CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
OFFICE OF ZONING ADMINISTRATION

STAFF INVESTIGATOR REPORT

February 7, 2014

Director of Planning (A)
Office of Zoning Administration
200 North Spring Street, Room 763
Los Angeles, CA  90012

Arthur Gordon (O)(Op)
1235 South Rimpau Boulevard
Los Angeles, CA  90019

The Cork
4771 West Adams Boulevard
Los Angeles, CA  90016

CASE NO. DIR 2012-0632(RV)(PA1)
REVIEW OF CONDITIONS OR
POSSIBLE REVOCATION OF USE
4771 West Adams Boulevard
West Adams-Baldwin Hills-Leimert
Planning Area
Zone : C2-1
D. M. : 123B181
C. D. : 10
CEQA : ENV 2014-57-CE
Legal Description: Lots 323 and 324,
Tract 4416

Request

1. A Plan Approval, pursuant to Los Angeles Municipal Code Section 12.27.1 and
Condition No. 31 of Zoning Administrator's Case No. DIR 2012-0632(RV) and
City Council Action, Council File No. 12-1845, effective February 4, 2013, for the
purpose of reviewing compliance with the conditions and the effectiveness of the
conditions in eliminating the public nuisance problems.

2. Pursuant to Section 21084 of the California Public Resources Code, the above
referenced project has been determined not to have a significant effect on the
environment and which shall therefore be exempt from the provisions of CEQA.

The environmental document will be among the matters considered at the hearing. The
decision maker will consider all the testimony presented at the hearing, written
communication received prior to or at the hearing, and the merits of the project as it
relates to existing environmental and land use regulations.

On November 16, 2012, the Zoning Administrator (DIR 2012-0632(RV)) determined that
the operation of The Cork Bar (also known as The Cork Bar and Grill) constituted a
public nuisance and imposed corrective conditions pursuant to LAMC Section 12.27.1 in
order to mitigate adverse impacts caused by the operation of the bar. Various conditions
of the Zoning Administrator's determination were appealed to the City Council and
denied (CF No. 12-1845).
Condition No. 31 of City Council action effective February 4, 2013 states in relevant part:

31. **No earlier than three months and no later than four months from the effective date of this action**, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration. The Plan Approval application shall include a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the operation of the facility or whether revocation is appropriate. In addition, the operator shall submit a Condition Compliance Report documenting how compliance with condition has been attained.

On March 7, 2013, a Letter of Communication - Plan Approval/Covenant/Reimbursement was mailed to the owner, operator and business address as a courtesy reminder to file the Plan Approval application by June 4, 2013, record the covenant and reimbursement of fees payable on or before March 4, 2013. The Applicant failed to file the Plan Approval application and record the covenant by the due date as required, therefore the Director of Planning has filed the instant application. This is the first review for the effectiveness of compliance with conditions.

**Authority:** The Director of Planning, through the Office of Zoning Administration, has the authority to modify, discontinue or revoke the use; or to modify, delete or impose additional corrective conditions on the operation of the existing business as a bar under Section 12.27.1 (land use impacts caused by any use) of the Los Angeles Municipal Code.

**Property Description**

The ownership is a level, rectangular-shaped, corner parcel of land, consisting of approximately 0.22 acres (approximately 9,918 square feet) having approximately 99.18 feet of frontage on the north side of Adams Boulevard, sides for a distance of approximately 100 feet and has a uniform depth of approximately 100 feet. The ownership is zoned C2-1.

**The Project**

On October 31, 2012, the Zoning Administrator required the modification of the operation of an establishment known as The Cork Bar ("The Cork"). The Zoning Administrator's determination was appealed to the City Council. The City Council denied the applicant's appeal and modified the Zoning Administrator's determination.
On January 17, 2014, staff conducted a site analysis (between 10 a.m. – 11 a.m.) and observed the following regarding the February 1, 2013, City Council’s modification of the operation of The Cork. Certain conditions staff could not comment on because, at the time of the site analysis, “The Cork” was not open for business and/or required the assistance of the Los Angeles Police Department.

Staff contacted the Los Angeles Police Department’s Detective Support and Vice Division, via e-mail on January 21, 2014, for inspection and compliance with Condition Nos. 4-8; 11-13; 20-25; and 29. LAPD conducted an up-front inspection at the subject site on January 24, 2014, at approximately 10:50 p.m. LAPD personnel used the determination of the Zoning Administrator dated October 31, 2012, not the City Council modified conditions dated February 1, 2013. However, the only Condition modified by the City Council was Condition No. 4 “Hours of Operation”, from 10 a.m. – 1 am to 10 am – 12 midnight.

On January 17, 2014, staff observed the following regarding compliance of conditions. Also quoted are the comments from the January 24, 2014 LAPD inspection.

Compliance/Non-Compliance are as follows:

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.

Comment: Zoning Administrator’s discretion.

2. 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.

