

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

99-0235
05-0065-S1

CD 1

May 31, 2005

Councilmember Reyes
Councilmember Miscikowski
Councilmember Parks
Councilmember Cardenas
Office of the Mayor
Office of Zoning Administration
Department of Building & Safety,
c/o Zoning Coordinator
cc: Residential Inspection Unit
Bureau of Street Lighting,
"B" Permit Section

PLACE IN FILES

JUN - 7 2005

DEPUTY

CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
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HELEN GINSBURG
Chief, Council and Public Services Division

Los Angeles County Assessor
Kenneth Hall of Administration
500 W. Temple Street, Room 290
Los Angeles, CA 90012

City Planning Department,
Attn: David Kabashima
City Attorney
Bureau of Engineering,
Land Development Group
Department of Transportation,
Traffic/Planning Sections
Police Department

SEE ATTACHED SHEET FOR FURTHER NOTIFICATIONS

RE: MODIFYING CONDITIONS AND CONSIDERATION OF FINDINGS FOR THE OPERATION OF
THE ADULT ENTERTAINMENT USE KNOWN AS THE BLUE ZEBRA AT 2662 LACY STREET

At the meeting of the Council held May 4, 2005, the following action was
taken:

Attached motion (Miscikowski - Parks) adopted	<u>05/11/05</u>
Attached motion (Miscikowski - Cardenas) adopted	<u>X</u>
Attached motion (Miscikowski - Cardenas) adopted	<u>X</u>
Motion adopted to reapprove attached report	<u>X</u>
Findings readopted	<u>X</u>
Categorical exemption reapproved	<u>X</u>
To the Mayor FORTHWITH	<u>X</u>
DEEMED APPROVED for Council actions of May 4 & 11, 2005	<u>X</u>
Findings adopted	<u>05/11/05</u>

City Clerk
dng

steno/050065.1






CITY HALL
LOS ANGELES, CALIFORNIA 90012

JAMES K. HAHN
MAYOR

Date: May 24, 2005

To: City Clerk

From: 
Nathalie Rayes, Deputy Chief of Staff
Intergovernmental Affairs

RE: C.F.s 05-0065-S1 and 99-0235, Appeal filed by Ad Hoc Committee for Safe Children, et al, from part of the Zoning Administrator's March 14, 2003 determination to modify conditions for the operation of the Adult Entertainment use know as the Blue Zebra at 2662 Lacy Street, CD 1.

MEMO TO FILE

Council File 05-0065-S1 relative to Council action of May 04, 2005 and Council Files 05-0065-S1 & 99-0235 relative to Council action of May 11, 2005 regarding the above-entitled matter, are herewith returned without Mayor's signature, with the understanding that this matter will be considered deemed approved.

RECEIVED
CITY CLERK'S OFFICE
2005 MAY 25 PM 3: 53
CITY CLERK
BY _____ DEPUTY

MAY 26 2005



OFFICE OF THE MAYOR
Mayor's Time Stamp

2005 MAY 13 AM 8:16

CITY OF LOS ANGELES

FORTHWITH

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Time Stamp

2005 MAY 13 AM 8:11

CITY CLERK

BY _____
DEPUTY

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 05-0065-S1 & 99-0235 COUNCIL DISTRICT NO. 1

COUNCIL APPROVAL DATE MAY 11, 2005

RE: CONTINUED CONSIDERATION OF APPEAL FILED BY AD HOC COMMITTEE FOR SAFE CHILDREN, ET AL., FROM PART OF THE ZONING ADMINISTRATOR'S MARCH 14, 2003 DETERMINATION TO MODIFY CONDITIONS FOR THE OPERATION OF THE ADULT ENTERTAINMENT USE KNOWN AS THE BLUE ZEBRA AT 2662 LACY STREET (COUNCIL FILE NO. 99-0235) AND CONSIDERATION OF FINDINGS (RE: MODIFYING CONDITIONS FOR THE OPERATION OF THE ADULT ENTERTAINMENT USE KNOWN AS THE BLUE ZEBRA AT 2662 LACY STREET) INCLUDING ATTACHED REPORT AND FINDINGS OF PLANNING AND LAND USE MANAGEMENT COMMITTEE, RELATIVE TO MODIFYING CONDITIONS FOR THE OPERATION OF THE ADULT ENTERTAINMENT USE KNOWN AS THE BLUE ZEBRA AT 2662 LACY STREET (COUNCIL FILE NO. 99-0235)

MAY 23 2005

LAST DAY FOR MAYOR TO ACT _____
(10 Day Charter requirement as per LAMC 12.24H)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

APPROVED

*DISAPPROVED

*Transmit objections in writing
pursuant to LAMC 12.24H

DATE OF MAYOR APPROVAL OR DISAPPROVAL _____

MAYOR

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendations in connection with CONTINUED CONSIDERATION OF APPEAL filed by the Ad Hoc Committee for Safe Children, et al., from part of the Zoning Administrator's March 14, 2003 determination to modify conditions for the operation of the adult entertainment use known as the Blue Zebra at 2662 Lacy Street (Council file No. 99-0235) and CONSIDERATION OF FINDINGS (Re: Modifying Conditions for the operation of the Adult Entertainment Use Known as the Blue Zebra at 2662 Lacy Street) including attached Report and Findings of Planning and Land Use Management Committee, relative to modifying conditions for the operation of the adult , SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the FINDINGS (Re: Modifying Conditions for the Operation of the Adult Entertainment Use Known as the Blue Zebra at 2662 Lacy Street) including attached Report and Findings of the Planning and Land Use Management Committee as the Findings of the Council.
2. GRANT the appeal filed by the Ad Hoc Committee for Safe Children and others from part of the March 14, 2003, Determination of the Zoning Administrator, and reinstate Conditions 6 and 19 as set forth in the October 19, 1998, Determination of the Zoning Administrator.

(Pursuant to Council action of May 4, 2005)

PRESENTED BY _____
CINDY MISCIKOWSKI
Councilmember, 11th District

SECONDED BY _____
BERNARD C. PARKS
Councilmember, 8th District

Findings a Motion
ADOPTED

MAY 11 2005

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

See Attached

MAY 10 2005 - CONTINUED TO May 11, 2005

Original on CF 05-0065-S1

City Council File Number 99-0235

05-0665-51

Re: Modifying Conditions for the Operation of the Adult Entertainment Use Known as the Blue Zebra At 2662 Lacy Street

Findings of the City Council

1. On October 19, 1998, the Zoning Administrator, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code ("LAMC"), required the modification of the operation of Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its location. The City Council adopted the report and findings of the Zoning Administrator on April 14, 1999.

2. The conditions imposed as adopted by the City Council include Conditions No. 6 and 19.

Condition 6. "The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week."

Condition 19. "Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bonafide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator."

3. The reasons for imposing Conditions 6 and 19 include:

Condition 6. "This condition is imposed in order to lessen the cabaret's impact on children who may be going to or returning from school, and to reduce the cabaret's impact on local businesses by limiting the hours the cabaret will open to times when the majority of

1999-04-14 10:22

school age children are no longer traveling home from school and when most businesses in the area are closed. By reducing the hours of operation, confrontations with residents in the neighborhood may also be reduced if the threat to children is reduced or eliminated. In addition, police resources will be likely to be more readily available in other areas of the district if the operating hours of the cabaret are reduced, lessening the potential for police response to the premises."

Condition 19. "This condition is established in order to ensure that adequate security is provided for the premises and that said security be provided by a professional, state licensed service trained for that purpose. This condition is also established to prevent the owner of the premises from hiring security people who are not professional and who are not state licensed or who may not be sufficiently trained to provide the level of security necessary for this type of premises."

4. By Determination dated March 14, 2003, the Zoning Administrator approved requests by the Blue Zebra, pursuant to Section 12.27.1 of the Los Angeles Municipal Code, to modify Conditions 6 and 19. The Zoning Administrator modified conditions 6 and 19 as follows:

Condition 6. "The hours of operation are limited as follows: Sunday through Wednesday 11:00 a.m. to 2:00 a.m. (and) Thursday through Saturday 11:00 a.m. to 4:00 a.m. From the hours of 11:00 a.m. to 6:00 p.m., all patrons shall be required to park in the subject premises parking lot. Patrons parking off-site shall be denied entry on to the subject property and within the subject premises."

Condition 19. "Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of two, uniformed, state licensed security guards to patrol the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the premise is open for business and patron vehicles are present in the parking lot. This may be reduced to one security guard around the exterior and the other patrolling the interior during periods when there are no patron vehicles present in

the parking lot. The security guard(s) on the exterior shall patrol the parking lot area behind the building and the area in front of the premise to enforce these conditions, especially to prohibit the consumption of alcoholic beverages, and discourage any illegal activities. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.

All security staff shall maintain valid State Guard Cards. The guards shall be dressed in such a manner as to be readily identifiable as security guards. The security guard uniforms shall display the word "Security" in bold letters at least 3 inches in height and shall include the display of the security guard's identification."

5. LAMC Section 12.27.1D provides no modification of conditions shall be approved unless, among others requirements, "due consideration has been given to the effects of the modification on surrounding properties."

6. The Ad Hoc Committee for Safe Children and other persons appealed part of the March 13⁴, 2003, Determination of the Zoning Administrator to the City Council.

7. LAMC Section 12.27.1D provides the decision of the Zoning Administrator may be taken to the City Council in the manner provided in Section 12.27.1C of the Los Angeles Municipal Code, which in turn provides an appeal from the decision of the Zoning Administrator may be taken to the City Council in the same manner as prescribed in LAMC Section 12.24I.

8. LAMC Section 12.24I(3) states that when "considering an appeal from the decision of an initial decision-maker, the appellate body shall make its decision, based on the record, as to whether the initial decision-maker erred or abused his or her discretion." LAMC Section 12.24I(5) states that the "appellate body may, by resolution, reverse or modify, in whole or in part, any decision of the initial decision-maker. If the City Council is the appellate body, the resolution to reverse or modify, in

whole or in part, shall only be adopted by at least a two-thirds vote of the whole Council.”

9. The City Council referred the appeal to its Planning and Land Use Management Committee (“PLUM”) for hearing and recommendation. PLUM held a public hearing on June 3, 2003, and issued its Report and Recommendations attached hereto.

10. The City Council adopts the Report and Findings of the PLUM Committee attached hereto.

11. The City Council grants the appeal filed by the Ad Hoc Committee for Safe Children and others from part of the March 14, 2003, Determination of the Zoning Administrator, and reinstates Conditions 6 and 19 as set forth in the October 19, 1998, Determination of the Zoning Administrator.

12. As indicated by the PLUM Report, there is continued community concern over the negative effect of this site on surrounding properties. The record shows the club continues to negatively impact surrounding properties and the continued proximity of children to the site. Illegal activity includes illegal construction of partitions in the lap dance area, weapons and trash, debris and alcohol containers in the street. As indicated by the PLUM Report and Findings, the Zoning Administrator erred and abused his discretion in modifying Conditions 6 and 19 and did not give due consideration to the effects of the requested modifications on surrounding properties. As the committee findings indicate, modification of Conditions 6 and 19 by relaxing their restrictions could increase the risks that these conditions were designed to reduce and thus negatively impact surrounding properties.

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

FILE NO. 99-0236

Your PLANNING AND LAND USE MANAGEMENT Committee

reports as follows:

Public Comments Yes No
XX —

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to modifying conditions for the operation of the adult entertainment use known as the Blue Zebra at 2662 Lacy Street.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is categorically exempt from California Environmental Quality Act pursuant to Article VII, Section 1, Class 1 (22) of the City's Environmental Guidelines.
2. ADOPT the FINDINGS of the Planning and Land Use Management Committee as the findings of Council.
3. RESOLVE TO GRANT APPEAL filed by the Ad Hoc Committee for Safe Children, et al, from part of the determination of the Zoning Administrator; to thereby RE-INSTATE Conditions 6 and 19 to maintain the existing permitted hours of operation and the existing security guard requirements relative to the operation of the adult entertainment use known as the Blue Zebra located at 2662 Lacy Street.

Applicant: Kathy MacDannald, Lacy Street Hospitality Services, Inc.

DIR 98-0210 RV PA1

Fiscal Impact Statements: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

TIME LIMIT FILE - JUNE 16, 2003

(LAST DAY FOR COUNCIL ACTION - JUNE 13, 2003)

Summary:

At its meeting held June 3, 2003, the Planning and Land Use Management Committee conducted a public hearing on an appeal filed by the Ad Hoc Committee for Safe Children, et al, from part of the determination of the Zoning Administrator to modify

Conditions 6 and 19 expanding the hours of operation and requiring a minimum of two security guards with respect to the operation of the adult entertainment use known as the Blue Zebra located at 2662 Lacy Street inasmuch as it was found that the business has substantially complied with conditions imposed by the City Council. A representative of the Planning Department was present to discuss this case with the Committee members. The Department representative stated that the use is located in an industrial zone and is permitted by right. The City imposed conditions on the previous operator to mitigate nuisance activities. The Zoning Administrator determined that the new operator, Blue Zebra, was in substantial compliance with the conditions. The new operator requested a reduction of certain security requirements and an expansion of hours of operation from 6 p.m. through 2 a.m., to 11 a.m. to 4 a.m. The Zoning Administrator granted the applicant's request, along with imposing several other conditions including a requirement to remove a partition wall that blocks the view of private performance dances.

During the public comment period, Councilmember Reyes recused himself from the Planning and Land Use Management Committee and spoke as a private citizen. Mr. Reyes urged the sitting Committee members to grant the appeal and deny the applicant's request to relax security provisions and extend the hours of operation. It was stated that the Blue Zebra is located near sensitive uses such as schools, student corridors, a park, and a City animal shelter that operates several youth vocational programs. The student traffic will likely increase with the opening of a nearby Gold Line rail station. The conditions previously imposed are needed to protect the public and should apply to any new operator. Mr. Reyes went on to state that the Zoning Administrator should meet with local institutions to assess the impact of the Blue Zebra on the community.

Others who spoke in favor of the appeal included representatives of the City's local animal shelter, the Los Angeles Unified School District, the Los Angeles Bridges program, the faith community, a home for adolescent girls, and local residents. Concerns were expressed that the proposed expansion of hours would expose children to the illicit activities associated with the operation of the business. It was stated that the 1,158 students who attend Nightingale Middle School pass by the club, using a nearby bridge. A local resident stated that the existing conditions protect the community from lewd conduct. While the business is located in an industrial zone, it is in close proximity to schools and residences. It was further stated that school girls passing by the site were taunted and invited to dance at the club. Other concerns were expressed regarding public urination and the discovery of women's underwear and used condoms. The speaker went on to state that the Zoning


Administrator disregarded information submitted by community, local businesses and schools.

A representative of the operator stated that the nuisance activities associated with the previous operator have nothing to do with the new operator. The use is permitted by right and the requested modifications to conditions are consistent with the conditions in place for similar uses located throughout the city. The existing hours of operation are an economic hardship for the operator. It was further stated that statements made by community members opposed to the operation of the Blue Zebra relative to the number of students who reportedly walk by the Blue Zebra are not accurate. The operator's representative went on to state that the modified security conditions approved by the Zoning Administrator are sufficient to ensure patrons park on-site and to prevent nuisance activities.

The Planning and Land Use Management Committee recommended that Council grant the appeal to re-instate conditions 6 and 19 to maintain existing hours of operation and security requirements for the Blue Zebra. The Committee's action preserves other conditions recommended by the Zoning Administrator including a requirement to remove a partition located inside the club used to block the view of private performance dances.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



JAW:ys

6/5/03

Enc: DIR 98-0210 RV PA1

Attachment: Conditions of Approval, as modified
CD 1.

Note: (Notice has been published not less than 24 days prior to the public hearing date pursuant to Sections 12.24 I3 and 12.24 D2(b) of the Los Angeles Municipal Code).

CONDITIONS OF APPROVAL

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. Within 30 days of the effective date of this determination the owner shall submit a plot plan showing the exterior layout of the premises including all buildings and parking areas together with a floor plan showing all interior areas of the cabaret. All interior partitions shall be shown in compliance with Condition No. 10 below.
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 in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. A copy of this action and all conditions shall be maintained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.
6. The hours of operation are limited as follows are limited to 6 p.m. to 2 a.m., seven days a week.
7. (deleted March 2003)
8. No sooner than nine months and no later than one year from the effective date of this action the owner of the Lacy Street Cabaret shall file a Plan Approval application with the Office of Zoning Administration and pay the applicable fee of \$523 and provide a mailing list of owners and occupants within a 500 foot radius of the facility. A public hearing shall be held pursuant to this application to determine the degree of compliance with the conditions contained herein and the effectiveness of the conditions, and whether additional more restrictive conditions, or fewer conditions need to be considered for the cabaret or whether the use should be revoked.

The applicant shall provide appropriate documentation to substantiate on-going compliance of the applicant with each of the conditions contained herein at the time of filing the Plan Approval Review application. (modified March 2003)

9. The owner of the subject property shall file and record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator 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. (modified March 2003)
10. Except for offices, employee dressing areas and restroom facilities, no partitions or room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel. Any existing partitions or dividers not otherwise excepted by this condition shall be removed from the premises within 14 days of the effective date of this determination. An inspection by either the Department of Building and Safety or officers from the Hollenbeck Vice Unit shall be required to verify that all of the screening and partitions have been removed dismantled and taken away from the premises. Evidence of such inspection shall be provided to the Zoning Administrator by operator or by LAPD. Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises.

The over in height partitions with the port holes in the private and V.I.P. dance areas shall be removed immediately. (modified March 2003)
11. There shall be no booths or enclosed areas with dividers or partitions separating interior areas that are more than 48 inches in height. No partitions, fences or dividers shall be allowed inside the premises that restrict the observation of patrons by law enforcement personnel.
12. The premises shall not be rented, leased, contracted for or otherwise used for private parties which exclude the general public. Private parties where admittance is allowed only from a list or similar screening system shall not be permitted on the premises.
13. There shall be no sale or dispensing of alcoholic beverages for consumption on the premises permitted at any time.
14. The owner/operator of the premises shall maintain a current record of all employees on the premises including hourly or salaried employees and all persons who work in any capacity on the premises. These records shall contain the employees name and address and length of employment. This information shall be made available to any law enforcement officer upon demand.
15. A copy of these conditions shall be maintained on the premises at all times and

shall be made available to any law enforcement officer upon demand. All employees shall read these conditions and shall be made familiar with these requirements upon being employed.

16. At least once at the time of opening, as needed during the hours of operation and once at the time of closing, the parking lot area and the public right-of-way adjacent to the property shall be cleaned and all trash, cans, bottles and the like shall be collected and disposed of in a trash receptacle provided for that purpose on the subject property. (modified March 2003)
17. (deleted March 2003)
18. The exterior of the premises shall be illuminated sufficiently so that law enforcement personnel shall be able to clearly see the exterior of the premises and any persons congregating on the exterior. The sufficiency of the lighting in meeting this condition shall be subject to the review of the Los Angeles Police Department and approval by the Zoning Administrator. This lighting shall include lighting of the area on the street side of the subject building. (modified March 2003)
19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bonafied, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the use is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.
20. There shall be no consumption of alcoholic beverages permitted within the premises or in the parking lot area adjacent to the building. A sign indicating that the consumption of alcoholic beverages is not permitted shall be posted both in English and Spanish on the exterior of the building at the entrance, on the rear of the building in the parking lot and within the interior of the premises. The signs shall be a minimum of 24 X 24 inches in size and printed so as to be legible from a reasonable distance within the building or within the parking area. Security guards shall monitor the parking lot and the street in front of the subject property and shall prohibit such consumption of alcoholic beverages. (modified March 2003)
21. Signage shall be limited to the following:
 1. An identification sign indicating the name of the premise and "Adult Cabaret".
 2. The address of the premise.
 3. Any signs required by these conditions. (Added March 2003)

The above modification and additions to the conditions do not affect nor change the

CF 99-0235
DIR 98-0210 RV PA1

previous findings and environmental action in this nuisance abatement process except as otherwise stated herein.

#990235con.wpd

FINDINGS OF THE PLANNING AND LAND USE MANAGEMENT COMMITTEE

The City Council adopts the findings of the Director of Planning except as they relate to the following actions relative to the modification of Condition Nos. 6 and 19.

Modification of Condition No. 6.

"The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week."

The operator has requested an expansion of the hours of operation to the following:

1. Sunday to Wednesday 11 a.m. to 2 a.m.
2. Thursday to Saturday 11 a.m. to 4 a.m.

The City Council denies this modification and finds as follows:

There exist sensitive uses and a high-traffic pedestrian corridor utilized by local youth, children and families located in the immediate vicinity of the subject establishment.

The adjacent pedestrian corridor has been designated as an official Safe School Route corridor with assigned crossing guards and volunteers to serve school children walking to and from three schools in the vicinity. These students cross a nearby pedestrian bridge passing over the Pasadena Freeway from Nightingale Junior High School and other area schools. Nightingale Junior High School has a student population of 1,158 youth between the ages of 11 to 14 years old, many of whom utilize this pedestrian corridor. Youth members of the Boy's and Girl's Club based in Cypress Park utilize the pedestrian bridge to and from various teen program activities held throughout the year.

Vocational training programs are conducted by the Los Angeles Unified School District (LAUSD) at the City of Los Angeles Animal Shelter facility located directly across the street from the subject establishment. These programs serve 19 high schools throughout Los Angeles, including Franklin and Lincoln High Schools, during the late afternoon during weekdays and daytime on Saturday. Classes include offerings for at-risk teenage girls.

Children and youth at the elementary, middle and high school levels actively utilize the adjacent pedestrian corridor and are therefore exposed to the deleterious effects of the subject establishment.

Lacy Street Park is a recent adjacent sensitive use located within 500 of the establishment.

Therefore, expanding the hours of operation would have a detrimental impact on the youth that are in the vicinity of the subject establishment during the hours of 11am to 6pm.

Modification of Condition No. 19.

"Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator."

The operator has requested a modification of this condition so that they can have more flexibility in how the security is utilized and can employ the security directly rather than through a service. They maintain that maintaining two security personnel on the exterior of the property when there is no activity outside is an inefficient use of security personnel and also indicate that directly hiring the security guards would be less expensive. They also indicate that the uniforms now required creates a menacing atmosphere easily remedied by altering their attire and propose a more informal uniform.

The City Council denies this modification and finds as follows:

Public testimony indicates that there is a security problem as a portion of the parking lot is not visible from the street and cannot be monitored unless someone goes to the rear of the building. The requirement for a minimum of two licensed, uniformed security guards patrolling the premise's exterior and to be present at all times during business hours is warranted in order to create a strong deterrent to potential adverse effects that could be attracted to the establishment. LAPD has documented it has received complaints about persons drinking and loitering on the outside. LAPD therefore has requested guards both inside and outside the premises. A relaxation of this requirement - placing only in-house staff with less prominent attire at the exterior at their discretion - would lessen the security presence and increase the likelihood of nuisance activities.

Empty alcoholic beverage containers left on the subject property parking lot and on the street adjacent to the subject property reinforce the conclusion that there is a problem of patrons consuming alcoholic beverages at the subject property. This type of nuisance activity can best be eliminated by the constant patrolling of

the parking lot and the area in front of the subject premise by properly uniformed security personnel. Two security personnel should be assigned to the exterior in order to provide adequate coverage of both the front and rear areas of the subject establishment.

Security personnel should be instructed to discourage the consumption of alcoholic beverages in the area by patrons of the subject premise.

The continued use of an outside security service is necessary to assure objective enforcement of these conditions. In light of violations of conditions revealed during public testimony it is inadvisable to allow complete in house control of the security guards.

The Council has given due consideration has been given to the effects of the subject modifications on surrounding properties and finds that approval of the modifications to liberalize the hours of operation and security guard provisions would be detrimental to the surrounding properties. Testimony from the community, schools, animal shelter and the Los Angeles Police Department indicate that in order to protect the public interest, particularly children and youth and surrounding sensitive uses, the imposed conditions should remain in place without modification. The conditions imposed by the City Council in 1999, continue to be necessary to mitigate the nuisances which prompted the impositions of conditions originally. The recent establishment of a public park within 500 feet of the subject use increases the need for these conditions.

The modifications to require another plan approval in 9 - 12 months, removal of an illegal partition, more frequent cleaning of the parking lot(three times/day in lieu of one), and limited the signage to the present signage so that the appearance of the business is innocuous are necessary to eliminate problems identified during the public hearings on this matter and to maintain the acceptable appearance of the subject property. Other conditions have been deleted as they are no longer applicable or modified to reflect present conditions.

