S Spring St #124-126
Crepes Sans Frontieres Restaurant	541 S Spring St #127
Clayton's Public House	541 S Spring St #134-137
Fry Madness Restaurant	555 S Spring St
The Red Chickz	557 S Spring St
Beelman's Pub	600 S Spring St
Silverlake Ramen	615 S Spring St
Pacific Coast Stock Exchange	618 S Spring St
The Falls	626 S Spring St #A
Spring Street Restaurant	626 S Spring St #B
The Majestic	650 S Spring St
The Nickel Diner	524 S Main St
Langdon Shiverick Inc	610 S Main St #344
Weird Beers	213 W 7 <sup>th</sup> St
Bar Mattachine	221 W 7 <sup>th</sup> St
Yuko Kitchen	101 W 5 <sup>th</sup> St
King Eddy's	129-131 W Fifth St
Bruno Café	502 W 6 <sup>th</sup> St
Black Sheep Gastropub	126 E 6 <sup>th</sup> St
Mignon Wine Bar	128 E 6 <sup>th</sup> St
Redline Bar	131 E 6 <sup>th</sup> St
Braazo Pizza	100 ½ W 7 <sup>th</sup> St
CVS Pharmacy	210 W 7 <sup>th</sup> St #1
LA Athletic Club	431 W 7 <sup>th</sup> St
Bar Thirteen	448 S Hill St Rooftop
Perch French Restaurant	448 S Hill St Rooftop
Mrs. Fish Supper Club	448 S Hill St Basement
Hill Street Pizza	456 S Hill St
Licha's Restaurant	422 S Broadway
Clifton's Cafeteria	648 S Broadway
The Globe Theatre	740 S Broadway

Kazu-Nori	421 S Main St
Blossom Café	426 S Main St
Bar Franca	438 S Main St
The Regent Theatre	448 S Main St
464 Restaurant	464 S Main Street
Wendell Bar & Lounge	656 S Main St
El Dorado Bar	416 S Spring St
Le Petit Paris Restaurant	418 S Spring St
The Crocker Club	453 S Spring Street
Corporation Food Hall	724 S Spring St

Consideration has been given to the distance of the subject establishment from the above-referenced alcohol-serving establishments and sensitive uses. The grant has been well-conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will continue to serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

**ADDITIONAL MANDATORY FINDINGS**

- 9. 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 X, an area of minimal flood hazard.

Inquiries regarding this matter shall be directed to Obiamaka Ude, Planning Staff for the Department of City Planning at (213) 978-1394.

  
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 THEODORE L. IRVING, AICP  
 Associate Zoning Administrator

TLI:EA:OU:BK

cc: Councilmember Kevin de Leon  
 Fourteenth Council District  
 Adjoining Property Owners  
 Interested Parties