Comment: Zoning Administrator’s discretion.

3. 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.

Comment: No graffiti was observed during site investigation.

4. Hours of operation shall not exceed 10 a.m. to 12 midnight, daily. The location shall close promptly at 12 midnight which shall mean that all music, food service and operations have ceased and that all patrons have exited the location.

Comment: During site analysis the establishment was not open. Staff contacted Los Angeles Police Department –Detective Support and Vice Division (LAPD-DSVD) to verify. Not addressed during the January 24, 2014, inspection.
5. Maximum occupancy for the premises shall not exceed 120 persons which includes staff personnel. To insure adherence to occupancy limits, the owner/operator shall designate a security guard who shall use a number clicker to maintain a count at the door of patrons entering the premises and who shall limit the number of patrons inside the premises to a maximum of 100 patrons at any one time.

Comment: Staff research did not reveal any violations exceeding the occupancy load of the establishment.

LAPD: Viol of #5: Adherence to occupancy limits with a designated security guard with a number clicker to provide accurate count. (The location appeared to be overcrowded and since the security guard had fled the location, there was no accurate count of patrons and no "number clicker" on site).

6. Dancing is prohibited. No "grandfather rights" or deemed-to-be-approved conditional use status exists for dancing on the premises. No dance floor shall be maintained. Dancing is subject to a conditional use permit in accordance with Section 12.24-W,18 of the Los Angeles Municipal Code.

Comment: Staff research did not indicate any citations or violations for dancing from LADBS or LAPD.

LAPD: Viol of #6: Dancing is prohibited. (Patrons were observed dancing around their respective tables and near the bar area).

7. No live entertainment is permitted including a DJ. No stage shall be maintained. However, a single jukebox or stereo may be maintained provided the music is not audible outside of the premises and is in compliance with the Police Department’s noise abatement unit.

Comment: During site analysis the establishment was not open. Staff contacted LAPD-DSVD to verify.

LAPD: Viol of #7: Music shall not be audible from outside the premises (Music to the establishment could be heard from outside of the location, even with the doors closed).

8. The property owner and/or operator shall enter into a security contract with a security company which shall be maintained for the duration of the business operation and which shall include the following requirements:

   a. Two State licensed uniformed security guards on duty beginning at 10 a.m. or later depending on when the business opens until 7:30 p.m. daily.

   b. Four State licensed uniformed security guards on duty from
7:30 p.m. until one-half hour after closing or until all patrons have cleared the premises and/or parking areas, daily.

c. In addition to the security personnel identified herein, there shall be a minimum of one bicycle patrol unit monitoring the perimeter of the business, and the designated valet parking lots beginning at 7:30 p.m. until one-half hour after closing or until all patrons have cleared the premises and/or parking areas every Friday and Saturday.

d. Security guards shall also provide security at the valet area.

e. The security personnel and the patrol unit security guard shall actively discourage patrons entering or exiting the premises from loitering in the adjacent neighborhoods. Security guards shall actively encourage patrons to leave the premises and the neighborhood quietly so as not to disturb residents or create any criminal or nuisance activity.

f. The security patrol personnel shall be responsible for removing from the subject premises loiterers or persons reasonably assumed to be engaging in any illegal activities. If unlawful activity relative to loitering or drinking alcoholic beverages on the adjacent sidewalk to the subject premises or in areas under the control or ownership of the operator is observed, then the security patrol personnel shall verbally request such persons to leave the area and/or immediately notify the Vice Unit of the Los Angeles Police Department of such activity.

g. The State licensed/bonded security company shall be approved by the Police Department for it to continue its contract with the operator. All security plans, guard positions, camera positions and operations shall be approved by the Police Department prior to implementation.

h. The security company contracted shall not be directly associated with the operator and/or business or property owner.

i. Security guards shall be distinctively identified and shall comply with the requirements of the California Business and Professions Code Section 7582.26(f) as well as possess a permanent guard permit and photo identification at all times.

j. Patrons shall not be allowed to bring weapons onto the property. Security guards are required to use a metal detector/wand to check patrons for such items.

k. As noted in another condition of this grant, the security guard monitoring the entrance shall utilize a number clicker to insure that
the location does not become overcrowded by exceeding a 100 patron capacity.

Comment: During site analysis the establishment was not open. Staff contacted LAPD-DSDV to verify. A security agreement with Davis Private Security is attached to the file. This agreement is from the initial DIR 2012-0632(RV).