COUNCIL VOTE

May 11, 2005 11:42:31 AM, #10

ITEM NO. (74)

Voting on Item(s): 74

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Absent
LABONGE	Yes
LUDLOW	Absent
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Absent
SMITH	Yes
VILLARAIGOSA	Absent
WEISS	Absent
ZINE	Yes
*PADILLA	Yes

Present: 10, Yes: 10 No: 0

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendation in connection with appeal filed by the Ad Hoc Committee for Safe Children, et al., from part of the Zoning Administrator's March 14, 2003 determination to modify Conditions Nos. 6 and 19 expanding the hours of operation and easing conditions regarding security guards with respect to the operation of the adult entertainment use known as the Blue Zebra at 2662 Lacy Street, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. GRANT the appeal filed by the Ad Hoc Committee for Safe Children and others from part of the March 14, 2003, Determination of the Zoning Administrator.
2. ADOPT Report and Findings of the Planning and Land Use Committee (Council file No. 99-0235).
3. INSTRUCT staff to draft additional Findings that the Zoning Administrator erred and abused his discretion and to bring the additional findings back before the City Council for consideration on May 10, 2005.

PRESENTED BY _____

CINDY MISCIKOWSKI
Councilmember, 11th District

SECONDED BY _____

TONY CARDENAS
Councilmember, 6th District

May 4, 2005

CF 05-0065-S1

Motion
ADOPTED

MAY 04 2005

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

See Ref Attached

COUNCIL VOTE

May 4, 2005 1:00:51 PM, #11

ITEM NO. (1)

Voting on Item(s): 1

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Absent
LABONGE	Yes
LUDLOW	Absent
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Absent
SMITH	Yes
VILLARAIGOSA	Absent
WEISS	Absent
ZINE	Yes
*PADILLA	Yes

Present: 10, Yes: 10 No: 0

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendation in connection with Lacy Street Hospitality Svcs dba Blue Zebra v. City of Los Angeles, Los Angeles Superior Court Case No. BS 084476; Court of Appeal Case No. B 170716:

SET ASIDE AND VACATE, as ordered by the California Court of Appeal, Second District, the June 13, 2003, Council action (Council file No. 99-0235), relative to the operation of the adult entertainment use known as the Blue Zebra at 2662 Lacy Street. (DIR 98-0210 RV PA1)

(Court of Appeal remanded the appeal back to the City Council)

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(Planning and Land Use Management Committee waived consideration of the above matter)

PRESENTED BY _____
CINDY MISCIKOWSKI
Councilmember, 11th District

SECONDED BY _____
TONY CARDENAS
Councilmember, 6th District

May 4, 2005

CF 05-0065-S1

Motion
ADOPTED

MAY 04 2005

LOS ANGELES CITY COUNCIL

FORTHWITH

COUNCIL VOTE

May 4, 2005 12:29:00 PM, #10

ITEM NO. (35)

Voting on Item(s): 35

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Absent
LABONGE	Yes
LUDLOW	Absent
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Absent
SMITH	Yes
VILLARAIGOSA	Absent
WEISS	Absent
ZINE	Yes
*PADILLA	Yes

Present: 10, Yes: 10 No: 0

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

FILE NO. 99-0235

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

Public Comments: Yes No
XX —

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to modifying conditions for the operation of the adult entertainment use known as the Blue Zebra at 2662 Lacy Street.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is categorically exempt from California Environmental Quality Act pursuant to Article VII, Section 1, Class 1 (22) of the City's Environmental Guidelines.
2. ADOPT the FINDINGS of the Planning and Land Use Management Committee as the findings of Council.
3. RESOLVE TO GRANT APPEAL filed by the Ad Hoc Committee for Safe Children, et al, from part of the determination of the Zoning Administrator; to thereby RE-INSTATE Conditions 6 and 19 to maintain the existing permitted hours of operation and the existing security guard requirements relative to the operation of the adult entertainment use known as the Blue Zebra located at 2662 Lacy Street.

Applicant: Kathy MacDannald, Lacy Street Hospitality Services, Inc.

DIR 98-0210 RV PA1

Fiscal Impact Statements: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

TIME LIMIT FILE - JUNE 16, 2003

(LAST DAY FOR COUNCIL ACTION - JUNE 13, 2003)

Summary:

At its meeting held June 3, 2003, the Planning and Land Use Management Committee conducted a public hearing on an appeal filed by the Ad Hoc Committee for Safe Children, et al, from part of the determination of the Zoning Administrator to modify

Conditions 6 and 19 expanding the hours of operation and requiring a minimum of two security guards with respect to the operation of the adult entertainment use known as the Blue Zebra located at 2662 Lacy Street inasmuch as it was found that the business has substantially complied with conditions imposed by the City Council. A representative of the Planning Department was present to discuss this case with the Committee members. The Department representative stated that the use is located in an industrial zone and is permitted by right. The City imposed conditions on the previous operator to mitigate nuisance activities. The Zoning Administrator determined that the new operator, Blue Zebra, was in substantial compliance with the conditions. The new operator requested a reduction of certain security requirements and an expansion of hours of operation from 6 p.m. through 2 a.m., to 11 a.m. to 4 a.m. The Zoning Administrator granted the applicant's request, along with imposing several other conditions including a requirement to remove a partition wall that blocks the view of private performance dances.

During the public comment period, Councilmember Reyes recused himself from the Planning and Land Use Management Committee and spoke as a private citizen. Mr. Reyes urged the sitting Committee members to grant the appeal and deny the applicant's request to relax security provisions and extend the hours of operation. It was stated that the Blue Zebra is located near sensitive uses such as schools, student corridors, a park, and a City animal shelter that operates several youth vocational programs. The student traffic will likely increase with the opening of a nearby Gold Line rail station. The conditions previously imposed are needed to protect the public and should apply to any new operator. Mr. Reyes went on to state that the Zoning Administrator should meet with local institutions to assess the impact of the Blue Zebra on the community.

Others who spoke in favor of the appeal included representatives of the City's local animal shelter, the Los Angeles Unified School District, the Los Angeles Bridges program, the faith community, a home for adolescent girls, and local residents. Concerns were expressed that the proposed expansion of hours would expose children to the illicit activities associated with the operation of the business. It was stated that the 1,158 students who attend Nightingale Middle School pass by the club, using a nearby bridge. A local resident stated that the existing conditions protect the community from lewd conduct. While the business is located in an industrial zone, it is in close proximity to schools and residences. It was further stated that school girls passing by the site were taunted and invited to dance at the club. Other concerns were expressed regarding public urination and the discovery of women's underwear and used condoms. The speaker went on to state that the Zoning

Administrator disregarded information submitted by community, local businesses and schools.

A representative of the operator stated that the nuisance activities associated with the previous operator have nothing to do with the new operator. The use is permitted by right and the requested modifications to conditions are consistent with the conditions in place for similar uses located throughout the city. The existing hours of operation are an economic hardship for the operator. It was further stated that statements made by community members opposed to the operation of the Blue Zebra relative to the number of students who reportedly walk by the Blue Zebra are not accurate. The operator's representative went on to state that the modified security conditions approved by the Zoning Administrator are sufficient to ensure patrons park on-site and to prevent nuisance activities.

The Planning and Land Use Management Committee recommended that Council grant the appeal to re-instate conditions 6 and 19 to maintain existing hours of operation and security requirements for the Blue Zebra. The Committee's action preserves other conditions recommended by the Zoning Administrator including a requirement to remove a partition located inside the club used to block the view of private performance dances.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

Rpt
Re-ADOPTED

MAY 04 2005

JAW:ys
6/5/03
Enc: DIR 98-0210 RV PA1
Attachment: Conditions of Approval, as modified
CD 1

Note: (Notice has been published not less than 24 days prior to the public hearing date pursuant to Sections 12.24 I3 and 12.24 D2(b) of the Los Angeles Municipal Code).

#990235 .wpd

LOS ANGELES CITY COUNCIL
Findings Adopted
Cal Ex. Approved
TO THE MAYOR FORTHWITH

ADOPTED
NO.
to App. Comt. Rept. Reclam.
JUN 13 2003

LOS ANGELES CITY COUNCIL
Findings Adopted
cat. exempt. Approved
TO THE MAYOR FORTHWITH

JUN 11 2003 - Continued to: June 13, 2003

CONDITIONS OF APPROVAL

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. Within 30 days of the effective date of this determination the owner shall submit a plot plan showing the exterior layout of the premises including all buildings and parking areas together with a floor plan showing all interior areas of the cabaret. All interior partitions shall be shown in compliance with Condition No. 10 below.
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 in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. A copy of this action and all conditions shall be maintained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.
6. The hours of operation are limited as follows are limited to 6 p.m. to 2 a.m., seven days a week.
7. (deleted March 2003)
8. No sooner than nine months and no later than one year from the effective date of this action the owner of the Lacy Street Cabaret shall file a Plan Approval application with the Office of Zoning Administration and pay the applicable fee of \$523 and provide a mailing list of owners and occupants within a 500 foot radius of the facility. A public hearing shall be held pursuant to this application to determine the degree of compliance with the conditions contained herein and the effectiveness of the conditions, and whether additional more restrictive conditions, or fewer conditions need to be considered for the cabaret or whether the use should be revoked.

The applicant shall provide appropriate documentation to substantiate on-going compliance of the applicant with each of the conditions contained herein at the time of filing the Plan Approval Review application. (modified March 2003)

9. The owner of the subject property shall file and record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator 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. (modified March 2003)

10. Except for offices, employee dressing areas and restroom facilities, no partitions or room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel. Any existing partitions or dividers not otherwise excepted by this condition shall be removed from the premises within 14 days of the effective date of this determination. An inspection by either the Department of Building and Safety or officers from the Hollenbeck Vice Unit shall be required to verify that all of the screening and partitions have been removed dismantled and taken away from the premises. Evidence of such inspection shall be provided to the Zoning Administrator by operator or by LAPD. Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises.

The over in height partitions with the port holes in the private and V.I.P. dance areas shall be removed immediately. (modified March 2003)

11. There shall be no booths or enclosed areas with dividers or partitions separating interior areas that are more than 48 inches in height. No partitions, fences or dividers shall be allowed inside the premises that restrict the observation of patrons by law enforcement personnel.

12. The premises shall not be rented, leased, contracted for or otherwise used for private parties which exclude the general public. Private parties where admittance is allowed only from a list or similar screening system shall not be permitted on the premises.

13. There shall be no sale or dispensing of alcoholic beverages for consumption on the premises permitted at any time.

14. The owner/operator of the premises shall maintain a current record of all employees on the premises including hourly or salaried employees and all persons who work in any capacity on the premises. These records shall contain the employees name and address and length of employment. This information shall be made available to any law enforcement officer upon demand.

15. A copy of these conditions shall be maintained on the premises at all times and

shall be made available to any law enforcement officer upon demand. All employees shall read these conditions and shall be made familiar with these requirements upon being employed.

16. At least once at the time of opening, as needed during the hours of operation and once at the time of closing, the parking lot area and the public right-of-way adjacent to the property shall be cleaned and all trash, cans, bottles and the like shall be collected and disposed of in a trash receptacle provided for that purpose on the subject property. (modified March 2003)
17. (deleted March 2003)
18. The exterior of the premises shall be illuminated sufficiently so that law enforcement personnel shall be able to clearly see the exterior of the premises and any persons congregating on the exterior. The sufficiency of the lighting in meeting this condition shall be subject to the review of the Los Angeles Police Department and approval by the Zoning Administrator. This lighting shall include lighting of the area on the street side of the subject building. (modified March 2003)
19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bonafied, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the use is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.
20. There shall be no consumption of alcoholic beverages permitted within the premises or in the parking lot area adjacent to the building. A sign indicating that the consumption of alcoholic beverages is not permitted shall be posted both in English and Spanish on the exterior of the building at the entrance, on the rear of the building in the parking lot and within the interior of the premises. The signs shall be a minimum of 24 X 24 inches in size and printed so as to be legible from a reasonable distance within the building or within the parking area. Security guards shall monitor the parking lot and the street in front of the subject property and shall prohibit such consumption of alcoholic beverages. (modified March 2003)
21. Signage shall be limited to the following:
 1. An identification sign indicating the name of the premise and "Adult Cabaret".
 2. The address of the premise.
 3. Any signs required by these conditions. (Added March 2003)

The above modification and additions to the conditions do not affect nor change the

CF 99-0235
DIR 98-0210 RV PA1

previous findings and environmental action in this nuisance abatement process except as otherwise stated herein.

#990235con.wpd

FINDINGS OF THE PLANNING AND LAND USE MANAGEMENT COMMITTEE

The City Council adopts the findings of the Director of Planning except as they relate to the following actions relative to the modification of Condition Nos. 6 and 19.

Modification of Condition No. 6.

"The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week."

The operator has requested an expansion of the hours of operation to the following:

1. Sunday to Wednesday 11 a.m. to 2 a.m.
2. Thursday to Saturday 11 a.m. to 4 a.m.

The City Council denies this modification and finds as follows:

There exist sensitive uses and a high-traffic pedestrian corridor utilized by local youth, children and families located in the immediate vicinity of the subject establishment.

The adjacent pedestrian corridor has been designated as an official Safe School Route corridor with assigned crossing guards and volunteers to serve school children walking to and from three schools in the vicinity. These students cross a nearby pedestrian bridge passing over the Pasadena Freeway from Nightingale Junior High School and other area schools. Nightingale Junior High School has a student population of 1,158 youth between the ages of 11 to 14 years old, many of whom utilize this pedestrian corridor. Youth members of the Boy's and Girl's Club based in Cypress Park utilize the pedestrian bridge to and from various teen program activities held throughout the year.

Vocational training programs are conducted by the Los Angeles Unified School District (LAUSD) at the City of Los Angeles Animal Shelter facility located directly across the street from the subject establishment. These programs serve 19 high schools throughout Los Angeles, including Franklin and Lincoln High Schools, during the late afternoon during weekdays and daytime on Saturday. Classes include offerings for at-risk teenage girls.

Children and youth at the elementary, middle and high school levels actively utilize the adjacent pedestrian corridor and are therefore exposed to the deleterious effects of the subject establishment.

Lacy Street Park is a recent adjacent sensitive use located within 500 of the establishment.

Therefore, expanding the hours of operation would have a detrimental impact on the youth that are in the vicinity of the subject establishment during the hours of 11am to 6pm.

Modification of Condition No. 19.

"Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator."

The operator has requested a modification of this condition so that they can have more flexibility in how the security is utilized and can employ the security directly rather than through a service. They maintain that maintaining two security personnel on the exterior of the property when there is no activity outside is an inefficient use of security personnel and also indicate that directly hiring the security guards would be less expensive. They also indicate that the uniforms now required creates a menacing atmosphere easily remedied by altering their attire and propose a more informal uniform.

The City Council denies this modification and finds as follows:

Public testimony indicates that there is a security problem as a portion of the parking lot is not visible from the street and cannot be monitored unless someone goes to the rear of the building. The requirement for a minimum of two licensed, uniformed security guards patrolling the premise's exterior and to be present at all times during business hours is warranted in order to create a strong deterrent to potential adverse effects that could be attracted to the establishment. LAPD has documented it has received complaints about persons drinking and loitering on the outside. LAPD therefore has requested guards both inside and outside the premises. A relaxation of this requirement - placing only in-house staff with less prominent attire at the exterior at their discretion - would lessen the security presence and increase the likelihood of nuisance activities.

Empty alcoholic beverage containers left on the subject property parking lot and on the street adjacent to the subject property reinforce the conclusion that there is a problem of patrons consuming alcoholic beverages at the subject property. This type of nuisance activity can best be eliminated by the constant patrolling of

the parking lot and the area in front of the subject premise by properly uniformed security personnel. Two security personnel should be assigned to the exterior in order to provide adequate coverage of both the front and rear areas of the subject establishment.

Security personnel should be instructed to discourage the consumption of alcoholic beverages in the area by patrons of the subject premise.

The continued use of an outside security service is necessary to assure objective enforcement of these conditions. In light of violations of conditions revealed during public testimony it is inadvisable to allow complete in house control of the security guards.

The Council has given due consideration has been given to the effects of the subject modifications on surrounding properties and finds that approval of the modifications to liberalize the hours of operation and security guard provisions would be detrimental to the surrounding properties. Testimony from the community, schools, animal shelter and the Los Angeles Police Department indicate that in order to protect the public interest, particularly children and youth and surrounding sensitive uses, the imposed conditions should remain in place without modification. The conditions imposed by the City Council in 1999, continue to be necessary to mitigate the nuisances which prompted the impositions of conditions originally. The recent establishment of a public park within 500 feet of the subject use increases the need for these conditions.

The modifications to require another plan approval in 9 - 12 months, removal of an illegal partition, more frequent cleaning of the parking lot(three times/day in lieu of one), and limited the signage to the present signage so that the appearance of the business is innocuous are necessary to eliminate problems identified during the public hearings on this matter and to maintain the acceptable appearance of the subject property. Other conditions have been deleted as they are no longer applicable or modified to reflect present conditions.

CITY OF LOS ANGELES
CALIFORNIA

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer



JAMES K. HAHN
Mayor

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1183
Fax: (213) 978-1040

PLACE IN FILES

JUL 02 2003

HELEN GINSBURG
Chief, Council and Public Services Division

DEPUTY *vm*

When making inquiries
relative to this matter
refer to File No.

99-0235

DIR
CPC 98-0210 (RV) (PA1)
RETD. PLAN COMM.

CD 5

June 30, 2003

Los Angeles County Assessor's Office
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 225
Los Angeles, CA 90012

Councilmember Reyes
City Planning Department
Attn: David Kabashima
cc: Office of Zoning Administration
Police Department

Bureau of Engineering,
Land Development Group
Department of Transportation,
Traffic/Planning Sections
Department of Building and Safety
c/o Zoning Coordinator

See Attached List for Further Notifications

RE: MODIFYING CONDITIONS FOR THE OPERATION OF THE ADULT ENTERTAINMENT USE
KNOWN AS THE BLUE ZEBRA AT 2662 LACY STREET

At the meeting of the Council held JUNE 13, 2003, the following action was
taken:


Mayor concurred.....	<u>6-24-03</u>
To the Mayor FORTHWITH	<u>X</u>
Motion adopted to approve committee report recommendation(s)...	<u>X</u>
Findings adopted	<u>X</u>
Categorically exempt.....	<u>X</u>

J. Michael Carey

City Clerk
kw

*May 4 -
City Clerk
Old file*

steno\990235

FF  *7/2/03*

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendation in connection with Lacy Street Hospitality Svcs dba Blue Zebra v. City of Los Angeles, Los Angeles Superior Court Case No. BS 084476; Court of Appeal Case No. B 170716:

SET ASIDE AND VACATE, as ordered by the California Court of Appeal, Second District, the June 13, 2003, Council action (Council file No. 99-0235), relative to the operation of the adult entertainment use known as the Blue Zebra at 2662 Lacy Street. (DIR 98-0210 RV PA1)

(Court of Appeal remanded the appeal back to the City Council)

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(Planning and Land Use Management Committee waived consideration of the above matter)

PRESENTED BY _____
CINDY MISCIKOWSKI
Councilmember, 11th District

SECONDED BY _____
TONY CARDENAS
Councilmember, 6th District

May 4, 2005

CF 05-0065-S1

Motion
ADOPTED

MAY 04 2005

LOS ANGELES CITY COUNCIL

FORTHWITH

Mayor's Time Stamp

RECEIVED

'03 JUN 18 AM 8:51

DEPUTY MAYOR

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Time Stamp

2003 JUN 18 AM 8:50

CITY CLERK
BY _____ DEPUTY

FORTHWITH

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 99-0235

COUNCIL DISTRICT NO. 1

COUNCIL APPROVAL DATE June 13, 2003

RE: MODIFYING CONDITIONS FOR THE OPERATION OF THE ADULT ENTERTAINMENT USE
KNOWN AS THE BLUE ZEBRA AT 2662 LACY STREET

JUN 30 2003

LAST DAY FOR MAYOR TO ACT _____
(10 Day Charter requirement as per Charter Section 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY


APPROVED

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL JUN 24 2003

RECEIVED
CITY CLERK'S OFFICE
2003 JUN 25 PM 4:43
BY _____
CITY CLERK
DEPUTY



MAYOR

steno/990235
et

JUN 30 2003


PLANNING AND LAND USE MANAGEMENT COMMITTEE

Report/Communication for Signature

Council File Number: 99-0235

Committee Meeting Date: 6-3-03

Council Date: 6-11-03

COMMITTEE MEMBER	YES	NO	ABSENT
Councilmember Ed Reyes, Chair			✓
Councilmember Bernson	✓		
Councilmember Greuel	✓		

Remarks Blue zebra located at 2662 Lacy Street

John A. White, Legislative Assistant ----- Telephone (213) 978-1068

COUNCIL VOTE

Jun 13, 2003 12:33:12 PM, #5

ITEM NO. (50)

Voting on Item(s): 50

Roll Call

BERNSON	Absent
GALANTER	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
HOLDEN	Absent
LABONGE	Yes
MISCIKOWSKI	Yes
PACHECO	Absent
PARKS	Yes
PERRY	Yes
REYES	Absent
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 11, Yes: 11 No: 0

**PLANNING AND LAND USE MANAGEMENT COMMITTEE
SUGGESTED NOTIFICATION OF COUNCIL ACTION**

Council File No. 99-0235

sign

Applicant/Appellant/Owner	Representative
	X
	See attached

Council Member(s) Reyes

~~Office of the Mayor (write) Section~~

City Attorney (w/blue slip) -Attn: - ICO; CA;

City Administrative Officer (CAO)

Chief Legislative Analyst (CLA)

City Planning Department - Attn: David Kabashima

City Planning Commission - Attn: Gabriele Williams (w/copy of Ordinance)
(ZC; HD; BL; HE; HPOZ; GPA; SPE; CPU; CPR; CA; ICO; TOD; SP; CDO)

Director of Planning - (same as Comsn.)

Office of Zoning Administration - (All ZA cases; CU; ZV;)

Advisory Agency - (PM; TT; CPU; CPR; CA; ICO; TOD; SP; CDO)

Community Planning Section - (DRB; CPU; CPR; SPE; TT; PM; CA; ICO; CDO; HE)

Geographic Information Section - Attn: Fae Tsukamoto - (same as Comsn.)

Information Technology Agency - (large projects)

Bureau of Engineering, Land Development & Mapping Division - (generally most cases)

Department of Transportation, Traffic/Planning Sections - (generally most cases)

Department of Building & Safety c/o Zoning Coordinator - (generally most cases)

Bureau of Street Lighting, "B" Permit Section - (all zoning cases)

Department of Water and Power - (DB & large projects)

Fire Department - (all zoning and hillside cases)

Police Department - (beer & wine; adult entertainment, revocations)

Community Development Department

Los Angeles County Assessor - (CU appeals & large projects)

STATE OF CALIFORNIA
ALCOHOLIC BEVERAGE CONTROL
3530 WILSHIRE BLVD., STE. 1110
LOS ANGELES, CA 90013

Ad Hoc Comt. for Safe Children
Michael E. Lee
P.O. Box 501039
Los Angeles, CA 90050

Kathy MacDannald, President
Lacy Street Hospitality Services
15423 East Valley Blvd.
City of Industry, CA 91746

JNM Humbolt Investment
6711 East Washington Blvd.
Los Angeles, CA 90040

Robert B. Lamishaw
JPL Zoning Services, Inc.
6257 Van Nuys Blvd., Ste. 101
Van Nuys, CA 91401

George Shafer
Gloria Arredondo
3311 N. Figueroa St.
Los Angeles, CA 90042

Rev. W. Cruver
4900 N. Figueroa St.
Los Angeles, CA 90042

Jesus P. Encinas
5870 Benner St., #101
Los Angeles, CA 90042

Julieta Hernandez
2635 Pasadena Ave.
Los Angeles, CA 90031

Santiago Jackson
LAUSD
333 S. Beaudry Ave., 18th Fl.
Los Angeles, CA 90017

George Mossman
3201 Lacy St.
Los Angeles, CA 90031

Rodriguez
2111 E. First St.
Los Angeles, CA 90033

Steve Schultz
Florence Crittenton Center
234 East Ave 33
Los Angeles, CA 90031

Ernest Sanchez Sr.
3301 Griffin Ave., #14
Los Angeles, CA 90031

Marilyn Sanchez
424 E Avenue 39
Los Angeles, CA 90031

Mike Wada
333 S. Beaudry, 18th Fl, Rm 156-1
Los Angeles, CA 90017

John Weston
Weston, Garrou & Dewitt
12121 Wilshire Blvd., Ste. 900
Los Angeles, CA 90025

Nancy Wyatt
610 Milo Terrace
Los Angeles, CA

CITY OF LOS ANGELES SPEAKER CARD

Date June 13, 2007

Council File No., Agenda Item, or Case No. # 50

City Council

I wish to speak before the _____

Name of City Agency, Department, Committee or Council

Support 2A decision

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal

Name: Roger Jon Diamond (X) Against proposal () General comments

Business or Organization Affiliation: Attorney

Address: 2115 Main Street SANTA MONICA, CALIF 90405

Business phone: (310) 399 3259 Representing: Blue Zebra

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW: []

Client Name: Blue Zebra Phone #: _____

Client Address: 2662 Lacy Street CA

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

5
CITY OF LOS ANGELES SPEAKER CARD

Date

6/13/03

Council File No., Agenda Item, or Case No.

50

I wish to speak before the

City Council

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal

Against proposal

General comments

Name: Gloria T. Arredondo

Business or Organization Affiliation:

LA Bridges - Nightingale Middle School

Address:

3311 N. Figueroa St. L.A CA 90065

Street

City

State

Zip

Business phone:

323-224-8280

Representing:

Students (NMS)

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name:

Phone #:

Client Address:

Street

City

State

Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson. /

12

CITY LOS ANGELES SPEAKER .RD

Date 6/13/03

Council File No., Agenda Item, or Case No. Item 50

I wish to speak before the City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal

Name: June Aiello Supporting cont. () Against proposal () General comments

Business or Organization Affiliation: Los Angeles Boys + Girls Club

Address: 2635 Pasadena Ave LA CA 90031
Street City State Zip

Business phone: 323-221-9111 Representing: Self/club

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW: []

Client Name: Phone #:

Client Address: Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

CITY OF LOS ANGELES SPEAKER CARD

Date

6/13/03

Council File No., Agenda Item, or Case No.

50

I wish to speak before the

CITY COUNCIL

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda?

- For proposal
- Against proposal
- General comments

Name:

SGT ERNEST D CALDERA

Business or Organization Affiliation:

LAPD / HOLLENBECK VICE

Address:

2111 E FIRST ST

323 Street

City

State

Zip

Business phone:

526-3150

Representing:

LAPD

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City

State

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CITY LOS ANGELES SPEAKER .RD

Date

6/13/03

Council File No., Agenda Item, or Case No.

50

I wish to speak before the _____
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal

- Against proposal
- General comments

Name: REV. WM. CRAVER

Business or Organization Affiliation: HP. MINISTERIAL / PASTOR PILLAR OF FIRE church

Address: 4900 N. Figueroa ST Los Angeles, CA 90043

Business phone: 323-255-6550 Street Los Angeles City CA State 90043 Zip
Representing: SYCAMOR GROVE School

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Street City State Zip

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15

CITY LOS ANGELES SPEAKER CARD

Date 6-13-03

Council File No., Agenda Item, or Case No. 50

I wish to speak before the City Council Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal () Against proposal () General comments Name: RAMON MUNIZ

Business or Organization Affiliation: Resident

Address: 2669 MERCED ST L.A CA 90065 Street City State Zip

Business phone: 818 677-2250 Representing: Self

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CITY OF LOS ANGELES SPEAKER CARD

Date

6-13-03

Council File No., Agenda Item, or Case No.

#50

I wish to speak before the

City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal

Against proposal

General comments

Name: SILVIA B. NICKER

Business or Organization Affiliation: WESTSIDE RESIDENTS ASSOC.

Address: P.O. Box 25723 L.A. CA. 90025
Street City State Zip

Business phone: 310-826-3311 Representing:

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Client Address: Street City State Zip

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7
CITY OF LOS ANGELES SPEAKER CARD

Date

6-13-03

Council File No., Agenda Item, or Case No.

Item # 50

I wish to speak before the

City Council

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda?

- For proposal
 Against proposal
 General comments

Name: MARILYN Sanchez

Business or Organization Affiliation:

Ad hoc Committee for Safe Children

Address:

P O Box 501039

Los Angeles

CA

90050

Street

City

State

Zip

Business phone:

(323) 223-8673

Representing:

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name:

Phone #:

Client Address:

Street

City

State

Zip

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3
CITY OF LOS ANGELES SPEAKER CARD

Date

6-13-03

Council File No., Agenda Item, or Case No.

50

I wish to speak before the

CITY COUNCIL

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda?

- For proposal
- Against proposal
- General comments

Name:

OFFICER RICH RODRIGUEZ

Business or Organization Affiliation:

LAPD

Address:

2111 E. 1st CA CA

Street

City

State

Zip

Business phone:

213 509-8011

Representing:

LAPD

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Phone #:

Client Address:

Street

City

State

Zip

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CITY OF LOS ANGELES SPEAKER CARD

Date

6/13/03

Council File No., Agenda Item, or Case No.

Item 50

I wish to speak before the City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? (X) For proposal

- () Against proposal
- () General comments

Name: George Shafer

Business or Organization Affiliation: NIGHTINGALE MIDDLE SCHOOL LAUSD

Address: 3311 NORTH FIGUEROA STREET L.A. CA 90065
Street City State Zip

Business phone: (323) 221-2128 Representing: OUR STUDENTS

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Client Address: _____
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01

CITY OF LOS ANGELES SPEAKER CARD

Date 6/13/03

Council File No., Agenda Item, or Case No.
50

I wish to speak before the CITY COUNCIL
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? (X) For proposal
() Against proposal
() General comments

Name: HANK SWAEFFER

Business or Organization Affiliation: SRF Publications / Lincoln Heights Imp. Assoc.

Address: 3208 HUMBOLDT, CA 90031
Street City State Zip

Business phone: 323-276-5678 Representing: _____

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Client Address: _____
Street City State Zip

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18
CITY OF LOS ANGELES SPEAKER CARD

Date
6/13/03

Council File No., Agenda Item, or Case No.
item 50

I wish to speak before the City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal
 Against proposal
Name: Nancy Smith General comments

Business or Organization Affiliation: Florence Crittenton Center + School + Anahuak Youth Assoc.

Address: 234 East Ave 33, Los Angeles, CA 90031
Street City State Zip

Business phone: 323 225-4211 Representing: Community

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Client Address: _____
Street City State Zip

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CITY OF LOS ANGELES SPEAKER CARD

Date 6/13/02

Council File No., Agenda Item, or Case No. 50

I wish to speak before the City Council Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? (X) For proposal () Against proposal () General comments Name: Mike Wada

Business or Organization Affiliation: Los Angeles Unified School District

Address: 333 S. Beaudry 18th Floor Rm 156-1 LA CA 90017 Street City State Zip

Business phone: 213-241-3824 Representing: ROP program

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Client Address: Street City State Zip

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10

CITY OF LOS ANGELES SPEAKER CARD

Date 6/13/03

Council File No., Agenda Item, or Case No.
50

I wish to speak before the City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal
 Against proposal
Name: Charles F. Woll General comments

Business or Organization Affiliation: Self-Realization Fellowship
Address: Lincoln Hwy Industrial Zone
765 Rome Drive, LA CA 90065
Street City State Zip

Business phone: 323 225 2471 Representing: _____

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Client Address: _____
Street City State Zip

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CITY LOS ANGELES SPEAKER CARD

Date June 13

Council File No., Agenda Item, or Case No. #58

I wish to speak before the City Council Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? [X] For proposal [] Against proposal [] General comments Name: Ann Watson

Business or Organization Affiliation: MW Assn

Address: 755 Crane Blvd LA Calif 90060 Street City State Zip

Business phone: Home 323 222-8329 Representing: MW Assn

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Client Name: Phone #:

Client Address: Street City State Zip

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4

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12121 WILSHIRE BOULEVARD, SUITE 900
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JOHN H. WESTON*
CLYDE DEWITT**
G. RANDALL GARROU*
MARK P. BINDER*
JEFFERY F. ALLEN**

OF COUNSEL:

CATHY E. CROSSON*
A. DALE MANICOM*
JOSEPH P. WOHRLE*
JONATHAN R. CELNICKER*

* ADMITTED IN CALIFORNIA
* ADMITTED IN FLORIDA
* ADMITTED IN INDIANA
* ADMITTED IN TEXAS
* ADMITTED IN NEW YORK
† A CALIFORNIA PROFESSIONAL CORPORATION
** A FLORIDA PROFESSIONAL ASSOCIATION

June 3, 2003

Office of the City Clerk
City Hall, Room 395
200 North Spring Street
Los Angeles, California 90012
Attn.: Planning & Land Use
Management Committee

Re: *Lacy Street Hospitality Services, Inc.*
2662 Lacy Street, Los Angeles, CA 90031
(CF 99-0235; DIR 98-0210(RV))

TRANSMITTED ON THIS DATE
VIA FAX TO: (213) 978-1040;
ORIGINAL HAND-DELIVERED TODAY

RECEIVED
CITY CLERK'S OFFICE
2003 JUN -3 PM 3:47
CITY CLERK
BY _____ DEPUTY

Dear City Clerk and Planning & Land Use Management Committee:

I write respectfully, and regretfully, to inform the Committee that on March 19, 2003, the Blue Zebra Adult Cabaret closed its doors and ceased all business operations. The owners of the Blue Zebra Adult Cabaret were forced to terminate operations after only one-year because of the overwhelming financial burden caused by the nuisance abatement conditions imposed on the *land* as a result of the actions of the previous, unrelated adult cabaret (the "Lacy Street Cabaret") that existed at the same location. Despite the Blue Zebra Adult Cabaret's constant efforts to comply with the conditions and preserve the safety, integrity and vitality of the surrounding neighborhood, the unrelenting pressure and cost of compliance ultimately proved too great, leaving the owners with no other option but to close the doors. As a result, and in addition to the financial losses of the owners, all of the employees were laid-off and forced to fend for new employment in an economy suffering from its worst unemployment rate in over a decade.

While some of the abatement conditions were generally onerous, they were positively lethal to the business because they applied to no other competitors in the area. How could the Blue Zebra Adult Cabaret survive with 24-hour expenses while being able to operate only 8 hours a day? It couldn't.

At a minimum, the appeal of the modification of Condition Nos. 6 and 19 should be denied. The limited modifications were amply supported by the evidence; the Zoning Administrator's analysis was thoughtful, prudent and balanced. The evidence now submitted on appeal by those opposed to the

City Clerk and Planning & Land Use Management Committee

Re: *Lacy Street Hospitality Services, Inc.*
2662 Lacy Street, Los Angeles, CA 90031
(No. CF 99-0235; DIR 98-0210(RV))

June 3, 2003

Page 2

modifications is the same as that already presented at the January 13 hearing – with the glaring exception that the Blue Zebra Adult Cabaret is now closed! The owners of the club should not be forced to endure any more financial hardship because of the actions of the Lacy Street Cabaret, the building's previous tenant. Therefore, the Committee should deny the appeal as unnecessary, unsupported and unjustified. The owners should be allowed a fair chance to recoup some of their losses and attempt to operate under the appropriately modified conditions.

The decision of the Zoning Administration should be affirmed.

Very truly yours,

WESTON, GARROU & DeWITT

By

JOHN H. WESTON

JHW:ja

cc: Kathy Mac Dannald (via fax only)

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WESTON, GARROU & DEWITT

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WILSHIRE BUNDY PLAZA

12121 WILSHIRE BOULEVARD, SUITE 300

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June 3, 2003

Office of the City Clerk
 City Hall, Room 395
 200 North Spring Street
 Los Angeles, California 90012
 Attn.: Planning & Land Use
 Management Committee

TRANSMITTED ON THIS DATE
 VIA FAX TO: (213) 978-1040;
 ORIGINAL HAND-DELIVERED TODAY

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 2662 Lacy Street, Los Angeles, CA 90031
 (CF 99-0235; DIR 98-0210(RV))

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LAW OFFICES
WESTON, GARROU & DeWITT
A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES

City Clerk and Planning & Land Use Management Committee

Re: *Lacy Street Hospitality Services, Inc.*
2662 Lacy Street, Los Angeles, CA 90031
(No. CF 99-0235; DIR 98-0210(RV))

June 3, 2003

Page 2

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The decision of the Zoning Administration should be affirmed.

Very truly yours,

WESTON, GARROU & DeWITT

By


JOHN H. WESTON

JHW:ja

cc: Kathy Mac Dannald (via fax only)

FAX TRANSMISSION FROM
WESTON, GARROU & DeWITT
12121 Wilshire Boulevard, Suite 900
Los Angeles, CA 90025-1176
Phone: (310) 442-0072
FAX: (310) 442-0899

DATE: June 3, 2003

TIME SENT: 10:26 am PT

DELIVER TO: City Clerk AND Planning & Land Use Management Committee

ADDRESS: Office of the City Clerk, City Hall, Room 395

FAX NUMBER: (213) 978-1040

FROM: Kam for John H. Weston **TOTAL PAGES, INCL. COVER SHEET:** 3

DOCUMENT DESCRIPTION: Letter of this date regarding *Lacy Street Hospitality Services, Inc.*; 2662 Lacy Street, Los Angeles, CA 90031; (CF 99-0235; DIR 98-0210(RV)).

MESSAGE: Original will be hand-delivered today.

IMPORTANT:

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND CONTAINS INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US.

CLIENT NO.: 654.033.06

CALL NUMBER ABOVE IF TRANSMISSION IS INCOMPLETE OR ILLEGIBLE.



LOS ANGELES UNIFIED SCHOOL DISTRICT
DIVISION OF ADULT AND CAREER EDUCATION
333 S. BEAUDRY AVENUE, 18TH FLOOR
LOS ANGELES, CA 90017
PHONE: (213) 241-3150 FAX: (213) 241-8980

4

ROY ROMER
SUPERINTENDENT OF SCHOOLS

MARIA G. OTT
SENIOR DEPUTY SUPERINTENDENT
EDUCATIONAL SERVICES

SANTIAGO JACKSON
ASSISTANT SUPERINTENDENT

LUPE REYES
ADMINISTRATOR
ADULT EDUCATION

NANCY WOODRUM
ADMINISTRATOR
CAREER EDUCATION

June 3, 2003

Councilman Ed P. Reyes
Los Angeles City Council
District No. 1, City Hall
200 N. Spring Street, Room 410
Los Angeles, CA 90012

Regarding: Opposition to Extension of Hours of Operation
for Lacy Street Hospitality Services, Inc.
(dba Blue Zebra)

On behalf of the Los Angeles Unified School District, the Division of Adult and Career Education opposes extension of the operating hours for Lacy Street Hospitality Services, Inc., doing business as Blue Zebra at 2662 Lacy Street, Los Angeles, CA. The proposed extension of operating hours to open at 11:00 a.m., as opposed to the current 6:00 p.m. time, would result in a negative impact on our offering of the animal care class at North Central Animal Control, 3201 Lacy Street in Los Angeles.

We strongly believe that high school age students should not be exposed to the business traffic that would be generated by the proposed opening time.

We ask you to share our opposition to the committee. Mr. Mike Wada, Principal of the Division's Regional Occupational Program, will be present to confirm this opposition, if necessary.

Yours truly,

Santiago Jackson,
Assistant Superintendent

SJ:jm

c: Glenn Gritzner

(A)

Good Afternoon.

My name is Marilyn Sanchez and I am representing the Ad Hoc Committee for Safe Children. We have been concerned with the strip clubs at 2662 Lacy Street since November 22, 1996, so I speak from experience. I met my husband outside the original strip club the night it opened and 40 days later gang members drove up and started shooting at us as we picketed. I saw my husband get shot twice then, as they drove away, they tried to run him over.

We all know of the studies that have been done regarding the type of people and activities that occur around this type of establishment, and we have had them at our location. The lewd acts, urinating in public, verbal abuse, physical assaults, prostitution, robbery and attempt murder. Armed with hundreds and hundreds of occasions when the patrons and management of the strip club were not "good neighbors", we went to the Zoning Administration and through all of the other hoops until we went before the City Council where the 20 conditions were solidly put in place. The owners of the Blue Zebra knew of these conditions before they opened for business last year and they agreed at the Police Permit Review Panel hearing that they would adhere to them. They did not.

In the packet we presented when we requested this hearing, there were well over 50 occasions with over 120 violations of the conditions that we noted. Mind you, we were only there twice a week, for about two hours each time, for approximately a year, and were able to garner that many violations. They also had not done much advertising so attendance was slim. Considering these facts, the number of violations is astronomical.

We have always been concerned with a strip club in that location because of the children. Lincoln Heights, being one of the oldest communities in the City, has a unique footprint. We have industrial next to residential next to commercial and as such this area should not be treated as other neighborhoods where the industrial part of town is quite

a distance from the children and their families. Our children need protection. The original hearing officer understood this and imposed conditions that would allow the strip club to continue to do business while protecting the children at the same time. This was achieved through the conditions, specifically numbers six and nineteen.

Unfortunately, Mr. Kabashima did not agree and reversed the previous decision and granted the strip club everything they asked for which was operating hours when the children would be present and being able to hire their own security. On the surface this may not sound like much but it in fact gutted the intention of the original conditions.

At the hearing, Mr. Kabashima heard from a former volunteer at Nightingale Middle School. When pressed by Mr. Kabashima to come up with a number of Middle School students from the Lincoln Heights area who may use Lacy Street and the pedestrian bridge nearby as a way to school, she guessed perhaps 500. The actual number of students is 1,158. This number is taken from a letter submitted to Mr. Kabashima during the 30 day period after the hearing when he was still accepting information. The number of students submitted by the school was not mentioned in Mr. Kabashima's report, the 500 figure was.

In a letter sent to Mr. Kabashima by the Lincoln Heights Industrial Business Improvement District President, Eric Ortiz, there were complaints about not only the quantity of alcohol debris but also the number of occasions it was left around the strip club premises. The BID's cleaning crew complained to Mr. Ortiz and he in turn spoke to the management of the strip club to get them to clean up after themselves. Mr. Kabashima not only failed to mention this in the report but rather he stated there were no complaints from local business at all..

Something that was mentioned in the report that is completely out of his purview to be responsive to, is the money that the strip club was not making because they were not open during the day, as well as the high

cost of having to hire outside security guards. The owners and management of the strip club were fully aware of all 20 conditions before they opened for business yet they still opened their doors. Sacrificing the children, for the financial gain of a business, is not acceptable, especially when it has already been proven to both the Zoning Administration and the City Council, that this type of business is in fact a detriment to the children of Lincoln Heights.

When the first strip club was operating, the children did not have to deal with the club being open on their way to school, but they were well aware of the urine being hosed down by the neighboring business on a daily basis as well as the women's underwear laying about with the spent condoms and alcohol debris from the night before. Then on the way home from school they were often harassed by the security guards hired by the club. It was a common occurrence that these men would taunt the young girls on their way home from school inviting them to come in and dance. This is part of the reason for the original hearing officer's decision that the club should hire outside security guards. Even with these guards, all was not good. A Hollenbeck Vice Officer stated at the hearing with Mr. Kabashima, that while acting in an undercover capacity, he asked a security guard about consuming alcohol on the property, and was told to drink in the parking lot of the establishment. The area Senior Lead Officer Rich Rodriguez, showed Mr. Kabashima liquor debris from three separate occasions as well as a weapon, all found in the club's parking lot. Clear violations. I can only imagine how much worse it would be if they were able to hire their own security guards again.

One thing in the report that we do agree with, is that the club owners and managers need to immediately remove the walls with the portholes in the lap dance area. According to the conditions, the walls in the lap dance area can not be higher than 48". The club was in compliance with this condition when they opened for business. This condition was in response to a request made by the LAPD so they could monitor for

illegal activity in the lap dance area when they entered the club. By erecting these walls, the club management purposefully violated that condition. By the way, the portholes were visible from the stage area, so LAPD would have to be completely inside the facility to see if any illegal activity was occurring.

We believe that Mr. Kabashima disregarded much of the information submitted by the community during the hearing including the 30 days afterward. We believe this to be true by the following statements made by Mr. Kabashima in the report. The club management "substantially complied with the conditions" on page 1, then contradicted himself on page 21 regarding the alcohol consumption. "Except for the subsequent construction of the unauthorized partition with the portholes, this condition has been satisfied." on page 14. Then he adds that the unauthorized partitions must be removed immediately. "The operator indicates that pedestrian traffic is very light and has conducted a three day survey of the area" on page 16. This is the same operator who brought in a videotape of Lacy Street to the hearing showing little to no foot traffic. It was pointed out to Mr. Kabashima that the foot traffic was low that day because it was a holiday for the Nightingale students. "The operator also indicates that there are very few scheduled events for children at the animal shelter and that they do not involve children outside the animal shelter or unsupervised." on page 16. The attorneys information was by phone to a shelter employee, not to the entity that conducts the classes. They only needed to view the LAUSD website for more accurate information.

Not only did Mr. Kabashima ignore the letter from Nightingale Middle School regarding the actual number of students in question, he also stated he did not receive any complaints from local area businesses, completely disregarding the letter submitted by the Lincoln Heights Industrial BID. Mr. Kabashima also acknowledged in his report that the operator was having financial difficulty (page 15 and 20) again out of his purview, and has clearly favored the operator in his ruling.

This operator and their patrons flagrantly violated and disregarded many of the conditions including erecting walls in the lap dance area and purposefully trying to mislead Mr. Kabashima with the videotape. The operator has proven not to be trustworthy yet Mr. Kabashima gave them everything they asked for. I don't understand the logic in this.

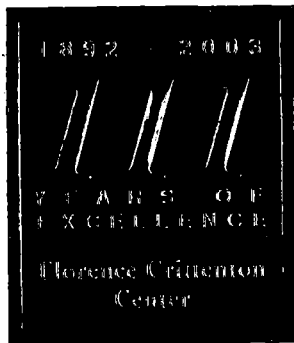
In conclusion, we ask that you reinstate both condition numbers six and nineteen. This way the business will not open until 6:00 pm, when the vast majority of children will not be present. We also ask that you have them continue to hire outside security who will be more inclined to adhere to the conditions and be less likely to harass children, residents, and workers as they did before this condition was implemented.

In addition, we would ask that a third security guard be required in condition nineteen. One guard is needed at the exterior of the front door at all times to wand the patrons for weapons while a second is needed to patrol the "L-shaped" parking lot for illegal activity. This leaves the inside without any security and this establishment has been known to welcome gang members. The Lincoln Heights community and surrounding areas have quite a number of gang members in several gangs and a third security guard would help to mitigate any potential problems.

Thank you.

Florence Crittenton Center

P.O. Box 31219 • 234 East Avenue 33 • Los Angeles, CA 90031-1937



Councilman Reyes
Chair of PLUM
Planning & Land Use Management
City of Los Angeles

Florence Crittenton Center

Residential Treatment • Aftercare-Emancipation Program • Vocational Training Program • Onsite Non-Public School
Teen Mother & Child Development Program • Village Learning Center for Daycare • Foster Family Agency

Post Office Box 31219 • 234 East Avenue 33 • Los Angeles, California 90031-1937 • (323) 225-4211 • Fax: (323) 225-1602
Foster Family Agency: 600 W. Broadway, #200 • Glendale, California 91204 • (818) 265-0320 • Fax: (818) 265-0326
Website: www.florencecrittenton.com

Albert D. Shonk, Jr.
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Dorothy C. Wellman
Frances Woods

Steven Schultz
Executive Director

Memberships

Association of Children's
Service Agencies
California Alliance of
Child and Family Services
California Association of
Special Education & Services
Child Welfare League of America
Foster Family Based
Treatment Association

Licenses and Certification

State Department of Education,
Certified Non-Public School
State Department of Social Services
Group Home Lic. 191801788
Foster Family Agency Lic. 197800815

June 1, 2003

Planning and Land Use Management Committee of the Los Angeles City Council

Dear Councilman Reyes, Chairman

Each year Florence Crittenton's Residential Treatment Center and School serves 200 abused and neglected teen girls and their infants. We are located $3 \frac{1}{2}$ blocks from the adult entertainment establishment at 2662 Lacy Street in Los Angeles. We have been in this location for nearly 100 years and we have 90 employees at this site.

Girls from our home are wards of the court and we are continually challenged to provide a safe environment for them. Our girls who attend Lincoln High School have the opportunity to participate in the Los Angeles School District's Regional Occupational classes at the North Central Animal Shelter to learn animal care and control for possible future employment with the city or county of Los Angeles. Another way that students can earn credits toward graduation is by volunteering to do community service at the North Central Animal Shelter. This shelter is located directly across the street from 2662 Lacy Adult Entertainment business/ Blue zebra.