LAPD: Viol of #8: Security contract and company (none of which was provided by the defendant ("deft") or witness ("wit") during the investigation, including comments from the deft that the security guards are directly employed through the Cork Bar -Trace Co).

a. Four state licensed guards shall be present from 7:30 p.m. to one-half hour after closing. (No identifiable security guards were present during our investigation, with the only possible security guard observed was fleeing the scene and locking the front door upon our arrival).

b. Shall be a minimum of one motorcycle patrol unit monitoring the perimeter of the business. (No motorcycle security guard was present, further the wit-Cartwright stated he was completely shocked that this was even on the CUP).

c. Security guards shall be in the valet area (No security guard present at valet parking area).

d. Security personnel shall actively discourage patrons from exiting or entering the premises from the surrounding neighborhoods. (No security on site to remove/monitor persons loitering, drinking in public or blocking the sidewalk in the adjacent neighborhoods).

e. Security personnel shall be responsible for removing person listed in sub-section 8-D. (No security on site to remove or monitor loitering, drinking in public or blocking the sidewalk).

f. Requires a State licensed and bonded company, with approval of security plans, camera angles and operations (Unable to verify security company, contact or security plan. The deft was unaware of such requirement and the wit refused to provide any of the aforementioned information).

g. Security company shall not be directly associated with the owner/operator or business (The deft stated that there were 3 security guards present during our investigation, none of which were located. He further advised the security guards are paid directly through Trace Co-Cork Bar).
h. Security guards shall comply with California Business and Professions Code 75.82.26. (Unable to verify requirements of 75.82.26 (f) B&P due to security personnel fleeing the scene).

i. Security guards shall use a wand or metal detector to check patrons upon entry. (Although a wand was located at the scene, there were no security personnel to man it).

j. A number clicker shall be utilized by security personnel to insure the capacity level does not exceed 100 patrons. (No number clicker located).

9. **Within 60 days of the effective date of this determination**, all staff including managers and security personnel shall enroll in STAR training offered by the Los Angeles Police Department. Confirmation of attendance at such training for each employee, manager and security guard shall be provided to the Zoning Administrator for inclusion in the file and a copy shall be maintained on the premises for inspection by the Police Department or State of California Alcoholic Beverage Control personnel. Any new employees or security personnel shall attend STAR training within 90 days of the employment hire date.

Comment: No confirmation of attendance in STAR training has been submitted to the file.

LAPD: Viol of #9: All employees shall complete STAR training provided by the Los Angeles Police Department. (The deft was unable to provide proof of STAR training for employees currently working that evening and the wit refused to further comply).

10. The operator and/or property owner shall diligently pursue resolution of the non-permitted patio area which is the source of Orders to Comply issued by the Department of Building and Safety. The non-permitted patio area, with a maximum of 414 square feet, shall not be utilized by any patrons for activities associated with the operation of the bar/restaurant unless said patio area is legalized through the issuance of building permits approved by the Department of Building and Safety. This condition is not intended to override any time limits imposed on the operator and the property owner regarding the patio legalization pursuant to the September 12, 2011 Stipulated Judgment and Permanent Injunction issued by the Superior Court of the State of California, County of Los Angeles, Central District.

Comment: LADBS - Code Enforcement Bureau records indicate an open Substandard Order dated October 23, 2009. There is no indication that it has been officially closed or complied with. Staff spoke with LADBS personnel and they informed staff that all OTC's are still open, and there are no permits to correct the non-permitted area. LADBS personnel informed staff that they are waiting for the Office of the City Attorney to file for non-compliance with any substandard orders.
LAPD: Viol of #10: No use of the non-permitted patio area (since there were no security guards present, patrons began to loiter and utilize the patio area during our investigation).

11. Security shall monitor the non-permitted patio area to insure that it is not being used during business hours by any patrons or for bar/restaurant purposes and that it is only being used as a passageway to the premises. No chairs, tables or any other furniture shall be stored in the non-permitted patio area. Such items shall be removed from said patio area immediately.

Comment: During site analysis the establishment was not open.

LAPD: Viol of #11: Security shall monitor the patio area to insure that it is not being used. (No security guards in patio area).

12. If the non-permitted 414 square-foot patio area is legalized for restaurant use, no alcohol sales are permitted thereon without first obtaining an approval of plans as is required by Sections 12.24-L and M and 12.24-W, 1(d) of the Los Angeles Municipal Code for any expansion of the footprint of an establishment which sells alcohol when said expansion does not exceed 20% of the floor area. If the request is granted, all the necessary modifications to the current alcohol license shall be obtained from the State of California prior to any initiation of alcohol sales in the patio area.

Comment: Research of LADBS permits does not indicate any activity since the date of last action, which was the Council Action of the applicant's appeal. The date of the City Council action was February 1, 2013. Thus, there is no record of the patio area being legalized for restaurant use and LADBS personnel confirmed this (also see comment on No. 10).

13. The operator shall provide patrons with valet service beginning at 6 p.m. until one-half hour after closing, daily. Valet attendants shall not park any vehicles on residential streets including but not limited to Palm Grove Avenue, Harcourt Avenue and Lucerne Avenue. The valet stand/line for dropping and picking up vehicles shall be on Adams Boulevard and attendants shall insure that no vehicles waiting for drop-off or pick-up are allowed to encroach into the intersection of Adams Boulevard and Palm Grove Avenue.