Also, we are aware that 2 elementary schools (Hillside and Loreto) and 1 middle school (Nightingale) are located within 3 blocks of this adult entertainment address. Please see attachments which show the combined number of students to be 3,300 children who attend these schools. Many of them must pass in front of or near 2662 Lacy Street on their way to and from school.

When the Zoning Administrator, Mr. Leonard Levine imposed 20 conditions on 2662 Lacy Street, he did so after due diligence and after taking into consideration the above information. We ask that these conditions not be overturned. This 20 page document (case ZA 98-0210 RV 10/19/98) states that these conditions were imposed "to protect the residential neighborhood and commercial uses" and also to allow the continued operation of the club. (page 15)... "The conditions imposed are not so onerous as to prevent the viable operation of the business." (Page 19)

We deeply appreciate your consideration of the needs of our community children.

Sincerely,


Steven Schultz

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FLORENCE CRITTENTON CENTER

Fact Sheet

Post Office Box 31219 Los Angeles, CA 90031-1937
(213) 225-4211 FAX: (213) 225-1602

Mission Statement

The Florence Crittenton Center, founded in Los Angeles in 1892, is a nonprofit, nonsectarian, ethnically diverse organization. The Center provides 1) quality residential treatment services for abused and neglected adolescent girls, teen mothers and their infants and 2) foster family placement services, for boys and girls from birth to age 18. The Center Board of Directors and staff are committed to helping these children and adolescents overcome their early life experiences and preparing them for successful community living as productive citizens and effective parents.

History

- Founded in Los Angeles in 1892 by Charles Crittenton as part of a national movement to establish the "Florence Crittenton Homes" to help troubled women. The Homes were named in memory of Crittenton's daughter who had died at the age of four.
- Located in Lincoln Heights since 1914.
- Has helped over 20,000 residents develop greater inner resources regarding behavior and interpersonal conflicts.

Services

• *Residential Treatment*

Offers a complete program of individual, group, couple and family counseling to assist teenage girls to overcome their social and emotional problems. The Center also provides occupational and vocational training as well as recreational, cultural and athletic activities.

• *Child Development Center*

Provides childcare, birth to three, in a safe, developmentally appropriate environment for learning and growing. The CDC also teaches 'hands on' child care skills to the residents through modelling and classes.

• *High School*

Provides an individualized program for residents and day students from neighboring districts. The program includes diverse, specialized curriculum and incorporates career exploration, independent living skills and enrichment activities leading to graduation. Preparation for the GED is available if appropriate.

• *Acacia Foster Family Agency*

Offers a safe and supportive therapeutic treatment environment in a family setting. It provides the comprehensive support services children, ages birth to 18, in placement need to succeed.

• *Crittenton Aftercare*

Facilitates a smooth transition to the community for emancipating residents. Provides rent, childcare and tuition stipends for a full year after emancipating. Offers support and guidance to ensure the independent living experience is successful.

Residents- Profile and Referral

- Average age of teens: 15 years
- Average age of infants: 1 year
- 100 % have been neglected, abused or abandoned; 40% are pregnant or teen mothers; 30% have engaged in criminal behavior.
- 50% African-American; 39% Latino; 11% Other
- Average resident stay: nine to 12 months.
- The Center's Residential Treatment Program is licensed to serve pregnant and nonpregnant girls age 12 to 18 and babies from birth to three years. The Acacia FFA is licensed to serve girls and boys from birth to age 18.
- Center residents are dependents or wards of the Juvenile Court and placed at the Center through the L.A. County Department of Children's Services or the Probation Department.

Governance

- The Center is governed by a volunteer Board of Directors with legal and fiduciary responsibility for the nonprofit corporation.
- Day-to-day activities are the responsibility of the Executive Director, who reports directly to the Board of Directors.

Staff

- The Center has a staff of 90, including social workers, child care workers, a licensed vocational nurse, a child development specialist, a vocational school counselor, administrative and support personnel, classroom teachers, teacher assistants and consulting child psychiatrists and psychologists.

Licensing

- Residential Treatment Center and Acacia Foster Family Agency licensed by:

State of California Department of Social Services (RTC license 191801788, FFA license 197800815)

- Residential Treatment Center and Acacia Foster Family Agency professional memberships:

*California Association of Children's Homes
Association of Children's Services Agencies*

*Foster Family Treatment Association
Child Welfare League of America
California Association of Private Special Education Schools*

- Crittenton High School operates under the auspices of:

The Los Angeles Unified School District

- Additional contracts are with:

*The Pasadena Unified School District
The Glendale Unified School District
The Inglewood Unified School District*

Funding

- The Florence Crittenton Center's 1996 annual budget is nearly \$5 million. Costs exceed contractual income necessitating private contributions.
- Donations to the Florence Crittenton Center are tax-deductible.

- The Florence Crittenton Center is a tax-exempt nonprofit agency under section 501(c)(3) of the Internal Revenue Service Code.
- The Florence Crittenton Center's goal is to raise \$2.5 million of a \$5 million endowment by 1998. The current balance is \$775,000.

Support Groups

- Las Ciguenas
- The Ebony Guild
- Free Arts for Abused Children
- Friends of Foster Children
- Los Angeles Drifters, Inc.
- Special Friends
- Young Hearts of Variety-The Children's Charity



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January 1996



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January 1996



School Profile

Los Angeles Unified School District

- [\[General Information\]](#) *
 [\[Racial & Ethnic History\]](#) *
 [\[English Learners\]](#) *
 [\[Student Attendance\]](#) *
 [\[Student Adjustment\]](#) *
 [\[Staffing\]](#) *
 [\[New Search\]](#) *

General Information

School	Nightingale Ms 8264	Principal	Amato, Marylou
Address	3311 N Figueroa St, Los Angeles, Ca 90065	Phone	323-221-2128
Fax	323-222-4506	Local District	F
Configuration	6- 8	Calendar	1 Trk
No. Of Tracks	1	Year Opened	1937
Title I	Yes	School Imprv	Yes
Charter	No	Learn	Yes
SBM	No	Assembly	45 Jackie Goldberg
Senate	22 Gil Cedillo	Congress	31 Xavier Becerra
Council	1 Ed Reyes	Supervisor	1 Gloria Molina
Bd of Educ	2 Jose Huizar	Home Page	www.lausd.k12.ca.us/Nightingale_MS

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Racial Ethnic History

STUDENT RACIAL AND ETHNIC HISTORY														
	AI/Alsk		Asian		Filipino		Pac Isl		Black		Hispanic		White	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%

2002-03	12	0.6	359	18.0	6	0.3	5	0.3	20	1.0	1584	79.5	7	0.4
2001-02	8	0.4	390	20.1	6	0.3	2	0.1	18	0.9	1499	77.4	13	0.7
2000-01	7	0.4	412	20.9	8	0.4	1	0.1	25	1.3	1504	76.5	10	0.5
1999-00	2	0.1	435	21.6	10	0.5	0	0.0	19	0.9	1535	76.2	14	0.7
1998-99	4	0.2	436	22.7	6	0.3	1	0.1	16	0.8	1444	75.3	11	0.6

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English Learners (EL)

CURRENT EL DATA: 2001-02									
Grade	Armenian	Cantonese	Korean	Farsi	Pilipino	Russian	Spanish	Vietnamese	Other
6	0	39	1	0	0	0	218	6	12
7	0	20	0	0	0	0	183	10	9
8	0	25	1	0	0	0	157	8	9
UG	0	4	0	0	0	0	97	1	0
TOTAL	0	88	2	0	0	0	655	25	30

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HISTORICAL EL DATA									
Year	Armenian	Cantonese	Korean	Farsi	Pilipino	Russian	Spanish	Vietnamese	Other
2001-02	0	88	2	0	0	0	655	25	30
2000-01	0	95	0	0	1	0	679	32	29
1999-00	0	116	1	0	0	0	698	26	31
1998-99	0	130	1	0	1	0	810	39	40
1997-98	0	113	1	0	0	0	835	32	62

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RECLASSIFIED STUDENTS			
Year	# EL	# RECLASSIFIED	% RECLASSIFIED
2001-02	836	111	13.28
2000-01	872	160	18.35
1999-00	1021	126	12.34

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Student Attendance

Year	Stability Rate	Transiency Rate	Actual Attend Rate
2001-02	90.44	18.76	95.09%
2000-01	91.76	13.63	94.36%
1999-00	86.45	19.45	94.35%
1998-99	89.05	20.35	93.66%
1997-98	86.12	25.46	92.20%

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Student Adjustment

OPPORTUNITY TRANSFERS									
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total
2001-02	0	2	0	0	0	3	0	0	5
2000-01	0	2	0	0	1	8	0	0	11
1999-00	0	0	0	0	0	7	0	0	7
1998-99	0	1	0	0	1	17	0	0	19
1997-98	0	2	0	0	1	17	0	0	20

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SUSPENSIONS										
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total	Avg # Days
2001-02	0	20	0	2	9	236	0	0	267	1.51
2000-										

01	2	41	2	0	37	341	10	0	433	1.27
1999-00	1	29	0	0	17	358	8	0	413	1.22
1998-99	0	36	1	0	8	331	9	0	385	1.30
1997-98	4	57	1	0	10	496	5	0	573	1.12

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EXPULSION REFERRALS									
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total
2001-02	0	3	0	0	0	3	0	0	6
2000-01	0	0	0	0	0	1	0	0	1
1999-00	0	0	0	0	0	3	0	0	3
1998-99	0	0	0	0	0	1	0	0	1
1997-98	0	0	0	0	0	2	0	0	2

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Staffing Profile

Certificated Management	5
Certificated Teachers	81
Certificated Others	5

CERTIFICATED ASSIGNMENTS BY DEPARTMENT			
Bilingual - Esl	2	Computer Science	
Art	1	Business Education	1
Driver Education		English	21
Environment/Agri Educ		Foreign Language	
Health Education	4	Health Careers	1
Home Economics		Industrial Education	3
Interdisciplinary		Mathematics	12
Music	1	Physical Education	7
Public Services Educ		Science	6

Special Education	Social Science	9
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Mentor Teachers	3
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TEACHING STAFF STATUS	
Continuing	52
Probationary	11
Temporary	1
Provisional	10
Dist Intern/Train	3
Univ Intern	2
Extended Sub	

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TEACHING STAFF STABILITY	
Assigned To This Location	
Less Than 1 Yr	
1 Year	9
2 - 5 Yrs	33
6 - 10 Yrs	21
11 Or More Yrs	23

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TEACHING EXPERIENCE IN LAUSD	
Less Than 1 Yr	11
1 Year	20
2 - 5 Yrs	17
6 - 10 Yrs	9
11 Or More Yrs	34

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School Profile

Los Angeles Unified School District

- [\[General Information\]](#)
 [* \[Racial & Ethnic History\]](#)
 [* \[English Learners\]](#)
 [* \[Student Attendance\]](#)
 [* \[Student Adjustment\]](#)
 [* \[Staffing\]](#)
 [* \[New Search\]](#)
 *

General Information

School	Loreto El 4959	Principal	Manrique, Delores
Address	3408 Arroyo Seco Ave, Los Angeles, Ca 90065	Phone	323-222-5176
Fax	323-222-6370	Local District	F
Configuration	K- 5	Calendar	3 Trk
No. Of Tracks	3	Year Opened	1907
Title I	Yes	School Imprv	Yes
Charter	No	Learn	Yes
SBM	Yes	Assembly	45 Jackie Goldberg
Senate	22 Gil Cedillo	Congress	31 Xavier Becerra
Council	1 Ed Reyes	Supervisor	1 Gloria Molina
Bd of Educ	2 Jose Huizar	Home Page	www.lausd.k12.ca.us/Loreto_EL

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Racial Ethnic History

STUDENT RACIAL AND ETHNIC HISTORY														
	Al/Alsk		Asian		Filipino		Pac Isl		Black		Hispanic		White	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%

2002-03	0	0.0	46	6.6	3	0.4	0	0.0	1	0.1	649	92.6	2	0.3
2001-02	1	0.1	39	5.5	1	0.1	0	0.0	6	0.8	660	93.0	3	0.4
2000-01	0	0.0	47	6.7	1	0.1	0	0.0	1	0.1	653	92.8	2	0.3
1999-00	1	0.2	38	5.7	1	0.2	0	0.0	1	0.2	620	93.5	2	0.3
1998-99	0	0.0	35	5.5	2	0.3	0	0.0	3	0.5	587	93.0	4	0.6

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English Learners (EL)

CURRENT EL DATA: 2001-02									
Grade	Armenian	Cantonese	Korean	Farsi	Pilipino	Russian	Spanish	Vietnamese	Other
K	0	6	0	0	0	0	72	1	0
1	0	8	0	0	0	0	86	0	0
2	0	4	0	0	0	0	107	1	0
3	0	4	0	0	0	0	93	0	0
4	0	1	0	0	0	0	45	0	0
5	0	2	0	0	0	0	63	0	0
UG	0	0	0	0	0	0	7	0	0
TOTAL	0	25	0	0	0	0	473	2	0

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HISTORICAL EL DATA									
Year	Armenian	Cantonese	Korean	Farsi	Pilipino	Russian	Spanish	Vietnamese	Other
2001-02	0	25	0	0	0	0	473	2	0
2000-01	0	31	0	0	0	0	463	1	2
1999-00	0	30	0	0	0	0	472	3	3
1998-99	0	27	0	0	1	0	460	2	2

1997-98	0	26	0	0	1	0	452	8	2
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RECLASSIFIED STUDENTS			
Year	# EL	# RECLASSIFIED	% RECLASSIFIED
2001-02	497	37	7.44
2000-01	508	86	16.93
1999-00	492	73	14.84

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Student Attendance

Year	Stability Rate	Transiency Rate	Actual Attend Rate
2001-02	84.08	28.13	96.10%
2000-01	84.50	29.56	95.32%
1999-00	78.14	40.54	95.39%
1998-99	79.15	39.59	95.38%
1997-98	75.12	45.90	94.57%

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Student Adjustment

OPPORTUNITY TRANSFERS									
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total
2001-02	0	0	0	0	0	0	0	0	0
2000-01	0	0	0	0	0	0	0	0	0
1999-00	0	0	0	0	0	0	0	0	0
1998-99	0	0	0	0	0	0	0	0	0
1997-98	0	0	0	0	0	0	0	0	0

[Return to the top](#)

SUSPENSIONS									

Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total	Avg # Days
2001-02	0	0	0	0	0	13	0	0	13	2.31
2000-01	0	1	0	0	0	10	0	0	11	2.27
1999-00	0	0	0	0	0	10	0	0	10	1.00
1998-99	0	0	0	0	0	17	0	0	17	1.00
1997-98	0	0	0	0	1	17	0	0	18	2.00

[Return to the top](#)

EXPULSION REFERRALS									
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total
2001-02	0	0	0	0	0	0	0	0	0
2000-01	0	0	0	0	0	0	0	0	0
1999-00	0	0	0	0	0	0	0	0	0
1998-99	0	0	0	0	0	0	0	0	0
1997-98	0	0	0	0	0	0	0	0	0

[Return to the top](#)

Staffing Profile

Certificated Management	1
Certificated Teachers	41
Certificated Others	1

REGISTER-CARRYING TEACHERS	
KGN	6
Grade 1	6
Grade 2	5
Grade 3	7
Grade 4	5

Grade 5	2
Grade 6	
Special Ed	1

[Return to the top](#)

NON-REGISTER-CARRYING TEACHERS	
Special Education	1
Bilingual Prog	
Regular Prog	

[Return to the top](#)

Mentor Teachers	2
------------------------	----------

[Return to the top](#)

TEACHING STAFF STATUS	
Continuing	24
Probationary	11
Temporary	
Provisional	3
Dist Intern/Train	2
Univ Intern	2
Extended Sub	

[Return to the top](#)

TEACHING STAFF STABILITY	
Assigned To This Location	
Less Than 1 Yr	
1 Year	7
2 - 5 Yrs	16
6 - 10 Yrs	12
11 Or More Yrs	5

[Return to the top](#)

TEACHING EXPERIENCE IN LAUSD	
Less Than 1 Yr	6
1 Year	11
2 - 5 Yrs	9
6 - 10 Yrs	8
11 Or More Yrs	9

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School Profile

Los Angeles Unified School District

[\[General Information\]](#) *
 [\[Racial & Ethnic History\]](#) *
 [\[English Learners\]](#) *
 [\[Student Attendance\]](#) *
 [\[Student Adjustment\]](#) *
 [\[Staffing\]](#) *
 [\[New Search\]](#) *

General Information

School	Hillside El 4534	Principal	Estrada De Carreon, Leticia
Address	120 E Ave 35, Los Angeles, Ca 90031	Phone	323-222-2665
Fax	323-222-6033	Local District	F
Configuration	K- 5	Calendar	3 Trk
No. Of Tracks	3	Year Opened	1890
Title I	Yes	School Imprv	Yes.
Charter	No	Learn	No
SBM	Yes	Assembly	45 Jackie Goldberg
Senate	24 Gloria Romero	Congress	31 Xavier Becerra
Council	1 Ed Reyes	Supervisor	1 Gloria Molina
Bd of Educ	2 Jose Huizar	Home Page	www.lausd.k12.ca.us/Hillside_EL

[Return to the top](#)

Racial Ethnic History

STUDENT RACIAL AND ETHNIC HISTORY														
	AI/Alsk		Asian		Filipino		Pac Isl		Black		Hispanic		White	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
2002-03	1	0.2	71	11.5	13	2.1	0	0.0	4	0.6	527	85.1	3	0.5
2001-	3		83		5		0		4		557		2	

02		0.5		12.7		0.8		0.0		0.6		85.2		0.3
2000-01	2	0.3	84	13.5	1	0.2	0	0.0	5	0.8	524	84.5	4	0.6
1999-00	3	0.5	104	16.0	2	0.3	1	0.2	4	0.6	531	81.9	3	0.5
1998-99	3	0.5	119	18.3	2	0.3	1	0.2	4	0.6	518	79.4	5	0.8

[Return to the top](#)

English Learners (EL)

CURRENT EL DATA: 2001-02									
Grade	Armenian	Cantonese	Korean	Farsi	Pilipino	Russian	Spanish	Vietnamese	Other
K	0	10	0	0	0	0	46	2	0
1	0	7	0	0	0	0	52	4	0
2	0	9	0	0	1	0	71	0	2
3	0	6	1	0	1	0	65	1	0
4	0	2	1	0	0	0	37	0	0
5	0	8	0	0	0	0	50	0	1
UG	0	1	0	0	0	0	20	0	0
TOTAL	0	43	2	0	2	0	341	7	3

[Return to the top](#)

HISTORICAL EL DATA									
Year	Armenian	Cantonese	Korean	Farsi	Pilipino	Russian	Spanish	Vietnamese	Other
2001-02	0	43	2	0	2	0	341	7	3
2000-01	0	51	0	0	2	0	342	6	3
1999-00	1	66	3	0	3	0	394	6	4
1998-99	1	76	3	0	3	0	362	4	2
1997-98	1	91	1	0	0	0	366	10	1

[Return to the top](#)

RECLASSIFIED STUDENTS			
Year	# EL	# RECLASSIFIED	% RECLASSIFIED
2001-02	404	37	9.16
2000-01	477	70	14.68
1999-00	451	0	0.00

[Return to the top](#)

Student Attendance

Year	Stability Rate	Transiency Rate	Actual Attend Rate
2001-02	83.61	30.83	94.18%
2000-01	86.40	31.46	93.96%
1999-00	86.96	28.75	93.77%
1998-99	80.47	41.80	93.03%
1997-98	75.74	49.85	92.91%

[Return to the top](#)

Student Adjustment

OPPORTUNITY TRANSFERS									
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total
2001-02	0	0	0	0	0	0	0	0	0
2000-01	0	0	0	0	0	0	0	0	0
1999-00	0	0	0	0	0	0	0	0	0
1998-99	0	0	0	0	0	0	0	0	0
1997-98	0	0	0	0	0	0	0	0	0

[Return to the top](#)

SUSPENSIONS										
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total	Avg # Days
2001-02	0	2	0	0	1	21	1	0	25	1.76

2000-01	0	0	0	0	0	13	0	0	13	1.31
1999-00	0	1	0	0	0	3	0	0	4	1.00
1998-99	0	1	0	0	0	16	3	0	20	1.00
1997-98	0	0	0	0	0	5	2	0	7	1.71

[Return to the top](#)

EXPULSION REFERRALS									
Year	AI/Alsk	Asian	Filipino	Pac Isl	Black	Hispanic	Other White	Unknown	Total
2001-02	0	0	0	0	0	0	0	0	0
2000-01	0	0	0	0	0	0	0	0	0
1999-00	0	0	0	0	0	0	0	0	0
1998-99	0	0	0	0	0	0	0	0	0
1997-98	0	0	0	0	0	0	0	0	0

[Return to the top](#)

Staffing Profile

Certificated Management	1
Certificated Teachers	33
Certificated Others	1

REGISTER-CARRYING TEACHERS	
KGN	4
Grade 1	4
Grade 2	6
Grade 3	6
Grade 4	4
Grade 5	3
Grade 6	
Special Ed	1

[Return to the top](#)

NON-REGISTER-CARRYING TEACHERS	
Special Education	
Bilingual Prog	
Regular Prog	1

[Return to the top](#)

Mentor Teachers	1
------------------------	----------

[Return to the top](#)

TEACHING STAFF STATUS	
Continuing	17
Probationary	12
Temporary	
Provisional	2
Dist Intern/Train	2
Univ Intern	1
Extended Sub	

[Return to the top](#)

TEACHING STAFF STABILITY	
Assigned To This Location	
Less Than 1 Yr	
1 Year	4
2 - 5 Yrs	16
6 - 10 Yrs	3
11 Or More Yrs	10

[Return to the top](#)

TEACHING EXPERIENCE IN LAUSD	
Less Than 1 Yr	4
1 Year	12

2 - 5 Yrs	4
6 - 10 Yrs	
11 Or More Yrs	15

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PLUM mtg of 6-3-03

CF 99-0235

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OPPOSE Project/Proposal Council File # 99-0235

Phone No. 310 442 0072

Name JOHN H. WESTON

Address 12121 WILSHIRE BLVD.

City LA Zip Code 90025

Representing APPLICANT LAEY STREET HOSPITALITY

- Applicant Property Owner(s) Assoc. Other
 Appellant Surrounding Property Owner(s) Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT *Appast* AGENDA
Project/Proposal ITEM # 4 Date 6/13/03

OPPOSE Council
Project/Proposal File # 99-0235

Phone No (323) 258-2130

Name Nancy Wyatt

Address 610 MILO TER

City LA Zip Code CA

Representing _____

- | | | | |
|------------------------------------|---|---------------------------------------|--------------------------------|
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Property Owner(s) | <input type="checkbox"/> Assoc. | <input type="checkbox"/> Other |
| <input type="checkbox"/> Appellant | <input type="checkbox"/> Surrounding
Property Owner(s) | <input type="checkbox"/> Organization | |

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT Project/Proposal AGENDA ITEM # 4 Date 6/3/03

OPPOSE Project/Proposal Council File # 99-0235

Phone No. 323. 224. 8280

Name Gloria Arredondo

Address 3311 N. Figueroa St.

City _____ Zip Code _____

Representing CSC / LA Bridges

- Applicant Property Owner(s) Assoc. Other
 Appellant Surrounding Property Owner(s) Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

29

Date 6-3-03

OPPOSE
Project/Proposal

Council
File #

99-0235

Phone No. _____

Name REV. WM. CRYVER

Address 4900 N. Figueroa St

City LA 90042

Zip Code _____

Representing A.P. Ministerial Fellowship

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT *Approp*
Project/Proposal

AGENDA
ITEM #

4

Date 6-3-2003

OPPOSE
Project/Proposal

Council
File #

99-0235

Phone No. _____

Name Jesus P. Encinas

Address 5870 Benner St #101

City Los Angeles CA Zip Code 90042

Representing Ad Hoc Committee for Safe Children

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

4

Date

6/03/03

OPPOSE
Project/Proposal

Council
File #

99-0235

Phone No.

323 221-9111

Name

Julieta Hernández

Address

2035 Pasadena Ave.

City

Los Angeles

Zip Code

90031

Representing

Los Angeles Boys & Girls Club

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS



SUPPORT
Project/Proposal

Appeal

AGENDA
ITEM # 4

Date 6-3-03



OPPOSE
Project/Proposal

Council
File # 99-0235

Phone No. 213-847-2440

Name GEORGE MOSSMAN

Address 3201 LACY ST.

City LA Zip Code 90031

Representing ANIMAL SHELTER

- | | | | |
|------------------------------------|--|---------------------------------------|--------------------------------|
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Property Owner(s) | <input type="checkbox"/> Assoc. | <input type="checkbox"/> Other |
| <input type="checkbox"/> Appellant | <input checked="" type="checkbox"/> Surrounding
Property Owner(s) | <input type="checkbox"/> Organization | |

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

4

Date 6-3-03

OPPOSE
Project/Proposal

Council
File #

99-0235

Phone No. 213 509 8011

Name

RODRIGUEZ

Address

2111 E. 1ST ST

City

LA

Zip Code

90033

Representing

LAPD

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

✓

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT *Appeal* AGENDA ITEM # 4 Date 5-3-03
Project/Proposal

OPPOSE Council File # 99-0235
Project/Proposal

Phone No. 323-223-7086

Name Ernest Sanchez Sr.

Address 3301 GRIFFIN AVE #14

City L.A. Zip Code 90031

Representing Ad Use for children

- Applicant Property Owner(s) Assoc. Other
 Appellant Surrounding Property Owner(s) Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

4

Date 6/3/03

OPPOSE
Project/Proposal

Council
File #

CF 99-0235 DIR 98-0210

Phone No. 225-4211

Name Steve Schultz

Address 234 East Ave 33

City Los Angeles

Zip Code 90031

Representing Florence Crittenton Group Home

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT *App 20* AGENDA ITEM # 4 Date 6-3-03
Project/Proposal

OPPOSE Council File # 99-0235
Project/Proposal

Phone No. (323) 223-8673

Name MARILYN Sanchez

Address 424 E. Ave 39

City Los Angeles Zip Code 90031

Representing Ad Hoc Committee for Safe Children

- | | | | |
|------------------------------------|--|--|--------------------------------|
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Property Owner(s) | <input type="checkbox"/> Assoc. | <input type="checkbox"/> Other |
| <input type="checkbox"/> Appellant | <input type="checkbox"/> Surrounding Property Owner(s) | <input checked="" type="checkbox"/> Organization | |

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT Project/Proposal AGENDA ITEM # 4 Date 6/3/03

OPPOSE Project/Proposal Council File # 99-0235

Phone No. 213-241-3824

Name Mike Wade

Address 333 So Beverly 18th Floor Rm 156-1

City LA Zip Code 90017

Representing LAUSD

- | | | | |
|------------------------------------|--|---------------------------------------|--------------------------------|
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Property Owner(s) | <input type="checkbox"/> Assoc. | <input type="checkbox"/> Other |
| <input type="checkbox"/> Appellant | <input type="checkbox"/> Surrounding Property Owner(s) | <input type="checkbox"/> Organization | |

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT Project/Proposal AGENDA ITEM # 4 Date 6/3/03

OPPOSE Project/Proposal Council File # 99-0235

Phone No. (323) 221-2128

Name George Shafer

Address 3311 N. Figueroa Street

City Los Angeles CA Zip Code 91

Representing Florence Nightingale Middle School LAUSD

- Applicant Property Owner(s) Assoc. Other
 Appellant Surrounding Property Owner(s) Organization <

LAW OFFICES

WESTON, GARROU & DEWITT

A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES
WILSHIRE BUNDY PLAZA
12121 WILSHIRE BOULEVARD, SUITE 900
LOS ANGELES, CALIFORNIA 90025-1176
FAX (310) 442-0899
(310) 442-0072

JOHN H. WESTON**
CLYDE DEWITT**
G. RANDALL GARROU**
MARK P. BINDER**
JEFFERY F. ALLEN**

OF COUNSEL
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A. DALE MANICOM*
JOSEPH P. WOHRLE*
JONATHAN R. CELNICKER*

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LAWRENCE G. WALTERS**
455 DOUGLAS AVENUE
SUITE 2155-31
ALTAMONTE SPRINGS, FL 32714-2569
FAX (407) 774-6151
(407) 788-7337

SAN DIEGO OFFICE
432 F STREET, SUITE 202
SAN DIEGO, CA 92101-6138
FAX (619) 239-1717
(619) 232-3255

June 3, 2003

Office of the City Clerk
City Hall, Room 395
200 North Spring Street
Los Angeles, California 90012
Attn.: Planning & Land Use
Management Committee

TRANSMITTED ON THIS DATE
VIA FAX TO: (213) 978-1040;
ORIGINAL HAND-DELIVERED TODAY

Re: *Lacy Street Hospitality Services, Inc.*
2662 Lacy Street, Los Angeles, CA 90031
(CF 99-0235; DIR 98-0210(RV))

Dear City Clerk and Planning & Land Use Management Committee:

I write respectfully, and regretfully, to inform the Committee that on March 19, 2003, the Blue Zebra Adult Cabaret closed its doors and ceased all business operations. The owners of the Blue Zebra Adult Cabaret were forced to terminate operations after only one-year because of the overwhelming financial burden caused by the nuisance abatement conditions imposed on the land as a result of the actions of the previous, unrelated adult cabaret (the "Lacy Street Cabaret") that existed at the same location. Despite the Blue Zebra Adult Cabaret's constant efforts to comply with the conditions and preserve the safety, integrity and vitality of the surrounding neighborhood, the unrelenting pressure and cost of compliance ultimately proved too great, leaving the owners with no other option but to close the doors. As a result, and in addition to the financial losses of the owners, all of the employees were laid-off and forced to fend for new employment in an economy suffering from its worst unemployment rate in over a decade.

While some of the abatement conditions were generally onerous, they were positively lethal to the business because they applied to no other competitors in the area. How could the Blue Zebra Adult Cabaret survive with 24-hour expenses while being able to operate only 8 hours a day? It couldn't.

At a minimum, the appeal of the modification of Condition Nos. 6 and 19 should be denied. The limited modifications were amply supported by the evidence; the Zoning Administrator's analysis was thoughtful, prudent and balanced. The evidence now submitted on appeal by those opposed to the

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City Clerk and Planning & Land Use Management Committee

Re: *Lacy Street Hospitality Services, Inc.*
2662 Lacy Street, Los Angeles, CA 90031
(No. CF 99-0235; DIR 98-0210(RV))

June 3, 2003

Page 2

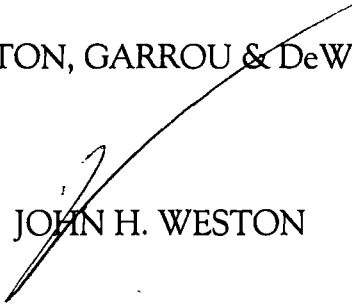
modifications is the same as that already presented at the January 13 hearing – with the glaring exception that the Blue Zebra Adult Cabaret is now closed! The owners of the club should not be forced to endure any more financial hardship because of the actions of the Lacy Street Cabaret, the building's previous tenant. Therefore, the Committee should deny the appeal as unnecessary, unsupported and unjustified. The owners should be allowed a fair chance to recoup some of their losses and attempt to operate under the appropriately modified conditions.

The decision of the Zoning Administration should be affirmed.

Very truly yours,

WESTON, GARROU & DeWITT

By


JOHN H. WESTON

JHW:ja

cc: Kathy Mac Dannald (via fax only)

FROM

Law Offices

WESTON. GARROU & DEWITT

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

12121 WILSHIRE BOULEVARD, SUITE 900 LOS ANGELES, CA 90025-1176

TO:

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Office of the City Clerk

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Los Angeles, California 90012

Attn.: Planning & Land Use

Management Committee

R. Rao Boppana
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* A FLORIDA PROFESSIONAL ASSOCIATION

June 3, 2003

Office of the City Clerk
City Hall, Room 395
200 North Spring Street
Los Angeles, California 90012
Attn.: Planning & Land Use
Management Committee

TRANSMITTED ON THIS DATE
VIA FAX TO: (213) 978-1040;
ORIGINAL HAND-DELIVERED TODAY

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(CF 99-0235; DIR 98-0210(RV))

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LAW OFFICES
WESTON, GARROU & DeWITT
A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES

City Clerk and Planning & Land Use Management Committee

Re: *Lacy Street Hospitality Services, Inc.*
2662 Lacy Street, Los Angeles, CA 90031
(No. CF 99-0235; DIR 98-0210(RV))

June 3, 2003

Page 2

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The decision of the Zoning Administration should be affirmed.

Very truly yours,

WESTON, GARROU & DeWITT

By


JOHN H. WESTON

JHW:ja

cc: Kathy Mac Dannald (via fax only)

FAX TRANSMISSION FROM
WESTON, GARROU & DeWITT
12121 Wilshire Boulevard, Suite 900
Los Angeles, CA 90025-1176
Phone: (310) 442-0072
FAX: (310) 442-0899

DATE: June 3, 2003

TIME SENT: 10:26 am PT

DELIVER TO: City Clerk AND Planning & Land Use Management Committee

ADDRESS: Office of the City Clerk, City Hall, Room 395

FAX NUMBER: (213) 978-1040

FROM: Kam for John H. Weston **TOTAL PAGES, INCL. COVER SHEET:** 3

DOCUMENT DESCRIPTION: Letter of this date regarding *Lacy Street Hospitality Services, Inc.*; 2662 Lacy Street, Los Angeles, CA 90031; (CF 99-0235; DIR 98-0210(RV)).

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Van Nuys, CA 91411
(818) 779-8866
Fax (818) 779-8870

Mailing Affidavit

City Planning Commission
Case No. _____

Deputy Advisory Agency
Tentative Tract No. _____

CF No. 99-0235 - CC-01 - 8836

Parcel Map No. _____

Zoning Administrator
Case No. _____

Private Street No. _____

Coastal Permit
Case No. _____

Area Planning Commission
Central, Harbor, SV, ELA, SLA,
WLA, NV
Case No. _____

Design Review Board
Case No. _____

SITE ADDRESS: 2662 LACY STREET

I, KIM GEHR certify that I am an employee of BTC, a contractor of the City of Los Angeles, Department of City Planning, State of California, and I did, on the 9th day of MAY, 2003, mail, postage prepaid, to the applicant and all parties required by the Municipal Code, as detailed on the official ownership list, a notice of hearing, a true copy of which is attached.

- 500-foot radius
- Abutting the subject site
- Owners and Occupants
- Tenant Notice
- 100-foot coastal notice
- State Coastal Commission
- Adjacent City (ies)
- Applicant and Representative (where indicated)
- city _____ Council Office
- city _____ Newspaper Notice
- LA Unified School District, LA County Regional Planning
- Caltrans
- Council's Own Initiative
- Metropolitan Transit Authority
- Certified Neighborhood Council (Dept. of Neighborhood Empowerment)
- city _____ Homeowners Associations
- Other ABC, LA CITY DWP

There is a regular daily communication and service by mail between the City of Los Angeles and each of the Addresses to which notices were mailed.

Kim Gehl

BTC Hearing Notice Mailing Clerk

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

CF 99-0235
DIR 98-0210 RV PA1
CD 1

May 9, 2003

NOTICE TO PROPERTY OWNERS/OCCUPANTS WITHIN A 500-FOOT RADIUS

You are hereby notified that the Planning and Land Use Management Committee of the Los Angeles City Council will consider, on Tuesday, June 3, 2003, at approximately 2:00 p.m. or soon thereafter in Room 1010, 200 North Spring Street, City Hall, an appeal filed by Ad Hoc Committee for Safe Children, et al, from part of the determination of the Zoning Administrator to modify Conditions 6 and 19 expanding the hours of operation and requiring a minimum of two security guards with respect to the operation of the adult entertainment use known as the Blue Zebra located at 2662 Lacy Street inasmuch as it was found that the business has substantially complied with conditions imposed by the City Council.

Applicant: City of Los Angeles (Office of Zoning Administration)

The full Los Angeles City Council will also conduct a public hearing on this matter on Wednesday, June 11, 2003, at approximately 10:00 a.m. or soon thereafter in John Ferraro Council Chamber, Room 340, City Hall at 200 North Spring Street.

If you are unable to appear at these hearings, you may submit your comments in writing. The file and appeal referred to above can be reviewed in the Office of the City Clerk. Written comments may be addressed to the City Clerk, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012.

Please be advised that both the Planning and Land Use Management Committee and City Council reserve the right to continue this matter to a later date, subject to any time limit constraints. Please contact this office if you would like to be notified of any future hearing dates should the Committee or Council not act on this matter on the aforementioned date(s).

John A. White
Legislative Assistant
Planning and Land Use
Management Committee, 213-978-1068
e-mail: jwhite@clerk.lacity.org

Note:

If you challenge this proposed 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 delivered to the City Clerk at, or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record. The time in which you may seek judicial review of any final action by the City Council is limited by California Code of Civil Procedure Section 1094.6 which provides that an action pursuant to Code of Civil Procedure Section 1094.5 challenging the Council's action must be filed no later than the 90th day following the date on which the Council action becomes final.

#990235ltr.wpd



CF 99-0235
DIR 98-0210 RV PA-1

o:\docs\reports\#990235lab.wpd

DAVID KABASHIMA, ZA
PLANNING DEPARTMENT
OFFICE OF ZONING ADMINISTRATION
7TH FLOOR, CITY HALL
STOP: 395

CHIEF ZONING ADMINISTRATOR
PLANNING DEPARTMENT
OFFICE OF ZONING ADMINISTRATION
7TH FLOOR, CITY HALL
STOP: 395

COUNCILPERSON ED REYES
PLANNING LIAISON
COUNCIL DISTRICT NO. 1
STOP: 201

VINCE QUITORIANO
REVOCATION TRACKING
PLANNING DEPARTMENT
7TH FLOOR, CITY HALL
STOP: 395

MICHAEL KLECKNER
LAND USE DIVISION, CITY ATTORNEY
200 N. MAIN ST., RM. 1800, CHE
STOP: 140

JERI BURG
LAND USE DIVISION, CITY ATTORNEY
200 N. MAIN ST., RM. 1800, CHE
STOP: 140

DEPT. OF BUILDING & SAFETY
ASSIST. DEPUTY SUPERINTENDENT
425 S. SHATTO PL, 4TH FLOOR
LOS ANGELES, CA 90012
STOP: 115

LAPD-ADMINISTRATIVE VICE DIV.
419 S. SPRING ST., RM. 940
LOS ANGELES, CA 90012
STOP: 933

LAPD-CRIMINAL INTELLIGENCE
ROOM 692, PARKER CENTER
LOS ANGELES, CA 90012
STOP: 400

SCOTT LA CHASSE, COMMANDER
LAPD-CRIMINAL INTELLIGENCE
150 N. LOS ANGELES ST., RM. 602
LOS ANGELES, CA 90012
STOP: 400

STATE OF CALIFORNIA
ALCOHOLIC BEVERAGE CONTROL
3530 WILSHIRE BLVD., STE. 1110
LOS ANGELES, CA 90013

Ad Hoc Comt. for Safe Children
Michael E. Lee
P.O. Box 501039
Los Angeles, CA 90050

Kathy MacDannald, President
Lacy Street Hospitality Services
15423 East Valley Blvd.
City of Industry, CA 91746

JNM Humbolt Investment
6711 East Washington Blvd.
Los Angeles, CA 90040

Robert B. Lamishaw
JPL Zoning Services, Inc.
6257 Van Nuys Blvd., Ste. 101
Van Nuys, CA 91401

1
OCCUPANT
2662 LACY ST
LOS ANGELES CA 90031

2
OCCUPANT
2672 LACY ST
LOS ANGELES CA 90031

4
OCCUPANT
3214 LACY ST
LOS ANGELES CA 90031

7
OCCUPANT
2626 LACY ST
LOS ANGELES CA 90031

9
OCCUPANT
2642 LACY ST
LOS ANGELES CA 90031

10
OCCUPANT
2605 ARTESIAN ST
LOS ANGELES CA CA 90031

11
OCCUPANT
W AVENUE 26
LOS ANGELES CA 90031

12
OCCUPANT
3011 HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
2903 E HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
2905 F HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
2907 HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
2907 G HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
2911 HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
2911 H HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
3001 HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
3005 HUMBOLDT ST
LOS ANGELES CA 90031

12
OCCUPANT
3005 A HUMBOLDT ST
LOS ANGELES CA 90031

1
JNM HUMBOLDT INVESTMENTS
6711 E WASHINGTON BLVD
LOS ANGELES CA 90040

2
HAVEN PROPERTIES LLC
9595 WILSHIRE BLVD #405
BEVERLY HILLS CA 90212

3
L A CO METROPOLITAN
1 GATEWAY PLAZA
LOS ANGELES CA 90012

4
LOWENTHAL IRA L & FAMILY TRUST
2239 OLD RANCH PL
SANTA ROSA CA 95405

5
CAL MEX CLOTHING MANUFACTURING I
3225 LACY ST
LOS ANGELES CA 90031

6
L A CITY
200 N MAIN ST
LOS ANGELES CA 90012

7
HEFLIN TRUST
2661 SUNNYDALE DR
DUARTE CA 91010

8
L A SMSA LTD PTNSHP
ADDRESS NOT AVAILABLE

9
WILLIAM H. JAHNS
520 BROADWAY STE 650
SANTA MONICA CA 90401

10
FOREIGN AUTO ALPINE
337 W AVENUE 26
LOS ANGELES CA 90031

11
L A CITY DEPT OF WATER & POWER
REAL EST BUS GROUP-JUNE
PO BOX 51111
LOS ANGELES CA 90051

12
DONALD K. POLGREAN
773 MT WASHINGTON DR
LOS ANGELES CA 90065

13
ITT INDUSTRIES INC
CONTROLLER
666 E DYER RD
SANTA ANA CA 92705

999
JPL ZONING SERVICES, INC. # 3399
6257 VAN NUYS BL # 101
VAN NUYS CA 91401-2735

999
WESTON, SARNO, GARROU & DE WITT
RANDY GARROU
12121 WILSHIRE BLVD # 900
LOS ANGELES CA 90025

ARROYO SECO N C
ANNA CARPENTER
596 WEST AVENUE 46
NORTH HOLLYWOOD CA 91606

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

CF 99-0235
DIR 98-0210 RV PA1
CD 1

May 9, 2003

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Applicant: City of Los Angeles (Office of Zoning Administration)

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John A. White
Legislative Assistant
Planning and Land Use
Management Committee, 213-978-1068
e-mail: jwhite@clerk.lacity.org

Note: If you challenge this proposed 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 delivered to the City Clerk at, or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record. The time in which you may seek judicial review of any final action by the City Council is limited by California Code of Civil Procedure Section 1094.6 which provides that an action pursuant to Code of Civil Procedure Section 1094.5 challenging the Council's action must be filed no later than the 90th day following the date on which the Council action becomes final.

#990235ltr.wpd



PUBLIC NOTICE

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Applicant: City of Los Angeles (Office of Zoning Administration)

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J. MICHAEL CAREY, CITY CLERK
of the City of Los Angeles

CF 99-0235
DIR 98-0210 RV PA-1

o:\docs\reports\#990235lab.wpd

DAVID KABASHIMA, ZA
PLANNING DEPARTMENT
OFFICE OF ZONING ADMINISTRATION
7TH FLOOR, CITY HALL
STOP: 395

CHIEF ZONING ADMINISTRATOR
PLANNING DEPARTMENT
OFFICE OF ZONING ADMINISTRATION
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COUNCILPERSON ED REYES
PLANNING LIAISON
COUNCIL DISTRICT NO. 1

STOP: 201

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P.O. Box 501039
Los Angeles, CA 90050

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JNM Humbolt Investment
6711 East Washington Blvd.
Los Angeles, CA 90040

Robert B. Lamishaw
JPL Zoning Services, Inc.
6257 Van Nuys Blvd., Ste. 101
Van Nuys, CA 91401

(When required)

RECORDING REQUESTED BY AND MAIL TO:

The Los Angeles Daily Journal
~ SINCE 1888 ~

915 E. First Street, Los Angeles, California 90012
Mailing Address: P.O. Box 54026, Los Angeles, California 90054-0026
Telephone (213) 229-5300 • Fax (213) 680-3682

Gloria Pinon
CITY OF LA, CITY CLERK, ADMIN
SERVICES
200 N SPRING ST ROOM 395
LOS ANGELES, CA 90012

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Los Angeles) ss

Notice Type: GPN GOVERNMENT PUBLIC NOTICE


Ad Description: 99-0235

I am a citizen of the United States and a resident of the County of Los Angeles; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the Los Angeles Daily Journal, a daily newspaper published in the English language in the City of Los Angeles, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Los Angeles, State of California, under date of June 2, 1952, Case No. 599,382. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/09/03

Executed on: 05/09/2003
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

This space for filing stamp only

RECEIVED
CITY CLERK'S OFFICE
2003 MAY 12 PM 3: 51
CITY CLERK
BY _____
DEPUTY

DJ#: 533190

PUBLIC NOTICE

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J. MICHAEL CAREY, CITY CLERK
of the City of Los Angeles
05/09/03

DJ- 533190#

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
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Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

April 17, 2003

CF 99-0235
CD 1

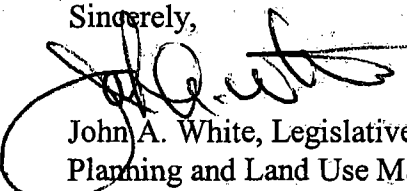
Councilmember Ed Reyes
1st Council District
City Hall, Room 410
Attn: Gerald Gubatan

Dear Councilmember Reyes:

The attached appeal filed by the Ad Hoc Committee for Safe Children from part of the determination of the Zoning Administrator was received by my office and referred to your Planning and Land Use Management Committee for consideration. The Council file is available in my office for your review.

Please be advised that the last day for Council action is June 13, 2003. Pursuant to the City's Planning Code, a 24-day notice of hearing is required. This matter can be scheduled for consideration by Committee on May 27, 2003, June 3, 2003, or June 10, 2003. Unless a request for a hearing is made by your office prior to April 29, 2003, I will schedule a Committee hearing for this matter on June 3, 2003 and for Council on June 11, 2003.

Sincerely,


John A. White, Legislative Assistant
Planning and Land Use Management Committee
Phone: 213-978-1068
email: jwhite@clerk.lacity.org

attachment

cc: ✓ Roberto Mejia, CLA

cd01990235.wpd



J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

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HELEN GINSBURG
Chief, Council and Public Services Division

99-0235
CD 1

April 17, 2003

PLANNING & LAND USE MANAGEMENT COMMITTEE

In accordance with Council Rules, communication from the Chief Zoning Administrator relative to an appeal filed by the Ad Hoc Committee for Safe Children, appealing two conditions (Nos. 6 and 19) of the Zoning Administrator's determination relating to hours of operation and security with respect to the operation of an adult entertainment use known as The Blue Zebra at 2662 Lacy Street, was referred on April 17, 2003, to the PLANNING & LAND USE MANAGEMENT COMMITTEE.

City Clerk
amm



CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

**OFFICE OF
ZONING ADMINISTRATION**

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

- R. NICOLAS BROWN
- ANIK CHARRON
- EMILY J. GABEL-LUDDY
- DANIEL GREEN
- LOURDES GREEN
- DAVID KABASHIMA
- ALBERT LANDINI
- JON PERICA
- SARAH RODGERS

April 11, 2003

Time Limit: 6-16-03
Last Day for Council action: 6-13-03

Honorable City Council
City of Los Angeles
Room 395, City Hall
Los Angeles, CA 90012

Case No. DIR 98-0210(RV)(PA1)
Appellant: Ad Hoc Committee for
Safe Children
Address: 2662 Lacy Street
Council District: 1
Plan: Northeast Los Angeles
Environmental: ENV 2002-3492-CE

Honorable Members:

In accordance with Municipal Code Section 12.27.1 and Condition No. 8 of the City Council action of April 14, 1999, the above-captioned file, which is the subject of the attached appeal, is transmitted for your consideration.

Appeal Request: The appellant is appealing two conditions of the Zoning Administrator's determination (Condition Nos. 6 and 19) relating to hours of operation and security with respect to the operation of an adult entertainment use known as The Blue Zebra.

Background: On March 14, 2003, Zoning Administrator David Kabashima, pursuant to the provisions of Section 12.27.1 found that the business has substantially complied with the conditions imposed by the City Council and approved a request for modification of Condition Nos. 6 (expansion of hours of operation) and 19 (minimum of two security guards).

ROBERT JANOVICI
Chief Zoning Administrator

RJ:Imc

RECEIVED
CITY CLERK'S OFFICE
2003 APR 16 AM 10:19
CITY CLERK
BY _____ DEPUTY

APR 17 2003

PLAN & LAND USE MGT.

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: E.L.A.A.P.C.