Comment: LAPD-DSVD to verify.

LAPD: Viol of #13: Valet shall not park any vehicles on the surrounding residential streets. (Valet personnel admitted to parking vehicles on surrounding streets, indicating there was no off-site parking associated with the business. The deft and wit refused any comment regards to off-site parking).

14. The operator shall submit copies of any parking agreements for the locations of the off-site parking and if no parking agreements are provided the operator shall
maintain a daily log of parking lots or properties which have been used for off-site parking. This log shall be submitted with the application materials required for the subsequent review of conditions hearing identified elsewhere in this determination.

Comment: No parking agreement or daily logs were submitted to the file.

LAPD: Viol of #14: Business shall have parking agreements for off-site parking, as well as a parking "log" for the attendants to document vehicles parked. (No off-site parking facilities or parking log exist, with the deft unaware of such item and the wit refusing to comply. The deft and wit refused any comment in regards to off-site parking.

15. The operator and/or property owner shall post signs discouraging patrons from self-parking and advising that such vehicles may be towed at vehicle owner's expense if parked illegally. Security personnel shall monitor and report, as necessary, any illegally parked vehicles including any which may be blocking driveways.

Comment: During the site analysis, no such signs "discouraging patrons from self-parking" were posted outside the premises.

16. Loitering is prohibited on or around the premises or in any area under the control of the owner/operator. The owner/operator shall install signs that state the following: "No Loitering or Public Drinking" and signs that state the following: "This property is being monitored by 24-hour video surveillance." The signs shall be posted, respectively, on the westerly and southerly façade of the premises.

Comment: One sign was posted at the entrance stating "No Loitering or Public Drinking", there was no language regarding of 24-hour video surveillance.

17. The premises, including the sidewalk, shall be cleaned of trash and debris on a daily basis within 45 minutes after the business closes.

Comment: The site, surrounding sidewalk and alley were generally neat, clear of trash and debris.

18. No pay phones shall be maintained on the exterior or the interior of the property.

Comment: No public pay phones were observed at the exterior of the site.

19. The owner/operator shall provide adequate lighting, preferably halogen lighting above the entrance to the premises. The lighting shall be of sufficient strength to make visible the identity and the actions of all persons entering or exiting the premises.
Comment: The subject site has sufficient lighting standards at the front (Adams) and side (Palm Grove) of the site. From staff's perspective, it appears that these lights are set so as not to disturb the adjoining residential neighborhood.

20. The owner/operator shall install and maintain video surveillance cameras inside and outside of the premises with views of all common areas. The security camera system shall contain a taping system and video recordings (video tapes, DVDs or computer drives) shall be retained for a minimum of seven days and presented upon request to the Police Department or any other enforcement agency. Management shall routinely monitor the cameras and shall immediately notify the Police Department when criminal activity is observed and shall keep all tapes which indicate possible criminal activity.

Comment: Staff observed cameras on the front and side of the structure and could not gain access inside to observe the security camera system. LAPD was contacted to verify.

LAPD: Viol of #20: The owner/operator shall install and maintain video surveillance and should present any tapes/recordings to the Police Department upon request (video surveillance cameras were present, however neither the deft or wit were capable, and in fact refused to present tapes to officers specifically to the locking of the front door upon entry. These tapes should be retained for seven days and available to officers upon request).

21. The owner/operator shall maintain a patrol log of any incidents in which a call for service to the Police Department is generated. Said incident shall be documented and the operator/owner shall also indicate whether the call for service was called in by the operator or an employee. The patrol log shall also identify the outcome and/or resolution of any call.

Comment: Staff contacted LAPD to verify.

LAPD: Viol of #21: The owner/operator shall maintain a patrol log of any incidents related to calls for service to the Police Department (No patrol log present during the inspection and neither the deft or wit was aware one was needed).

22. The owner/operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. The phone number shall be provided to all abutting property owners and to all property owners and tenants on Palm Grove, between Adams Boulevard and the Santa Monica Freeway. The hot line number shall be:

   a. Posted at the entry in a readily visible location.

   b. Responded to within 24-hours of any complaints/inquiries received on this hot line.
c. Documented in a log and available for review by the Police Department, the Department of Building and Safety, the Zoning Administrator and any other enforcement agency upon request.

d. This log shall, at a minimum, record when the calls were received, the nature of the complaint, date/time of call returned and the action taken to address the concern.

Comment: No complaint number was posted on the exterior nor was confirmation of a number given to adjacent property owners. Staff contacted LAPD to verify the maintenance of a complaint log.

LAPD: Viol of #22: The owner/operator shall post a 24-hour "hotline" number and designate a contact person for any such complaints related to the property (No posted 24-hour "hot line" number was present during the inspection and neither the deft or wit were aware one was needed. The wit advised they passed out flyers to the surrounding neighborhood, but indicated no signs exist).

23. All employees working in the capacity of wait staff, bartenders or security shall wear uniforms and name tags.

Comment: During site analysis the establishment was not open. Staff contacted LAPD-DSVD to verify.

LAPD: Viol of #23: All employees shall wear uniforms and name tags (Only the wait staff were wearing uniforms and name tags associated with the business. The bartenders were not wearing name tags and the security guards were not present to inspect).

24. A copy of these conditions as well as the alcoholic license conditions shall be retained on the premises at all times and be immediately produced upon request by any enforcement agency. The operator shall make available a copy of all of these conditions to all employees and to all security personnel and shall train them to insure that compliance with the conditions is monitored and enforced. All employees and security personnel shall also be made familiar with the provisions of the September 12, 2011 Stipulated Judgment and Permanent Injunction issued by the Superior Court of the State of California, County of Los Angeles, Central District. All employees and security personnel shall sign an acknowledgment form stating that they have read and understood said conditions. Said form shall be maintained at the location and shall be made available to Police personnel, ABC investigators or any other City agency upon request.

Comment: During site analysis the establishment was not open. Staff contacted LAPD-DSVD to verify.

LAPD: Viol of #24: All employees shall be made aware of, and present if requested, the existing Stipulated Judgment and Permanent Injunction, as well
as the Conditional Use Permit and any licenses associated with the location (The deft was unaware of the current CUP and/or Injunction, stating he had only been managing the location for approx. 2 months. The manager was unable to provide the current CUP, Injunction, or any other licenses).

25. The premises shall be maintained as a bona fide restaurant with the sales of alcohol incidental to the sale of food. The premises shall have a full kitchen with food service and menu items normally offered at a similar restaurant. The kitchen shall remain open and provide full food service during all hours when alcohol service is provided. The establishment shall provide tables and chairs at which food may be comfortably consumed and which shall be furnished with cutlery and condiments customary to a restaurant. At no time shall any of the chairs and tables be moved to provide for dancing or live entertainment which is expressly not permitted on the premises.

Comment: Staff on-line research indicates that it is a bona fide restaurant and the reviews were respectable regarding the food quality. On-line menu is attached to the file.

26. The owner/operator shall comply in a timely manner with any orders and regulations of the Department of Building and Safety, the County Health Services Department, the City Clerk's Office, the Fire Department and any other regulatory agency.

Comment: There is an open LADBS Substandard – Order (see No. 10 comment). Staff research did not indicate any other citations.

27. The owner/operator shall obtain all permits required prior to any modification of the use of the location/business, as applicable, from the Police Department, the Police Commission, the Fire Department and the Department of Building and Safety.

Comment: Research of LADBS records indicate no new activity or modification of use since the initiation of the nuisance abatement by the City.

LAPD: Viol of #27: The owner/operator shall obtain all necessary permits through the Los Angeles Police Commission. (No dance hall permit was obtained/presented. I observed dancing occurring during our investigation, at which no time did any staff members of the bar discourage the activity).

28. The owner/operator shall observe strict adherence to the rules and regulations set forth by the September 12, 2011 Stipulated Judgment and Permanent Injunction issued by the Superior Court of the State of California, County of Los Angeles, Central District, the Department of Alcoholic Beverage Control of the State of California, the Police Department, the Police Commission and any other agency with oversight regarding the operation and use.
Comment: Staff has not received reports of any violation of the Injunction from the Office of the City Attorney's Citywide Nuisance Abatement Program (CNAP) or the agencies stated in the above condition.

LAPD: Viol of #28: Strict adherence to the rules and regulations set forth in the Stipulated Judgment and Permanent Injunction. (Various violations of the Injunction were present, including the security guard condition).

Violation of the City Attorney Stipulated Judgment and Permanent Injunction:

Viol of #8:

a. No use of the non-permitted patio area unless proper permits, licenses and approval has been obtained. (Since there were no security guards present, patrons began to loiter and utilize the patio area during our investigation).

b. The owner-Cartwright shall attend four Community Police Advisory Board (CPAB) meetings within a one year period. (The deft or wit were unable to provide proof of involvement in any CPAB meetings).

c. Comply with Los Angeles Municipal Code section 112.01 regarding noise level. (Noise and music was audible outside of the business beyond 150 ft.).

d. Provide sufficient off site valet parking (No off-site parking was utilized. Valet attendant admitted to using street parking for the business).

e. Obtain all required permits (No dance hall permit at the business with dancing observed).

f. Do not interfere with law enforcement investigations at the property (An unknown male at front door, acting as security, locked front door upon our arrival and later fled the business).

g. Comply with all State and local laws and regulations. (Violations of the CUP and Injunction, as well as no Police Commission Permits for dance hall were observed).

h. Four State Licensed bonded security guards shall be present from 7:30 p.m. to 2:00 a.m. on Friday and Saturday and shall not be associated with Trace Co. or Mr. Cartwright. (No security guards were observed at the location during our investigation. Further, the deft stated the ones that were supposed to be there {3 for the evening} were directly employed through "Trace Co." the Cork Bar).

i. Do not exceed maximum occupancy limits. (Unable to verify occupancy level with security on number count).
j. Require security guards utilize a "number clicker" to monitor number of individuals entering. (No number clicker observed or located to determine occupancy level).

k. Require security guards to use a metal detector wand to check patrons for weapons. (No security guards observed at front door to check or monitor patrons for weapons).