REGARDING CASE NO.: DIR 98-0210 (RV) (PA 1)

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. **A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.**

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

Name Ad Hoc Committee for Safe Children
Mailing Address P.O. Box 501039
Los Angeles, CA 9 Zip: 90050

Work Phone: (323) 223-8673 Home Phone () _____

- a) Are you or do you represent the original applicant?
(Circle One) YES NO
- b) Are you filing to support the original applicant's position?
(Circle One) YES NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
(Circle One) SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)
Ad Hoc Committee for Safe Children, Nightingale Middle School, Lincoln High School, Self
Realization Fellowship, Historic Lincoln Heights Industrial Zone B.I.D., Lincoln Heights Neighborhood
Council, Florence Crittenton Center, Los Angeles Boys and Girls Club, Montecito Heights Improvement Assoc,
REPRESENTATIVE Montecito Heights Neighborhood Watch, Community members

Name Michael E. Lee
Mailing Address P.O. Box 501039
Los Angeles, CA 90050
Zip _____

Work Phone: (323) 223-8673 Home Phone : () _____

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Final Date to Appeal: April 1, 2003
Authorizing Legislation _____

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

Entire

Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

See attached

ADDITIONAL INFORMATION

- original applicants must pay mailing fees to BTC and submit copy of receipt. (BTC not required for Building and Safety Appeals)
- any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **Copy of determination/decision letter is required.**
- acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- seven copies and the original appeal are required.

I certify that the statements contained in this application are complete and true:

Appellant

[Handwritten Signature]

OFFICIAL USE ONLY

Receipt No. 239754 Amount \$71- Date 3-28-03

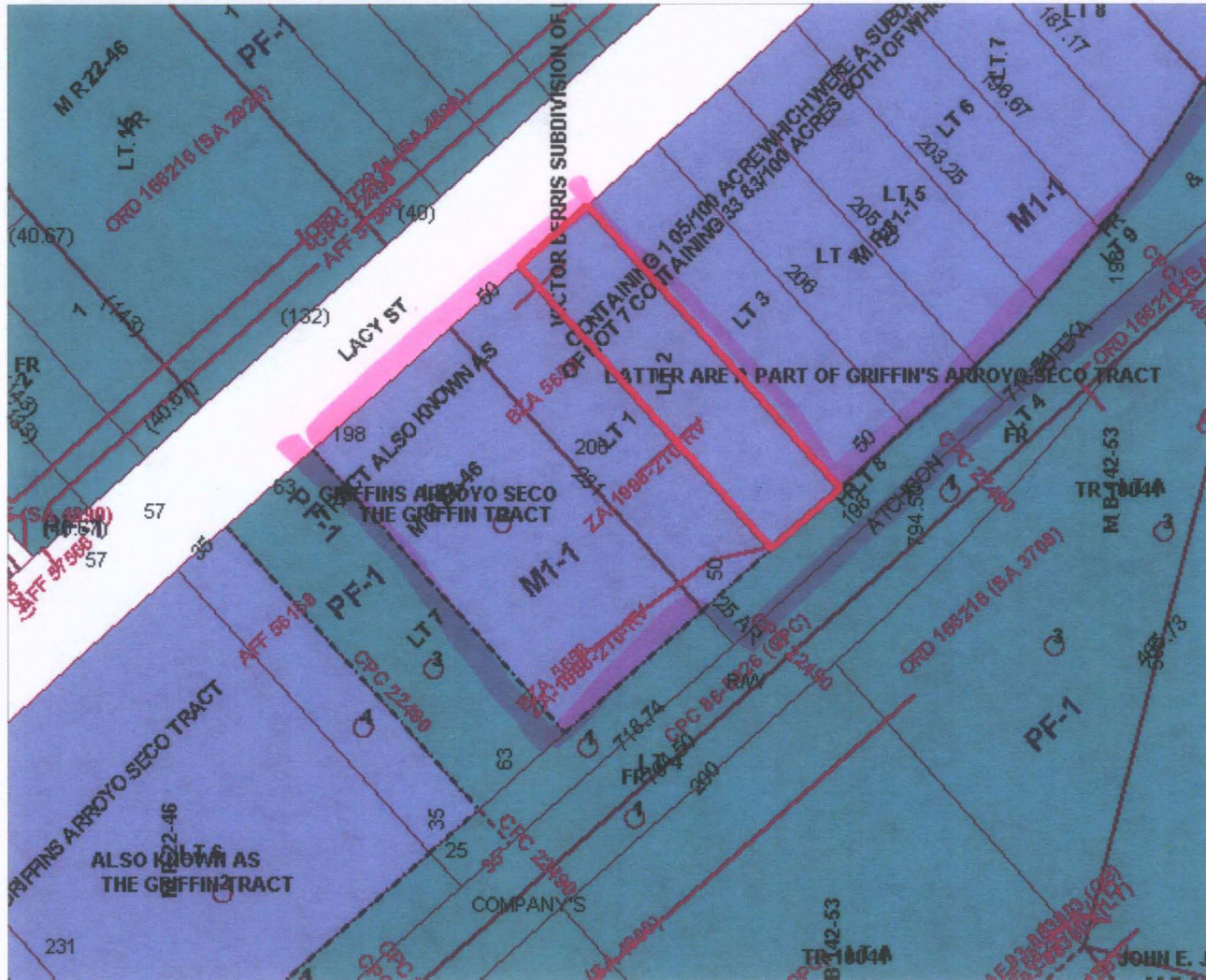
Application Received By Victor A. Vallejo E.

Application Deemed Complete [Signature]

Copies provided: Determination Receipt (original applicant only)

Determination Authority Notified (if necessary)

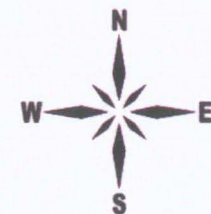
ZIMAS INTRANET



Address: 2664 N LACY ST
 APN: 5205011008
 Tract: VICTOR BERRIS SUBDIVISION OF L
 Block: None
 Lot: LT 2
 Arb: None
 PIN #: 142-5A221 324

ZONING LEGEND

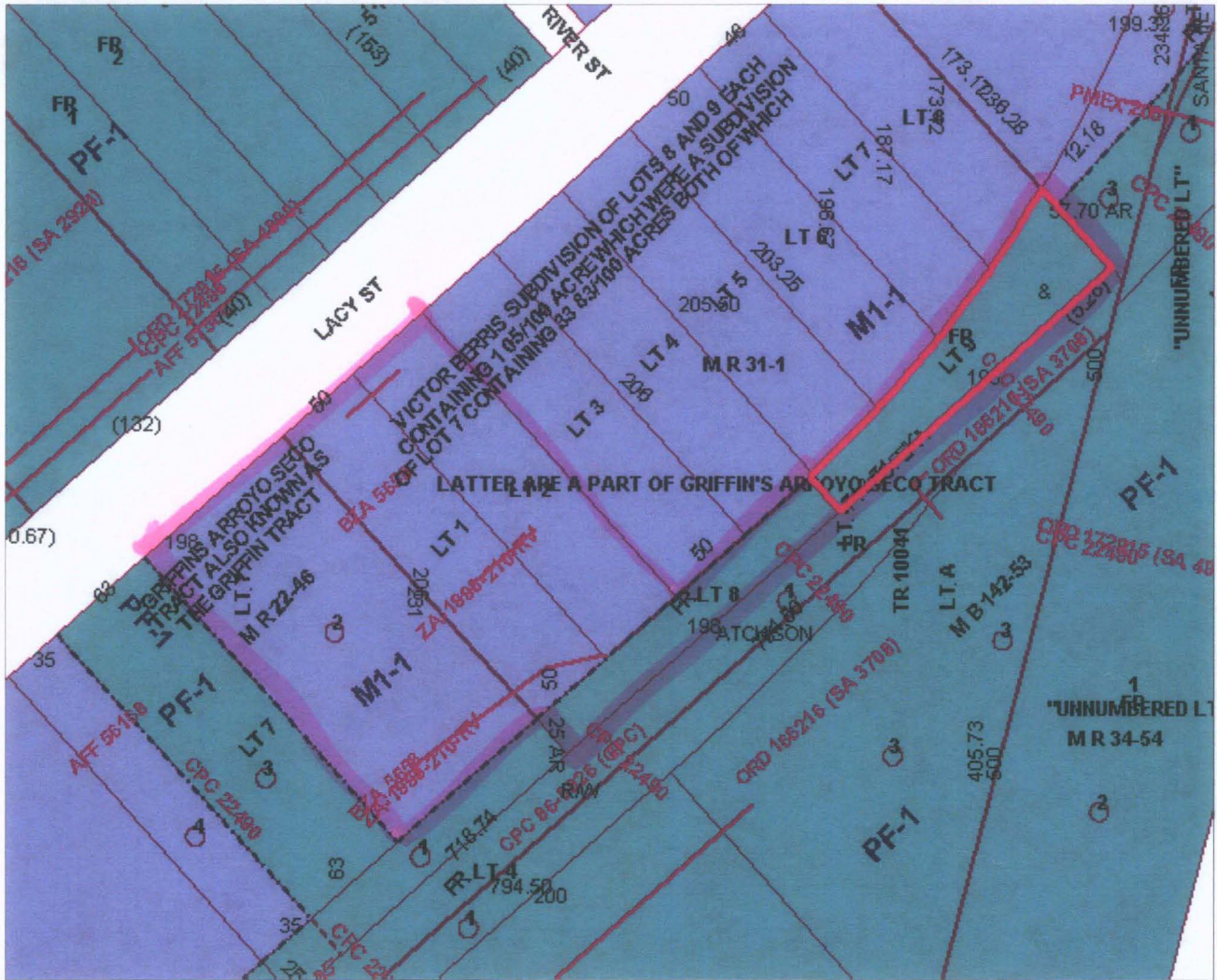
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- R2, RD, RMP, RW2, R3, R4, R5
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- CM, MR, CCS, M1, M2, M3, SL
- P, PB
- PF
- HILLSIDE



City of Los Angeles
 Department of City Planning

Scale: One Inch = 98 Feet
 Printed On: 3/31/03

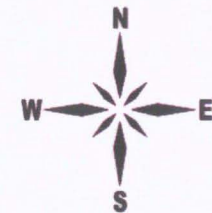
ZIMAS INTRANET



Address: None
 APN: 5205011900
 Tract: GRIFFIN'S ARROYO SECO TRACT A1
 Block: None
 Lot: FR LT 9
 Arb: None
 PIN #: 142-5A221 306

ZONING LEGEND

- OS
- A, RA
- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, R4, R5
- ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC
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City of Los Angeles
 Department of City Planning

Scale: One Inch = 98 Feet
 Printed On: 3/31/03



**City of Los Angeles
Department of City Planning**

Date: Mar 31, 2003 - 11:02 AM
PARCEL PROFILE REPORT

PROPERTY ADDRESSES

2664 N Lacy St
2662 N Lacy St

ZIP CODES

90031

CASE NUMBERS**Recent Activity**

Adaptive Reuse Incentive
Spec. Plan -ORD 175038

Cases

BZA-5658
CPC-1989-177-IPRO
ENV-2002-3492-CE
ORD-172316
ZA-1998-210-RV-PA1

Subdivision/PM

Data Not Available

Environmental

Data Not Available

GENERAL INFORMATION

PIN #: 142-5A221 324
Assessor Parcel Number: 5205011008
Area (Calculated): 10303.05735 (sq ft)
Thomas Brothers Map: PAGE 594 - GRID J6

PARCEL LEGAL DESCRIPTION

Tract: VICTOR BERRIS
SUBDIVISION OF LOTS 8
AND 9 EACH CONTAINING 1
05/100 ACRE WHICH WE
Map Reference: M R 31-1
Block: None
Lot: LT 2
Arb: None

ZONING INFORMATION

Mapsheet: 141A221
142-5A221
Community Plan Area: Northeast Los Angeles
Neighborhood Council: Arroyo
Lincoln Heights
Area Planning Commission: East Los Angeles
Council District: CD 1 - Ed P. Reyes
Census Tract: 1990.00
Zoning: M1-1
Zoning Information (ZI): ZI-1117 Metro Rail Project
ZI-1574 ICO-Northeast
ZI-2129 EZ-Eastside
ZI-2274 CPR-Northeast
General Plan Land Use: Limited Manufacturing
Specific Plan Area: Adaptive Reuse Incentive
Areas
Special Land Use/Zoning: None
Design Review Board: No
Historic Preservation Overlay Zone: None
Pedestrian Oriented District: None
Community Design Overlay: None
Community Redevelopment: None
Building Line: None

ADDITIONAL INFORMATION

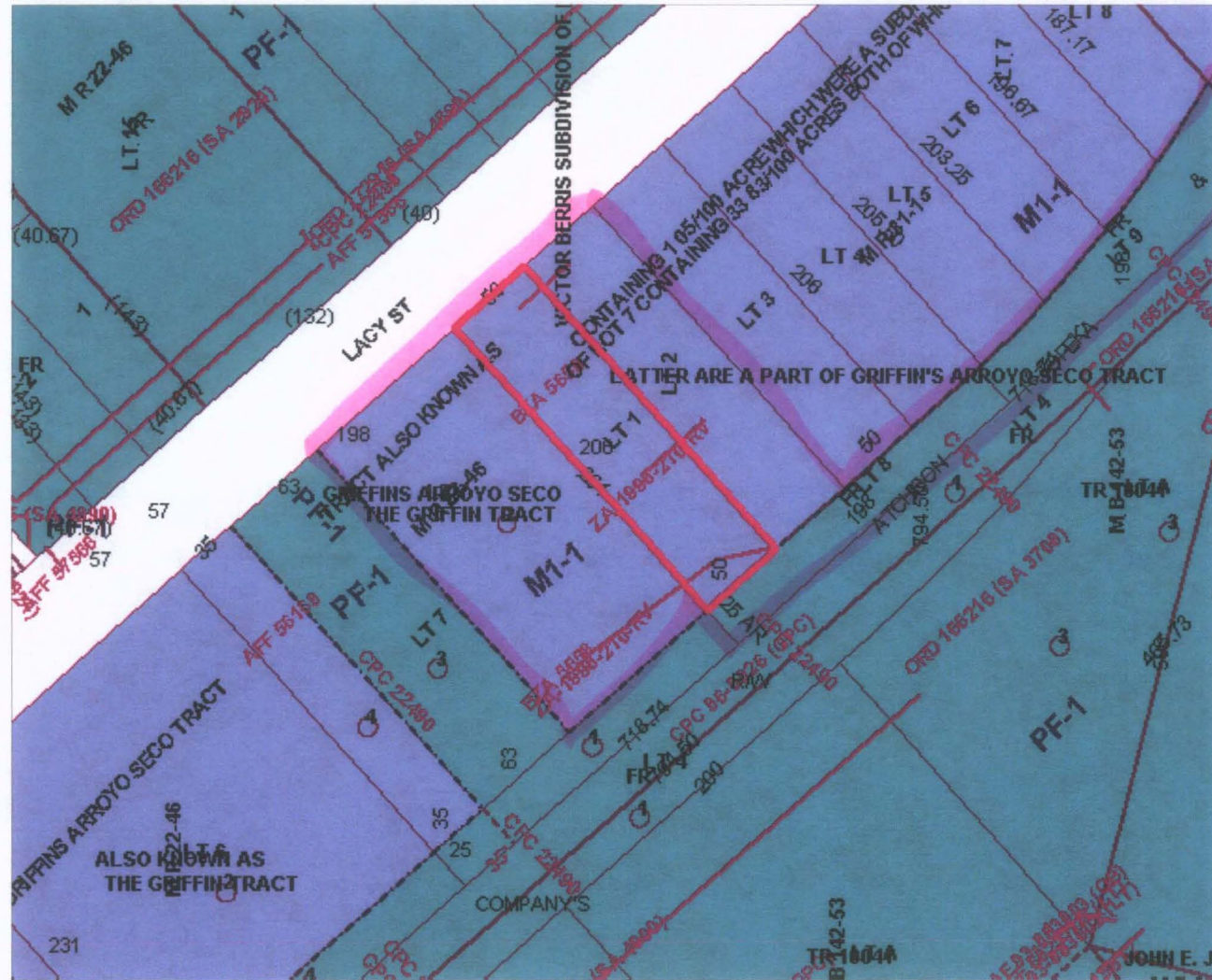
Airport Hazard: None
Building and Safety District Office: Los Angeles Metro
Central City Parking: No
Downtown Parking: No
Coastal Zone: None

Coastal Zone:	None
Farmland:	Area not Mapped
Fire Buffer Zone:	No
Mountain Fire District:	No
Very High Hazard Fire Zone:	No
Fire District No. 1:	No
Fire District No. 2:	YES
Flood Zone:	None
Hazardous Waste:	No
Methane Zone:	None
High Wind:	No
Hillside Grading:	No
Oil Wells:	None
Special Study Fault Zone:	No
Distance to Nearest Fault:	4.19031
Landslide:	No
Liquefaction:	YES

LUPAMS OWNER INFORMATION

Primary Owner:	JNM HUMBOLDT INVESTMENTS
Secondary Owner:	None
Mailing Address:	06711 E WASHINGTON BLVD E
City State Zip:	LOS ANGELES CA 90040
Parcel Area (Approx):	0.94 ac (40946.40 sq ft)
Last Owner Change:	10/23/95
Deed Reference #:	1711284

ZIMAS INTRANET



Address: 2660 N LACY ST
 APN: 5205011008
 Tract: VICTOR BERRIS SUBDIVISION OF L
 Block: None
 Lot: LT 1
 Arb: None
 PIN #: 142-5A221 333

ZONING LEGEND

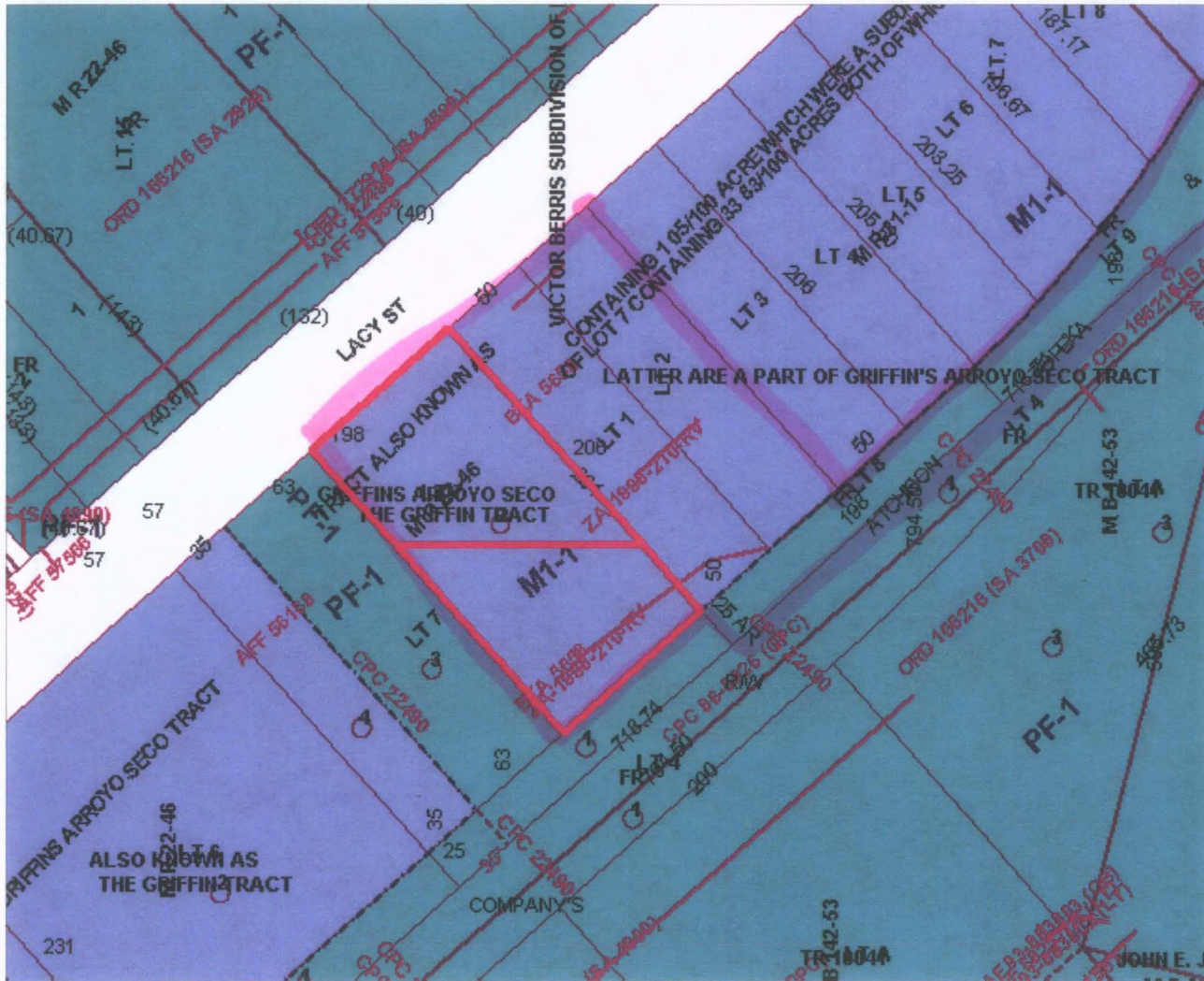
- OS
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- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, R4, R5
- ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC
- CM, MR, CCS, M1, M2, M3, SL
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- PF
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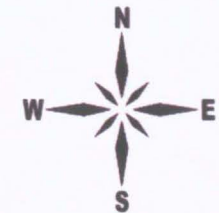
ZIMAS INTRANET



Address: None
 APN: 5205011008
 Tract: GRIFFIN ARROYO SECO TRACT A
 Block: None
 Lot: LT 7
 Arb: 2
 PIN #: 142-5A221 340

ZONING LEGEND

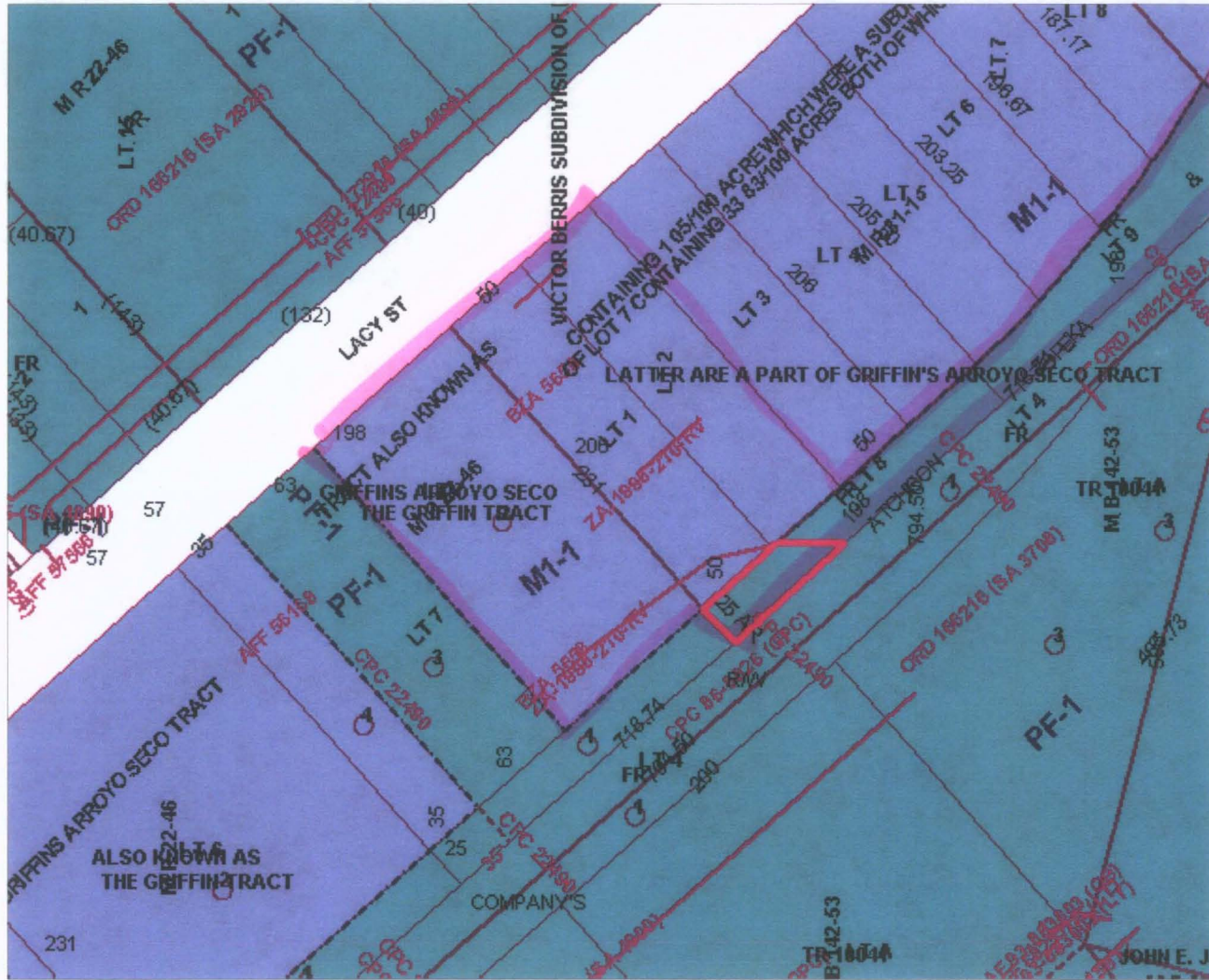
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- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, R4, R5
- ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC
- CM, MR, CCS, M1, M2, M3, SL
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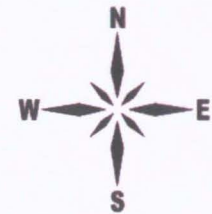
ZIMAS INTRANET