Violation of ABC operating conditions:

Viol of #6: There shall be no patron dancing on the premises at any time. (Dancing was observed upon entry into the business during our investigation. The patrons were observed dancing near or at their respective bar tables, as well as by the bar area).

Viol of #7: Amplified music shall not be audible beyond the part of the structure which is under control of the licensee. (Music could be heard from outside of the business from beyond 150 ft., even while the doors to the business were closed).

29. The owner/operator shall join and actively participate in the efforts of any local neighborhood watch and shall meet with representatives of the Los Angeles Police Department Southwest Division Vice Unit on a quarterly basis to receive any additional training or information regarding alcoholic beverage control laws, nuisance laws and procedures or community complaints.

Comment: Staff contacted LAPD-DSVD to verify.

LAPD: Viol of #29: The owner/operator shall actively participate in the efforts of any local neighborhood watch meetings, as well as meet with Southwest Vice on a quarterly basis. (The deft and wit were unable to provide proof of involvement in local neighborhood watch or quarterly meetings with Southwest Vice).

30. The conditions of this action are not intended to make less restrictive any provisions identified in the September 12, 2011 Stipulated Judgment and Permanent Injunction issued by the Superior Court of the State of California, County of Los Angeles, Central District. Where any conditions of this action are more restrictive than the provisions of the Stipulated Judgment, the conditions of this action shall be complied with unless otherwise noted.

Comment: Zoning Administrator’s Discretion. Project Planning Staff will defer any comment, on said condition, to the Office of the City Attorney’s CNAP unit.

31. No earlier than three months and no later than four months from the effective date of this determination, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration together with a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the
effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the operation of the facility or whether revocation is appropriate. The matter shall be set for a public hearing. The operator shall submit with the application a condition compliance report documenting how compliance with each condition has been attained with evidence of compliance included.

Comment: An application for review of the effectiveness of the conditions was due on June 4, 2013. A letter was sent to the operator and an application was not filed. The instant application was initiated by the City.

32. **Within 30 days of the effective date of this determination**, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein 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 to the Zoning Administrator for attachment to the subject case file. If the property owner fails to record the covenant, the City will record it.

Comment: A covenant acknowledging and agreeing to comply with all the terms and conditions was not filed. The covenant should have been filed on March 4, 2013.

33. **Within 30 days of the effective date of this determination**, the business owner and/or property owner shall reimburse the City for the costs required to conduct and process the subject nuisance abatement action pursuant to Section 19.01-P of the Los Angeles Municipal Code. Payment shall be made to the City of Los Angeles with confirmation of payment forwarded to the Zoning Administrator within this same time period.

Comment: No reimbursement was received by the City. A reimbursement cost of the initiation of nuisance abatement proceedings was due by March 4, 2013.

**Relevant Provisions of the Municipal Code**

**Nuisance Abatement Authority - Section 12.27.1 of the Los Angeles Municipal Code**

On May 25, 1989, Ordinance No. 164,749 became effective, establishing procedures for the modification, discontinuance or removal of use, building or structure that constitutes a public nuisance or endangers the public health of safety or violates any provision of City, State, or Federal statutes or ordinance. That ordinance became Section 12.21-A, 15 of the Los Angeles Municipal Code.
On October 27, 1997, Ordinance No. 171,740 became effective, amending the language in the earlier ordinance.

Prior to an action by the Zoning Administrator requiring that a use be discontinued, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and the owner or lessee has failed to demonstrate to the satisfaction of the Zoning Administrator a willingness and ability to eliminate the problems associated with the use.

**Surrounding Land Uses**

Properties to the north across the 15-foot wide improved alley are zoned RD1.5-1-O and developed with a one-story duplex with a detached garage located on the easterly portion of the site. Vehicular ingress/egress is via the 15-foot wide alley.

Beyond that, to the north is zoned RD1.5-1-O and developed with a one-story single-family dwelling.

Properties to the south across Adams Boulevard and west of Palm Grove Avenue are zoned C2-1 and developed with one-story commercial buildings.

Properties to the east is zoned C2-1 and developed with a one-story commercial building.

Property to the west across Palm Grove Avenue is zoned C2-1 and developed with a paved surface parking area without any structures surrounded by a wrought iron fence.

Beyond that, to the west is zoned C2-1 and developed with a two-story commercial building with a retail business on the ground floor and what appears to be residential on the second floor.

**Previous Cases, Affidavits, Permits, and Orders On the Applicant’s Property:**

City Council File No. CF 12-1845 – On January 22, 2013, the City Council denied the appeal of the applicant of the October 31, 2012, Zoning Administrator’s determination. Thereby, sustaining the findings of the Zoning Administrator that the operation of The Cork Bar is a public nuisance and modifying the conditions.

Case No. DIR 20012-0632(RV) – On October 31, 2012, the Zoning Administrator required the modification of the operation of an establishment known as The Cork Bar located at 4117 West Adams Boulevard, in order to mitigate adverse impacts caused by said operation and the sale of alcoholic beverages and any potential impacts caused by any future operation of this establishment. The applicant appealed the decision of the Zoning Administrator.
Case No. ZA 2009-2798(CUB)(CUX)(CU) — On August 14, 2010, the Zoning Administrator approved the continued sale of a full line of alcoholic beverages in conjunction with the expansion of an existing restaurant having 198 indoor seats and 56 outdoor seats with hours of operation 24 hours daily; live music and patron dancing; hours of operation before 7 a.m. and after 11 p.m.; to continue to have less than 50 percent transparent windows fronting on Palm Grove Avenue and Adams Boulevard, and to continue to have zero landscape buffer between the building and the adjacent streets, on a 9,118 square-foot lot in the C2-1 Zone. The determination was appealed to the South Los Angeles Planning Commission, was denied on November 2, 2010, and the applicant withdrew/terminated the application.

LADBS Sub-Standard Order — Case No. 324459; effective October 23, 2009. Violations for:

1. The approximate 22 foot x 14 foot construction of an awning roof cover and supporting steel welded fence with gate at the front of the building is/was constructed without the required permits and approvals.

2. The installation of a double doorway and ramp on the south wall, and the additions of a sliding glass door on the west wall at the exterior patio were constructed without the required permits and approvals.

3. Electrical work has been done without the required permits and approvals.

4. Mechanical (heating, air conditioning, refrigeration or ventilation) work has been done without the required permits and approvals.

Certificate of Occupancy Accompanying Building Permit No. 57 LA 81767 — Issued March 19, 1958, 45-foot by 52-foot 6-inch café converted from a portion of an existing one- and two-story, Type V, irregular-shaped 45-foot by 100-foot commercial and residential building; two rooms. G-2 Occupancy.

Certificate of Occupancy Accompanying Building Permit No. 57 LA 81767 — Issued December 10, 1957, for an irregular-shaped 45-foot by 52-foot 6 inch café converted from a portion of an existing one- and two-Story, Type V, irregular-shaped 45-foot by 100-foot commercial and residential building. Two rooms limited to 50 occupants each, G-2 Occupancy.

Certificate of Occupancy Accompanying Building Permit Nos. 49 LA 27844 and 49 LA 30092 — Issued April 27, 1950, for two one-story, Type V, Additions to stores, 12-foot by 45-foot and 12-foot by 20-foot, G-1 Occupancy.

License No. 427434 — On March 8, 2006, the California Department of Alcoholic Beverage Control issued the subject license Type 47 — On-Sale — General — Eating Place to the Trace Co., LLC doing business as The Cork. The license expires on February 29, 2014.
Previous Cases, Affidavits, Permits, and Orders On Surrounding Properties:

No similar or relevant cases were found.

General Plan, Specific Plans and Interim Control Ordinances

Community Plan:

The West Adams-Baldwin Hills-Leimert Plan Map designates the property for General Commercial land uses with corresponding zones of C1, C2, CR, C4, and P and Height District No. 1.

Specific Plans and Interim Control Ordinances:

The property is within the area of the South Los Angeles Alcohol Specific Plan (Ordinance No. 171,681). The subject site is not affected.

Streets

Adams Boulevard, adjoining the site to the south is a Major Highway with a width of 90 feet and improved with curb gutter and sidewalk.

Palm Grove Avenue, adjoining the site to the west is a Local Street with a width of 50 feet and improved with curb, gutter and sidewalk.

Alley, adjoining the site to the north has a width of 14 feet and is paved with asphalt.

Flood Hazard Evaluation:

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, flood insurance rate zone that corresponds to areas outside the 1-percent annual chances floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1-foot, areas of 1 percent annual chance stream flooding where contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.
Environmental Clearance:

On January 8, 2014, the project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2014-57-CE, for a Categorical Exemption, Class 21, Category 2, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines).

Comments from Other Departments or the General Public

Site specific crime information received from the Los Angeles Police Department.

 Calls for Service Report for the period from December 1, 2012 – October 23, 2013, lists a total of 8 patrol calls.

The City Attorney – CNAP Unit submitted the following arrests reports from December 1, 2012 – October 23, 2013:

10/16/13 Preliminary Investigation of Forgery. Unknown suspects forged victim’s checks and cashed them without her consent.