Address: None
 APN: 5205011900
 Tract: GRIFFIN'S ARROYO SECO TRACT A
 Block: None
 Lot: FR LT 8
 Arb: None
 PIN #: 142-5A221 344

ZONING LEGEND

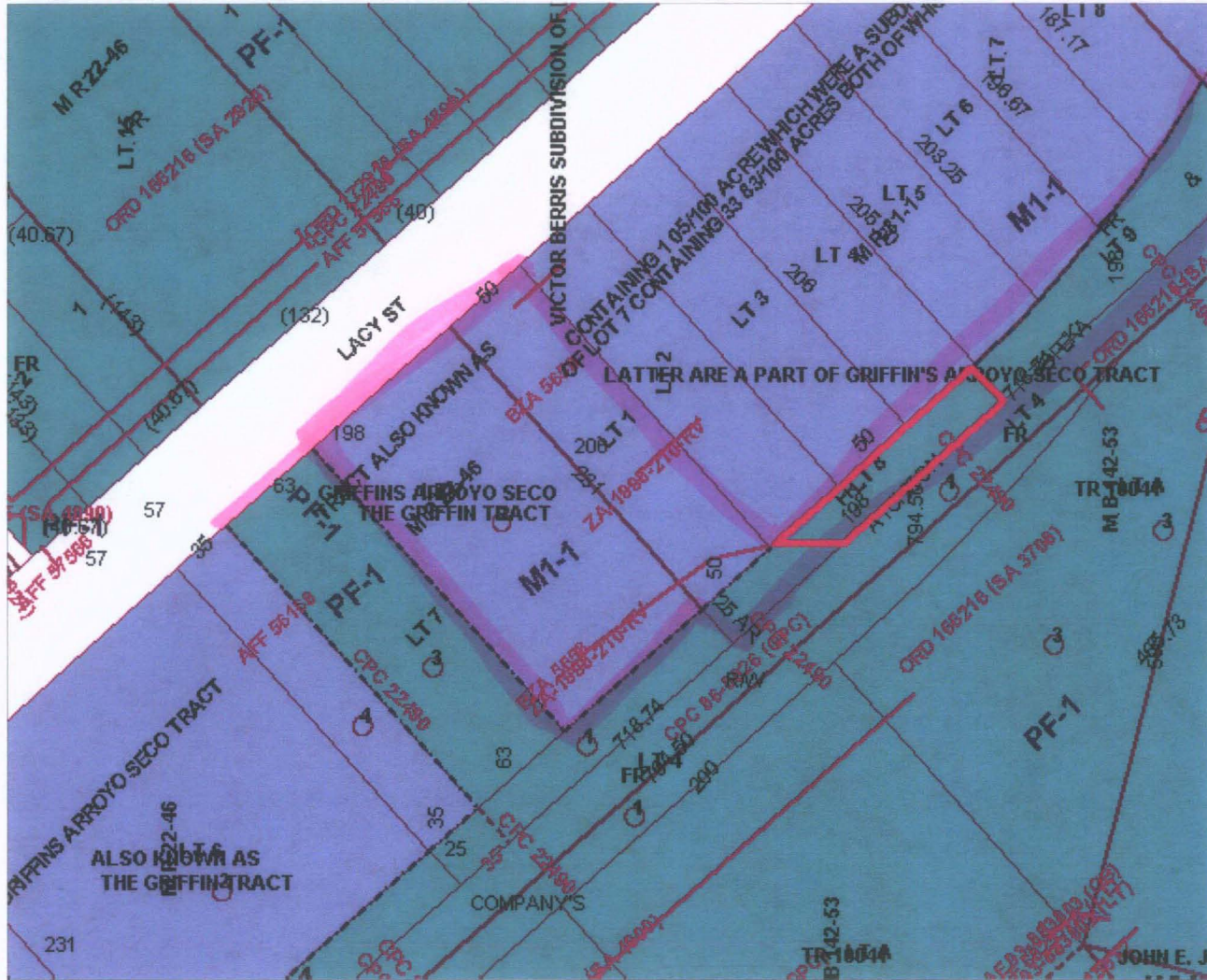
- OS
- A, RA
- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, R4, R5
- ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC
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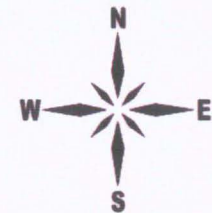
ZIMAS INTRANET



Address: None
 APN: 5205011900
 Tract: GRIFFINS ARROYO SECO TRACT A
 Block: None
 Lot: FR LT 8
 Arb: None
 PIN #: 142-5A221 344

ZONING LEGEND

- OS
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- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, R4, R5
- ADP, C1, C1.5, C2, C4, C5, CR, CW, LASED, WC
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City of Los Angeles
 Department of City Planning

Scale: One Inch = 98 Feet
 Printed On: 3/31/03

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

- R. NICOLAS BROWN
- ANIK CHARRON
- EMILY J. GABEL-LUDDY
- DANIEL GREEN
- LOURDES GREEN
- DAVID KABASHIMA
- ALBERT LANDINI
- JON PERICA
- SARAH RODGERS



JAMES K. HAHN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334

March 14, 2003

Kathy Mac Dannald, President (A)
Lacy Street Hospitality Services, Inc.
15423 East Valley Boulevard
City of Industry, CA 91746

JNM Humbolt Investment (O)
6711 East Washington Boulevard
Los Angeles, CA 90040

Robert B. Lamishaw (R)
JPL Zoning Services, Inc.
6257 Van Nuys Boulevard, Suite 101
Van Nuys, CA 91401

CASE NO. DIR 98-0210(RV)(PA1)
REVIEW OF CONDITIONS
2662 Lacy Street
Northeast Los Angeles Planning Area
Zone : M1-1 *and PFE-1*
D. M. : 142.5A221/141B221
C. D. : 1
CEQA : ENV 2002-3492-CE
Fish and Game: Exempt
Legal Description: Lot 7, Arb 2 of
Griffin's Arroyo Seco Tract and Lots
1 and 2 of Victor Berri's Subdivision
of Lots 8 and 9 of Griffin's Arroyo
Seco Tract

Department of Building and Safety

Pursuant to Section 12.27.1 of the Los Angeles Municipal Code and Condition 8, of the City Council action of April 14, 1999, I find that the operation of the Blue Zebra, an adult entertainment use, has substantially complied with the conditions as imposed by the City Council, and hereby APPROVE:

A modification of Condition No. 6, to expand the hours of operation to 11 a.m. to 2 a.m. Sunday through Wednesday, and 11 a.m. to 4 a.m. Thursday through Saturday.

A modification of Condition No. 19 to require a minimum of two uniformed and identifiable state licensed security guards be present on the premises at all times that the premise is open for business,

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. Within 30 days of the effective date of this determination the owner shall submit a plot plan showing the exterior layout of the premises including all buildings and parking areas together with a floor plan showing all interior areas of the cabaret. All interior partitions shall be shown in compliance with Condition No. 10 below.
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 in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. A copy of this action and all conditions shall be maintained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.
6. The hours of operation are limited to ~~6 p.m. to 2 a.m. seven days a week.~~ as follows:

Sunday through Wednesday 11 a.m. to 2 a.m.

Thursday through Saturday 11 a.m. to 4 a.m.

From the hours of 11 a.m. to 6 p.m., all patrons shall be required to park in the subject premise parking lot. Patrons parking off-site shall be denied entry on to the subject property and within the subject premise.

7. Pursuant to ~~LAMC Section 19.01-P,~~ the business owner shall reimburse the City for costs required to conduct and process the subject nuisance abatement action. ~~A check in the amount of \$2,000 shall be made payable to the City of Los Angeles and shall be paid no later than 30 days from the effective date of this action. (deleted March 2003)~~
8. No sooner than ~~90 days and no later than 120 days~~ nine months and no later than one year from the effective date of this action the owner of the Lacy Street Cabaret shall file a Plan Approval application with the Office of Zoning Administration and pay the applicable fee of \$523 and provide a mailing list of owners and occupants within a 500 foot radius of the facility. A public hearing shall be held pursuant to this application to determine the degree of compliance with the conditions contained herein and the effectiveness of the conditions, and whether additional more restrictive conditions, or fewer conditions need to be considered for the cabaret or whether the use should be revoked.

The applicant shall provide appropriate documentation to substantiate on-going compliance of the applicant with each of the conditions contained herein at the time of filing the Plan Approval Review application. (modified March 2003)

9. ~~Within 30 days of the effective date of this determination the~~ The owner of the subject property Lacy Street Cabaret shall file and record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator 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. (modified March 2003)
10. Except for offices, employee dressing areas and restroom facilities, no partitions or room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel. Any existing partitions or dividers not otherwise excepted by this condition shall be removed from the premises within 14 days of the effective date of this determination. An inspection by either the Department of Building and Safety or officers from the Hollenbeck Vice Unit shall be required to verify that all of the screening and partitions have been removed dismantled and taken away from the premises. Evidence of such inspection shall be provided to the Zoning Administrator by operator or by LAPD. Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises.

The over in height partitions with the port holes in the private and V.I.P. dance areas shall be removed immediately. (modified March 2003)
11. There shall be no booths or enclosed areas with dividers or partitions separating interior areas that are more than 48 inches in height. No partitions, fences or dividers shall be allowed to remain ~~(beyond the effective date of this action)~~ inside the premises that restrict the observation of patrons by law enforcement personnel.
12. The premises shall not be rented, leased, contracted for or otherwise used for private parties which exclude the general public. Private parties where admittance is allowed only from a list or similar screening system shall not be permitted on the premises.
13. There shall be no sale or dispensing of alcoholic beverages for consumption on the premises permitted at any time.
14. The owner/operator of the premises shall maintain a current record of all employees on the premises including hourly or salaried employees and all persons who work in any capacity on the premises. These records shall contain the employees name and address and length of employment. This information shall be made available to any law enforcement officer upon demand.
15. A copy of these conditions shall be maintained on the premises at all times and shall be made available to any law enforcement officer upon demand. All

employees shall read these conditions and shall be made familiar with these requirements upon being employed.

16. At least once a day at the time of opening, as needed, during the hours of operation and once at the time of closing, the parking lot area and the public right-of-way adjacent to the property shall be cleaned and all trash, cans, bottles and the like shall be collected and disposed of in a trash receptacle provided for that purpose on the subject property. (modified March 2003)
17. ~~Within 30 days of the effective date of this determination the owner shall complete any uncompleted sidewalk repairs adjacent to the subject property. (deleted March 2003)~~
18. The exterior of the premises shall be illuminated sufficiently so that law enforcement personnel shall be able to clearly see the exterior of the premises and any persons congregating on the exterior. The sufficiency of the lighting in meeting this condition shall be subject to the review of the Los Angeles Police Department and approval by the Zoning Administrator. This lighting shall include lighting of the area on the street side of the subject building. (modified March 2003)
19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a two bona fide, uniformed, state licensed security service guards to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the premise Lacy Street Cabaret is open for business and patron vehicles are present in the parking lot. This may be reduced to one security guard around the exterior and the other patrolling the interior during periods when there are no patron vehicles present in the parking lot. The security guard(s) on the exterior shall patrol the parking lot area behind the building and the area in front of the premise to enforce these conditions, especially to prohibit the consumption of alcoholic beverages, and discourage any illegal activities. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.

All security staff shall maintain valid State Guard Cards. The guards shall be dressed in such a manner as to be readily identifiable as security guards. The security guard uniforms shall display the word "Security" in bold letters at least 3 inches in height and shall include the display of the security guard's identification. (modified March 2003)

20. There shall be no consumption of alcoholic beverages permitted within the premises or in the parking lot area adjacent to the building. A sign indicating that the consumption of alcoholic beverages is not permitted shall be posted both in English and Spanish on the exterior of the building at the entrance, on the rear of the building in the parking lot and within the interior of the premises. The signs shall be a minimum of 24 X 24 inches in size and printed so as to be legible from

a reasonable distance within the building or within the parking area. Security guards shall monitor the parking lot and the street in front of the subject property and shall prohibit such consumption of alcoholic beverages. (modified March 2003)

21. Signage shall be limited to the following:

- An identification sign indicating the name of the premise and "Adult Cabaret".
- The address of the premise.
- Any signs required by these conditions. (Added March 2003)

The above modification and additions to the conditions do not affect nor change the previous findings and environmental action in this nuisance abatement process except as otherwise stated herein.

TRANSFERABILITY

This action 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 that you advise them regarding the conditions of this determination.

VIOLATIONS OF THESE CONDITIONS IS A MISDEMEANOR

It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council. Such violation or failure to comply shall constitute a violation of Chapter 1 of the Municipal Code and shall be subject to the same penalties as any other violation of such Chapter. (Section 12.27.1 of the Municipal Code)

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Section 11.00-M of the Municipal Code)

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after APRIL 1, 2003, 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. Such offices are located at:

Figueroa Plaza
201 North Figueroa Street, #300

6251 Van Nuys Boulevard
First Floor

Los Angeles, CA 90012
(213) 977-6083

Van Nuys, CA 91401
(818) 756-8596

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTICE

The public is further advised that all subsequent contact with this Office regarding this determination must be with the Zoning Administrator who acted on the 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 report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on January 13, 2003, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that there is cause for continuation of conditions based upon the provisions of Section 12.27.1 of the Municipal Code as established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped, interior parcel of land, consisting of approximately 0.95 acres (41,200 square feet), having a frontage of 200 feet on the east side of Lacy Street and a uniform depth of 206 feet. An approximately 7,000 square-foot, one-story industrial building with mezzanine and a color scheme of dark blue, and gray sits in the front (west) central portion of the site. The perimeter of the site is enclosed by an approximately 7-foot in height wrought iron fence and gate. A 34-space parking lot forms an L-shape around the south to east sides of the subject site. There is also a wireless telecommunications facility on a monopole and equipment cabinets located on the eastern portion of the site.

The zoning analyst conducted a site investigation on Friday December 20 at approximately 9:30 a.m. Additionally, City Planning and Building and Safety staff visited the establishment on Thursday, January 9, 2003, from approximately 9 p.m. to 10:30 p.m. The cabaret is entered at the subject building southwest corner. Customers proceed east along an approximate 15-foot hallway adjoining the building's south exterior wall to a cashier's booth. Price for entrance is \$10.00 plus a mandatory \$15.00 topless lap dance ticket for a total of \$25.00 entrance fee (ticket attached to file).

After an entry fee is paid, the customers proceed easterly through a gate and metal door into the main room of the cabaret. The main room is opened and permitted a maximum capacity of 149 persons.

The zoning analyst observations in relation to the submitted floor plan are as follows:

East Portion of Interior

Beginning with the east wall of the room, this wall is at the rear of the room, the floor is raised. Located on the eastern wall of the room are 11 stalls or booths with one chair in each. It is in these stalls that the lap dancing services occur.

North Portion of Interior

On the north wall, there are two to three additional stalls for lap dancing, a bar area for keeping drinks chilled (i.e., soft drinks, juices, drinking and sparking water. In an area beyond the north wall is are two restrooms: one for men and one for women. Also, along this wall is an Automated Teller Machine (ATM).

Western Portion of Interior

The west wall is the area from which a circular stage projects out to approximately the center of the room. To the left of the stage, is where the cabaret's dancers enter which staff believes is from a dressing room and a staging area before entering the stage through another door.

The rest of the room is fairly opened with the tables and stools, and chairs around the perimeter of the stage.

Furthermore, the music indoors was very loud and outside of the subject site it was not audible. Additionally, there was no loitering outside or in the parking lot of Animal Control west of the subject site.

Surrounding properties are within the MR1-1 and M1-1 Zones and are characterized by level topography and semi-improved streets. The surrounding properties are vacant and developed with one- and two-story industrial buildings and parking lots.

Adjoining properties to the north of Lacy Street are zoned MR1-1 and are developed with one-story industrial buildings and a parking lot occupied by an animal care and control center.

Adjoining properties to the south of the subject site are zoned M1-1 and are developed with two-story office buildings and industrial buildings, and parking lots occupied by a Los Angeles Department of Water and Power Distribution Center.

Adjoining properties to the east of the subject site are zoned M1-1 and are developed with one- and two-story industrial buildings and a parking lot occupied by fire equipment service facility.

Adjoining properties to the west of the subject site are zoned M1-1 and are developed with one- and two-story industrial and a parking lot occupied by Lacy Street Production Studios and fire extinguisher restoration business.

Lacy Street, adjoining the subject property to the northwest, is a Local Street dedicated a width of 57 feet and improved with curb, gutter and partial sidewalk.

Previous zoning related actions on the site include:

Subject Property:

Case No. ZA 98-0210(RV) - On October 19, 1998, the Zoning Administrator modified the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation.

Case No BZA 5668 - On December 15, 1998, the Zoning Administrator denied the operator's appeal and sustained the action of the Zoning Administrator.

Council File No. 99-0235 - The operator appealed the imposed conditions to the City Council. At the meeting of the City Council held April 14, 1999, the City Council denied the appeal and upheld the determination of the Zoning Administrator and the corrective conditions.

Permit No. 01016-1000-087 - Issued on May 15, 2002. Proposed tenant improvement - interior non-bearing partition (E) adult cabaret. (Non structural work).

Permit No. 96VN01942 - Issued on June 17, 1996, for Certificate of Occupancy for Adult Cabaret. No liquor to be served, add toilet rooms and platforms and stage. Restripe parking for 34 stalls.

Order to Comply No. H1239N - Issued on March 27, 1997, requiring removal of illegal roof banner.

Certificate of Occupancy - Issued on July 22, 1997, corresponding to Permit No. 96VN01942 to convert a 5,898 square foot portion of a 13,455 square foot manufacturing/office to manufacturing/office and adult cabaret. No liquor to be served.

Nearest Schools

There are three schools in the vicinity of the subject site, however, none of them are within a 500-foot radius of the site. The school's names, and addresses are:

1. Florence Nightingale Middle School, 3311 North Figueroa Street, Los Angeles 90065. (Approximately 1,300 feet from subject property)

2. Hillside Elementary School, 120 East Avenue 35, Los Angeles, 90031. (Approximately 1,700 feet from subject property)
3. Loretto Street Elementary School, 3408 Arroyo Seco Avenue, Los Angeles 90065. (Approximately 1,000 feet from subject property)

PUBLIC HEARING

The purpose of the hearing was to obtain testimony of the owner of the subject property and business plus affected and/or interested persons regarding the operation of the "Blue Zebra an adult entertainment use. The public hearing for this revocation plan approval was held on January 13, 2003. The Zoning Administrator briefly described the subject matter of the public hearing and indicated that the purpose of the hearing was to determine compliance with conditions and the effectiveness of the conditions in eliminating nuisance activities:

The Councilman of the district commented as follows:

- He has personally observed empty alcoholic beverage containers and trash in the morning at approximately 7 a.m. Those items are apparently left over from the previous night.
- This is a clear cut violation.
- He recommends that the modification requests be denied as they would exacerbate impacts and violations would become worse.
- The expansion of hours would result in more loitering and prostitution.
- The operator may be violating the condition regarding the limitations on partitions. The City needs to make sure there is nothing which inhibit the sight lines and provide concealment of illegal activities.
- The presence of uniformed security is critical in the exterior areas of the subject property.
- The animal shelter across the street and that fact that this is a school route make it necessary to deter lewd activity.
- Given the manipulation of conditions, he has no confidence in giving them any discretion.
- For the future of the children in the area, he recommends keeping the conditions intact.

The representative of the operator commented as follows:

- Out of the twenty conditions, they are requesting the modification of only two of them.
- The conduct resulting in nuisances here was back in 1997 under a different business.
- That business was closed in 2000.
- The present operator, his client, leased the property and opened in 2002.
- From a constitutional aspect, none of these should have any impacts on his client.
- The Blue Zebra has sought to be a good citizen.

- There are going to be very strong feelings, but the opposition to adult entertainment in a zone it is permitted is misplaced.
- They are in compliance with the conditions imposed.
- The issue of the recent esthetic partitions which do not in any material way interfere with law enforcement visibility.
- At a permit hearing before the Police Commission, an 800 complaint number was made available to the public and also sent to the Council Office. No calls have been received relative to any observable violation except for a few heckling calls.
- Relative to the parking lot debris, club personnel remove trash around 2 a.m.
- The location is immaculate, no graffiti and the signage has been approved.
- The homeless in the area appear to be the source of liquor bottles and cans.
- The security guards are instructed to prohibit drinking and drugs in the parking area.
- They video taped the location throughout the day and saw very little pedestrian traffic pass the subject property location.
- Relative to the contention that children are often at the animal shelter, they found that there are few classes and field trips there and that the children are supervised at all times and not brought outside to view the animals.
- They average only about 60 patrons per day and are struggling financially.
- They want to expand the operation to as late as 4 a.m. on Friday, Saturday and Sunday and want to open at 11 a.m. for the lunch business.
- If there are four patrons per hour, the modification would not be a significant change to the conditions.
- The club has maintained two security guards and want to maintain the condition to require two, but they want to hire them directly and manage them instead of contracting with an outside security service. This would be more economical and would assure the operator that the security guards are trained for their specific operation.

A representative of the Los Angeles Police Department, the Senior Lead Officer for that area commented as follows:

- He observed trash on September 29, 2002, at 5:50 a.m. consisting of 5 beer bottles and 5 beer cans.
- On October 20, 2002 at 4:50 a.m., he noted four beer cans and a switch blade knife.
- Between January of 2002 and January of 2003 they note three incidents consisting of a drug possession, battery and an assault with a deadly weapon.
- There is a lack of graffiti at the subject property.
- They have had no complaints about transients on the vacant lot next door.
- He doesn't think transients are the source of trash.
- He is opposed to the changes in the hours because the Lacy Street bridge is a student route by here and has been a trouble spot.
- There are volunteers who watch out for the students at that location.
- From the perspective of impact on students, they are okay with the 4 a.m. time of closing.
- They would prefer two security guards at all times.

Persons opposed to the present operation commented as follows:

- The reasons for the conditions have not changed.
- Because of the high use of the bridge, the City has widened the pedestrian access there.
- With the Los Angeles Police Department's already strained resources, the proposed expansion of hours would further strain them.
- He notes 52 incidents of violations.
- One security officer is not adequate.
- There is a need for two security officers as the back area is out of view.
- Persons cruising after 2 a.m. look undesirable.
- The pocket park nearby is not well utilized due to the Blue Zebra.
- He doesn't trust security which would be directly controlled by the Blue Zebra.
- They need two security guards to control rowdy patrons.
- He has heard of girls going out to the parking area to their cars.
- He knows of one minor who has been there and thinks he was solicited.
- She used to volunteer at the Nightingale Middle School and indicates that 500 kids walk on Avenue 26 close to the subject property.
- There are after school activities there so some of the children leave at 6 p.m. and on Saturdays.
- The kids in middle school with hormones raging are susceptible to places like the Blue Zebra.
- When the Blue Zebra got their certificate of occupancy, they had walls no more than 48 inches; now there are partitions with portholes making it difficult to see in there.
- Many times there is only one security guard. Maybe one guard is on break or lunch. This is why they need at least two.
- Mr. Weston, at the Police Commission hearing, made a big point of their code of conduct.
- He has witnessed patrons passing bottles in the parking lot.
- Only the parking area is well lit. The street is poorly lit.
- Because of its location, the Blue Zebra becomes an undesirable signature site for the community.
- From 2 a.m. to 4 a.m., the Blue Zebra would pick up people full of alcohol.
- He is suspicious of ownership control of the security.
- All the ministers are against this.
- Last night from 7 to 9 p.m. there was lots of traffic.
- He thinks more security is needed.
- He heard of solicitations by prostitutes there.
- There is not much pedestrian activity there.
- This use pulls the wrong element into the area.