07/15/13 Preliminary Investigation of Theft. Unknown suspect(s) removed victim’s wallet from her purse and fled the location with victim’s property. (On-site, 1:00 a.m.)

03/18/13 Preliminary Investigation Battery. Suspect and victim were in a verbal dispute. Then suspect physically pushed victim out of suspects’ way. (On-site, 7:00 p.m.)

At the time of report preparation, no correspondence from the general public had been received.

PIO VINCEN...
# NOTICE OF PUBLIC HEARING

## REVIEW OF CONDITIONS AND POSSIBLE REVOCATION OF USE

<table>
<thead>
<tr>
<th>To Owners:</th>
<th>And Occupants:</th>
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<tbody>
<tr>
<td>□ Within a 100-Foot Radius</td>
<td>□ Within a 100-Foot Radius</td>
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<tr>
<td>✓ Within a 500-Foot Radius</td>
<td>✓ Within a 500-Foot Radius</td>
</tr>
<tr>
<td>□ Abutting a Proposed Development Site</td>
<td>And: □ Others</td>
</tr>
</tbody>
</table>

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding the operation of The Cork Bar (also known as The Cork Bar and Grill), use location address: 4771 West Adams Boulevard, (property location addresses of 4771 West Adams Boulevard and 2536-2538 South Palm Grove Avenue). Following the hearing, the Zoning Administrator may require the discontinuance of the use; or modify, delete or impose additional conditions regarding its use as a bar in order to mitigate any land use impacts caused by the use. The public is also invited to submit written comments prior to the hearing.

**Hearing:** Office of Zoning Administration  
**Date:** Tuesday, February 18, 2014  
**Time:** 10:00 a.m.  
**Place:** Los Angeles City Hall  
200 North Spring Street, Room 1020  
(Enter from Main Street)  
Los Angeles, CA 90012  

**Staff Contact:** Pio Vincent Quitoriano  
**Phone No.:** (213) 978-1458  
Vincent.quitoriano@lacity.org

**PROJECT LOCATION:** 4771 West Adams Boulevard  
The property is legally described as Lot 323, Tract 4416

**REQUESTED ACTION:** The Zoning Administrator will consider:

1. A Plan Approval, pursuant to Los Angeles Municipal Code Section 12.27.1 and Condition No. 31 of Zoning Administrator’s Case No. DIR 2012-0632(RV)) and City Council Action, Council File No. 12-1845, effective February 4, 2013, for the purpose of reviewing compliance with the conditions and the effectiveness of the conditions in eliminating the public nuisance problems.

2. Pursuant to Section 21084 of the California Public Resources Code, the above referenced project has been determined not to have a significant effect on the environment and which shall therefore be exempt from the provisions of CEQA

The environmental document will be among the matters considered at the hearing. The decision maker will consider all the testimony presented at the hearing, written communication received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations.

On November 16, 2012, the Zoning Administrator (DIR 2012-0632(RV)) determined that the operation of The Cork Bar (also known as The Cork Bar and Grill) constituted a public nuisance and imposed corrective conditions pursuant to LAMC Section 12.27.1 in order to mitigate adverse impacts caused by the operation of...
the bar. Various conditions of the Zoning Administrator's determination were appealed to the City Council and denied (CF No. 12-1845).

Condition No. 31 of City Council action effective February 4, 2013 states in relevant part:

31. No earlier than three months and no later than four months from the effective date of this action, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration. The Plan Approval application shall include a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the operation of the facility or whether revocation is appropriate. In addition, the operator shall submit a Condition Compliance Report documenting how compliance with condition has been attained.

On March 7, 2013, a Letter of Communication - Plan Approval/Covenant/Reimbursement was mailed to the owner, operator and business address as a courtesy reminder to file the Plan Approval application by June 4, 2013, record the covenant and reimbursement of fees payable on or before March 4, 2013. The Applicant failed to file the Plan Approval application and record the covenant by the due date as required, therefore the Director of Planning has filed the instant application. This is the first review for the effectiveness of compliance with conditions.

Authority: The Director of Planning, through the Office of Zoning Administration, has the authority to modify, discontinue or revoke the use; or to modify, delete or impose additional corrective conditions on the operation of the existing business as a bar under Section 12.27.1 (land use impacts caused by any use) of the Los Angeles Municipal Code.

Exhaustion Of Administrative Remedies: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

Advice To Public: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Los Angeles City Planning Department, Office of Zoning Administration, 200 N. Spring Street, Room 763, Los Angeles, CA 90012 (attention: Vincent Quitoriano).

Review Of File: The file, including the application and the environmental assessment, are available for public inspection at this location between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Please call (213) 978-1318 several days in advance to assure that the files will be available. The files are not available for review the day of the hearing.

Accommodations: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. Other services, such as translation between English and other languages, may also be provided upon request.

To ensure availability or services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice.

Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance. Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.

Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.