A representative of Supervisor Molina commented as follows:

- They are trying to encourage community and family life.
- They are opposed to the changes in the hours of operation and the security guards.

The operator's representative responded to the comments as follows:

- He acknowledges that the feelings about adult entertainment are not wrong.
- He is troubled about the comments that there is no communication of the problems as there have been no calls to the hotline or to him, personally.
- Had there been any complains, he would have sought to resolve them.
- The vast bulk of violations have been about beer cans along the street.
- May accept a condition to clean up on the street.
- They have met the alcoholic prohibition condition.
- The lighting was approved by the Los Angeles Police Department.
- The company runs an adult entertainment business and does not want minors to be there; they do not permit underage persons.
- This company is entitled to make a profit consistent with normal zoning laws.
- The increased hours are not unreasonable.
- The modification would result in the exact same security guards.
- He believes there is one exterior camera.
- He can submit a copy of their Code of Conduct.

The representative of the Los Angeles Police Department commented as follows:

- The Los Angeles Police Department cannot enforce a private code of conduct.
- They still want uniformed security guards inside and outside the premises.
- They want more than one security guard outside.
- They have received complaints about persons drinking outside.
- Extending the hours of operation during the day time is not desirable.
- He does "see the purpose of operating until 4 a.m.
- This facility is operating within normal hours for such a facility so they don't want to change it.

The operator's representative again responded as follows:

- Normally, in the City of Los Angeles, there is no requirement for a licensed security guard.
- As late as 4 a.m. is normal because there is no alcoholic beverage license permitted here.
- The uniform of the guards would be a lanyard with their identification and a windbreaker with the word 'security'.

At the close of the public hearing, the Zoning Administrator indicated that the matter would be taken under advisement and that the record would be held open for at least a month. The Zoning Administrator indicated that any additional information would be welcome.

Subsequent to the public hearing approximately 25 letters in opposition to the modifications were received with the points of opposition similar to those of the public hearing. Additional reports have been received relative to alcohol containers in the subject premise parking lot and on the adjacent street, of confrontations between

protestors monitoring the subject operation and the premise employees, patrons and security guards and the lack of the security guards at the exterior the property.

The operator's attorney also reiterated many of the points he made at the public hearing. Additionally, the following comments were submitted:

- Increasing the hours of operation will increase the time when they are on-site to combat trash and litter.
- They currently have video camera surveillance of portions of the exterior area and would add video camera surveillance to include any additional areas of the parking lot which are deemed appropriate.
- They observed pedestrians passing the subject property for three days and observed 29 minor pedestrians. Approximately, one-third of those passed the location prior to the request modified opening time and nearly. About half of the total were reported between 4 p.m. and 5 p.m.
- They would offer to have one of its two security guards stationed at the front entrance with full view of Lacy Street between 4 p.m. and 5 p.m. on days when school is open during the afternoon hours.

On October 19, 1998, the Zoning Administrator imposed conditions on the continued operation of the former Lacy Street Cabaret, in order to mitigate adverse impacts caused by its operation. Such impacts were determined to be a public nuisance. On December 15, 1998, the Board of Zoning Appeals denied an appeal filed by the operator, sustaining the Zoning Administrator. The operator appealed the imposed conditions to the City Council. At the meeting of the City Council held April 14, 1999, the City Council denied the appeal and upheld the determination of the Zoning Administrator and the corrective conditions and the Mayor concurred on April 26, 1999. Condition No. 8 of the determination requires the business operator to file a Plan Approval between 90 and 100 days of the effective date of the City Council action. The Plan Approval review application was filed, for Review of Conditions, on June 19, 2002.

In addition to complying with the mandatory review, the applicant requested modification of two conditions: Condition No. 6, which states the hours of operation are limited to 6 p.m. to 2 a.m. seven days a week; to hours of operation are limited to 11 a.m. to 2 a.m. Sunday through Wednesday, and 11 a.m. to 4 a.m. Thursday through Saturday. Condition No. 19 which states "within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator", to be modified as; a minimum of two appropriately dressed and identifiable state licensed security guards shall be present on the premises at all times that the Blue Zebra Cabaret is open for business.

AUTHORITY:

The Director of Planning, through the Office of Zoning Administration, has the authority to revoke the use or impose conditions on the operation of the existing business as an adult cabaret under Section 12.27.1 (land use impacts caused by any use), of the Los Angeles Municipal Code.

The Director of Planning may modify or eliminate the conditions of a prior administrative nuisance abatement decision pursuant to Section 12.27.1-D of the Los Angeles Municipal Code subject to the following two findings:

- At least one year has passed from the date the conditions were originally imposed; or that there have been substantial changes in the nature and operation of the use; or, if there has been a change in circumstances such that the continued enforcement of the previously imposed conditions is no longer reasonable or necessary.
- Due consideration has been given to the effects of the modification on surrounding properties.

STATUS OF CONDITIONS AND MODIFICATION DISCUSSION

The numbers here coincide with the condition numbers in the City Council's action (CF No. 99-0235). The conditions and compliance with those conditions were researched in the file and observed in the field by the zoning analyst on Thursday, January 9, 2003, 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.

Zoning Analyst Comment: Zoning Administrator's discretion.

Zoning Administrator Comment: There appears to be compliance with other applicable government regulations.

2. Within 30 days of the effective date of this determination the owner shall submit a plot plan showing the exterior layout of the premises including all buildings and parking areas together with a floor plan showing all interior areas of the cabaret. All interior partitions shall be shown in compliance with Condition No. 10 below.

Zoning Analyst Comment: Zoning Administrator's discretion.

Zoning Administrator Comment: Except for the subsequent construction of the unauthorized partition with the portholes, this condition has been satisfied.

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.

Zoning Analyst Comment: Zoning Administrator's discretion.

4. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

Zoning Analyst Comment: No graffiti was observed during the field inspection.

5. A copy of this action and all conditions shall be maintained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.

Zoning Analyst Comment: This condition was verified by Los Angeles Police Department's Organized Crime And Vice Division on Tuesday, January 7, 2003.

6. The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week.

Zoning Analyst Comment: The applicant claims they are in compliance with the condition.

Zoning Administrator Comment: The operator appears to comply with these hours. Though not directly in violation, there was public comment of patrons loitering at the subject property after closing time.

The operator has requested an expansion of the hours of operation to the following:

- Sunday to Wednesday 11 a.m. to 2 a.m.
- Thursday to Saturday 11 a.m. to 4 a.m.

The operator indicates that the present hours of operation severely impacts their ability to make a reasonable profit. They also indicate that the condition was imposed to address the nuisance activities of the predecessor operator almost five years ago. The present operation has not created a nuisance and this restriction is no longer necessary to eliminate nuisance activities. The operator has indicated that seven to thirteen children passed by the subject property from 11 a.m. to 5 p.m. during a survey of daytime pedestrian traffic by the subject property. Inasmuch as nearly half of the daily pedestrian traffic occurs between the hours of 4 p.m. to 5 p.m., the operator indicates that one of its two security guards could be stationed at the front entrance with full view of Lacy Street between 4 p.m. and 5 p.m. The operator also indicates that other land uses in the area are not open during the hours between 2 a.m. and 4 a.m. Thursday through Saturday and would not, therefore, be impacted.

Much of the public testimony is opposed to the expansion of hours, particularly, during the day when children are either coming home from school or visiting the animal shelter across the street. The extent of children in this particular area during the day could not be established from public testimony. The operator indicates that pedestrian traffic is very light and has conducted a three day survey of the area. The operator also indicates that there are very few scheduled events for children at the animal shelter and that they do not involve children on the outside the animal shelter or unsupervised.

The Zoning Administrator notes that the appearance of the premises is clean, the signage is tasteful and the overall appearance is attractive for the area and that no adverse impacts are apparent should children pass the site during the hours of operation. In order to assure that the low profile appearance remains the same a signage condition has been added as Condition No. 21.

There is a potential problem that patrons parked outside the subject property could interact with children passing the site. Considering the daylight hours, limited number of patrons expected and the limited number of children passing by this site, there is not likely to be such a problem. However, in liberalizing the hours of operation during the day time, it would be prudent to limit patron entry to only those that park on the subject site parking lot. This would assure that all patrons would be under scrutiny of the required state licensed security guards during the day time expanded hours of operation and preclude any impacts on pedestrians and other land uses in the area.

This condition was imposed during the nuisance abatement process in 1999. It has clearly been over a year since the imposition of the condition. As noted above, due consideration has been given to the affects of this modification on surrounding properties and with the additional requirement for patron parking on-site no impacts are expected due to the daytime expansion of hours. During the late night or early morning expansion of hours no adjacent uses appear to be in operation and should not be impacted.

7. Pursuant to LAMC Section 19.01-P, the business owner shall reimburse the City for costs required to conduct and process the subject nuisance abatement action. A check in the amount of \$2,000 shall be made payable to the City of Los Angeles and shall be paid no later than 30 days from the effective date of this action.

Zoning Analyst Comment: The full amount was paid in full on January 3, 2002.

Zoning Administrator Comment: This condition is no longer needed and should be deleted.

8. No sooner than 90 days and no later than 120 days from the effective date of this action the owner of the Lacy Street Cabaret shall file a Plan Approval application with the Office of Zoning Administration and pay the applicable fee of \$523 and provide a mailing list of owners and occupants within a 500 foot radius

of the facility. A public hearing shall be held pursuant to this application to determine the degree of compliance with the conditions contained herein and the effectiveness of the conditions, and whether additional more restrictive conditions, or fewer conditions need to be considered for the cabaret or whether the use should be revoked.

Zoning Analyst Comment: The application for a Plan Approval review was filed on June 19, 2002; a public hearing is scheduled for January 13, 2003.

Zoning Administrator Comment: As there have been two substantial modifications and several minor modifications another plan approval has been required in order to assess the changes and to verify continued compliance to the conditions.

9. Within 30 days of the effective date of this determination the owner of the Lacy Street Cabaret shall file and record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Zoning Analyst Comment: The Covenant and Agreement binding the conditions to the land was filed on February 27, 2002.

10. Except for offices, employee dressing areas and restroom facilities, no partitions or room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel. Any existing partitions or dividers not otherwise excepted by this condition shall be removed from the premises within 14 days of the effective date of this determination. An inspection by either the Department of Building and Safety or officers from the Hollenbeck Vice Unit shall be required to verify that all of the screening and partitions have been removed dismantled and taken away from the premises. Evidence of such inspection shall be provided to the Zoning Administrator by operator or by LAPD. Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises.

Zoning Analyst Comment: There were partitions in the private and V.I.P. dance areas with port holes approximately 3 feet in diameter. No evidence of inspection from the Department of Building and Safety or officers from the Hollenbeck Vice Unit has been submitted to the file. However, there is a February 12, 2002, letter from the Police Commission granting a Café Entertainment and Shows-Adult permit, attached to file.

Zoning Administrator Comment: The partitions are not in compliance with this condition and should be removed as it does obscure law enforcement visibility of

the lap dance area and would serve to encourage illegal activities in that area. These partitions were not indicated on the plans approved by the Zoning Administrator on January 9, 2002, for issuance of building permits.

11. There shall be no booths or enclosed areas with dividers or partitions separating interior areas that are more than 48 inches in height. No partitions, fences or dividers shall be allowed to remain (beyond the effective date of this action) inside the premises that restrict the observation of patrons by law enforcement personnel.

Zoning Analyst Comment: Again, there were partitions in the lap dance areas with port holes approximately 3 feet in diameter. Staff was seated along the southern wall and later at the stage observing the business and entertainment operations. When patrons went into the booths for the lap dance, staff's observations was restricted due to the darkness and the partitions, therefore; any observations made by law enforcement could be hindered.

Zoning Administrator Comment: See comment on Condition No. 10.

12. The premises shall not be rented, leased, contracted for or otherwise used for private parties which exclude the general public. Private parties where admittance is allowed only from a list or similar screening system shall not be permitted on the premises.

Zoning Analyst Comment: Planning staff could not verify.

13. There shall be no sale or dispensing of alcoholic beverages for consumption on the premises permitted at any time.

Zoning Analyst Comment: No sales of alcohol was observed during site analysis.

14. The owner/operator of the premises shall maintain a current record of all employees on the premises including hourly or salaried employees and all persons who work in any capacity on the premises. These records shall contain the employees name and address and length of employment. This information shall be made available to any law enforcement officer upon demand.

Zoning Analyst Comment: This condition was verified by Los Angeles Police Department's Organized Crime And Vice Division on Tuesday, January 7, 2003.

15. A copy of these conditions shall be maintained on the premises at all times and shall be made available to any law enforcement officer upon demand. All employees shall read these conditions and shall be made familiar with these requirements upon being employed.

Zoning Analyst Comment: This condition was verified by Los Angeles Police Department's Organized Crime And Vice Division on Tuesday, January 7, 2003.

16. At least once a day the parking lot area and the public right-of-way adjacent to the property shall be cleaned and all trash, cans, bottles and the like shall be collected and disposed of in a trash receptacle provided for that purpose on the subject property.

Zoning Analyst Comment: The site was clean and clear of trash and debris.

Zoning Administrator Comment: During the Zoning Administrator visits to the site minor litter was noted on the subject property. However, public testimony, Council office testimony and Los Angeles Police Department testimony indicates empty alcoholic beverage containers on the subject property parking lot and on the street adjacent to the subject property. This suggests consumption of alcoholic beverages at the subject parking lot and on the street adjacent to the subject property by patrons of the premise and a violation of Condition No. 20.

Considering that there is still a problem of trash on the subject property and the adjacent street, this condition needs to specifically require trash cleanup at the beginning of the business operation, during the hours of operation and at the end of the hours of operation.

17. Within 30 days of the effective date of this determination the owner shall complete any uncompleted sidewalk repairs adjacent to the subject property.

Zoning Analyst Comment: The sidewalk was in good condition and showed no sign of disrepair.

Zoning Administrator Comment: This condition is no longer needed and should be deleted.

18. The exterior of the premises shall be illuminated sufficiently so that law enforcement personnel shall be able to clearly see the exterior of the premises and any persons congregating on the exterior. The sufficiency of the lighting in meeting this condition shall be subject to the review of the Los Angeles Police Department and approval by the Zoning Administrator.

Zoning Analyst Comment: During the evening investigation the subject site parking area and sidewalk was well illuminated so that any persons congregating on the exterior could clearly be seen.

Zoning Administrator Comment: Public testimony indicates concern that the security light on the street side of the building are not turned on during the night. This condition is modified to clarify that the lights on the street side of the subject building should be turned on during the night time hours. The lights in the front are intended to eliminate any illegal activity by patrons in front of the subject property.

19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.

Zoning Analyst Comment: A letter dated February 25, 2002, is attached to the file with a contract that stating that the security provider is Southwest Patrol Inc. license No. PPQ 12297. Staff observed two security personnel on the premises and they wave a wand for weapons before entering the establishment.

Zoning Administrator Comment: The operator has requested a modification of this condition so that they can have more flexibility in how the security is utilized and can employ the security directly rather than through a service. They maintain that maintaining two security personnel on the exterior of the property when there is no activity outside is an inefficient use of security personnel and also indicate that directly hiring the security guards would be less expensive. They also indicate that the uniforms now required creates a menacing atmosphere easily remedied by altering their attire and propose a more informal uniform.

As long as the operator provides state licensed security guards, whether through an outside service or as "in house" security does not seem significant. It is important, however, that security guards be posted on and patrol the outside at all times during the hours of operation when there patrons present in the parking lot. During periods when there are no patrons in the parking lot, two security guards would appear to be an excessive requirement.

Public testimony indicates that there may be a problem as a portion of the parking lot is not visible from the street and cannot be monitored unless someone goes to the rear of the building. Empty alcoholic beverage containers left on the subject property parking lot and on the street adjacent to the subject property suggest a problem of patrons consuming alcoholic beverages at the subject property. This type of nuisance activity can best be eliminated by the constant patrolling of the parking lot and the area in front of the subject premise by security personnel. Security personnel should be instructed to discourage the consumption of alcoholic beverages in the area by patrons of the subject premise.

The Zoning Administrator agrees that the standard security guard uniform is not necessary for any nuisance abatement purposes and does appear convey the message that patrons are not welcome at that business. It is not the intent of the nuisance abatement proceedings to hamper the ability to conduct a viable business. The alternative uniforms proposed by the operator reasonably identify security personnel and are less intimidating than the standard guard uniforms.

The modification of this condition does not reduce the ability of the security guards to patrol the exterior of the subject property nor to enforce these nuisance abatement conditions.

This condition was also imposed during the nuisance abatement process in 1999. It has clearly been over a year since the imposition of the condition. As noted above, due consideration has been given to the affects of this modification on surrounding properties and with the maintenance of outside patrols by a security guard and more specifics relative to their duties, the change in uniforms and the direct employment should not affect the adjacent land uses as the security guards are still required.

20. There shall be no consumption of alcoholic beverages permitted within the premises or in the parking lot area adjacent to the building. A sign indicating that the consumption of alcoholic beverages is not permitted shall be posted both in English and Spanish on the exterior of the building in the parking lot and within the interior of the premises. The signs shall be a minimum of 24 X 24 inches in size and printed so as to be legible from a reasonable distance within the building or within the parking area.

Zoning Analyst Comment: No consumption of alcohol was observed at the time of the site investigation; staff informed the representative to submit photos of all signage at the public hearing.

Zoning Administrator Comment: Security personnel should be instructed to enforce this requirement. Public testimony alleges that security personnel encourage such consumption of alcoholic beverages. If this is actually occurring on a continual basis, it would result in public drinking. This would be interpreted as an unwillingness of the operator to eliminate a nuisance and is grounds for discontinuance of this use.

It is also apparent from the public comments that many in the community do not want this use in their community. The concerns that this use is bad for the image of the area, that it taints the community and youth and that it is immoral are understandable. The typical residential community does not want this type of use. However, the nuisance abatement process is not intended as a way to eliminate unwanted uses. In this case, the zoning and location permits this use by right, without any additional entitlements. The nuisance abatement process should only address the nuisance aspects of this use.

The review of the conditions, the public testimony and field investigations indicate that this new operator is substantially in compliance with the nuisance abatement conditions imposed at this location. There are areas of noncompliance relating to litter, security guard presence and the construction of over height partitions. These are correctable and have not, at this point, become problematic. Continued violation of the conditions, however, could result in closure of the subject business. In order for the continued abatement of nuisances the conditions imposed in 1999 continue to be applied, except

as noted. As there have been two substantial modifications and several minor modifications another plan approval has been required in order to assess the changes and to verify continued compliance to the conditions.

CON HOWE
Director of Planning



DAVID KABASHIMA
Associate Zoning Administrator
Direct Telephone No. (213) 978-1312

DK:Imc

- cc: Councilmember Ed Reyes
First District
Adjoining Property Owners
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Matt Kellerman, Code Enforcement Section
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Ad Hoc Committee For Safe Children

P.O. Box 501039, Los Angeles, California 90050

Phone/Fax (323) 223-8673

March 28, 2003

City Planning Department
Figueroa Plaza
201 North Figueroa Street, #300
Los Angeles, California 90012

RE: Appeal of ZA Case No. DIR 98-0210(RV)(PAI)

Dear Sirs:

We are appealing the Zoning Administrator's modification of Condition 6 and of Condition 19 imposed on the premises of the Blue Zebra as of City Council action of April 14, 1999, pursuant to Section 12.27.1 of the Los Angeles Municipal Code. We feel the Zoning Administrator erred and the community has been aggrieved by the Zoning Administrator in not fully considering the full and overwhelming weight of evidence submitted by Councilman Ed Reyes, Supervisor Gloria Molina, Assemblywoman Jackie Goldberg, the Los Angeles Police Department and the approximately 25 community organizations and neighbors, including the Ad Hoc Committee for Safe Children.

We also feel that the Zoning Administrator is clearly biased toward the operators of the Blue Zebra Adult Cabaret. He even includes in his report a statement by Mr. John Weston, the legal representative of the Blue Zebra, that states "they average 60 patrons per day and are struggling financially." The Zoning Administrator's responsibility is to administer the Planning Code and not to be concerned about assisting the Blue Zebra with respect to its financial condition.

The evidence submitted clearly indicates that the operators of the Blue Zebra were not in substantial compliance as reported on the Zoning Administrator's report dated March 14, 2003. Evidence submitted to the Zoning Administrator documented at least 52 individual instances with over 100 violations beginning in February of 2002, when the current operator of the Blue Zebra began business operations. In addition, as evidence of the operator's contempt for the Conditions imposed by the former Zoning Administrator, the current Zoning Administrator ordered that the over in height partitions with the portholes be removed immediately under condition 10. The operator was in compliance with the original condition 10 when they opened for business. This is no longer the case. Condition 10 was imposed because "no partitions or

room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel...Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises." Contrary to the Zoning Administrator's report, this clearly indicates a lack of willingness to comply with the existing conditions imposed by the former Zoning Administrator.

As of April 14, 1999, the Zoning Administrator imposed the operating hours of 6 a.m. to 2 a.m., seven days a week and acknowledges the following:

- (1) Lacy Street is the primary route to the bridge over the Arroyo Seco and the Pasadena Freeway that separates the 1,158 students (referred to as "limited number" on page 16) who live in Lincoln Heights and attend Florence Nightingale Middle School located directly across the freeway.
- (2) There are additional students from Lincoln Heights who attend Loreto Street Elementary School directly adjacent to the bridge on the other side of the freeway
- (3) There are two parochial schools, Divine Savior in Cypress Park and Sacred Heart in Lincoln Heights which were not included in the March 14, 2003 report, and
- (4) The North Central Animal Shelter of the Los Angeles Department of Animal Services is located directly across the street and does hold after school and Saturday on site classes as well as serving the public during the normal workday.

Acknowledging these facts and adopting the rationale to limit the possible negative impacts between patrons of the Blue Zebra, the school children, neighboring businesses and community members, the former Zoning Administrator imposed operating hours of 6 p.m. to 2 a.m. His reasoning was that by 6 p.m., most of the school children, people working in adjacent industrial companies and the public going to the Animal Shelter have left the area and possible negative impact would be minimal. This also lessens the strain on the already strained resources of the Los Angeles Police Department. The factors contributing to the former Zoning Administrator's premise have not changed, whatsoever.

The proposed solutions given to justify the 11:00 a.m. opening clearly is unreasonable and unenforceable. The March 14, 2003, report indicates that all patrons from 11 a.m. to 6 p.m. would be required to park in the premise parking lot. Patrons parking off site would be denied entry to the Blue Zebra. This is clearly unenforceable by the City agencies since the public street is neither metered or posted with restrictions. Any enforcement would be entirely up to the security guards employed by the Blue Zebra operators. Clearly there would be no effective way, for the City to monitor or enforce this condition.

The report also indicates that with the expanded hours, two security guards would be present to monitor any negative impacts between patrons, community members and neighbors. This does not represent the true situation at the Blue Zebra. One security guard must be present at the front door at all times to monitor and electronically wand all incoming patrons for safety and security. The other security guard is required to monitor patrons inside the business and also patrol the parking lot as necessary.

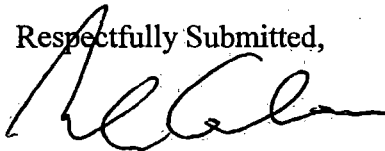
Clearly it is unlikely the two security guards would be available to monitor and view patrons impacts on the passing school children, community members and neighbors. The current Zoning Administrator acknowledges that there is a negative impact on the community by requesting that the Blue Zebra not allow entry to patrons who park offsite.

The community had requested a minimum of three security guards at all times the business is open to address the basic safety and security concerns. These are: (1) Monitor and electronically wand all incoming patrons; (2) Monitor and patrol patrons inside the premises; and (3) Monitor the patrons parked in the L-shaped parking lot. Now the Zoning Administrator would impose additional burdens on those two security guards, that of monitoring any negative impacts between patrons and community and neighbors and also monitor patrons for illegal consumption of alcoholic beverages by "constant patrol of the parking lot and the area in front of the premises". On page 20 of the Zoning Administrator's report, he writes "This type of nuisance activity can best be eliminated by the constant patrolling of the parking lot and the area in front of the subject premise by security personnel." This clearly mandates the minimum requirement for three security guards.

Given the record of consistent multiple violations of current conditions, the community is concerned about "in house" security. Blue Zebra is **not a good neighbor** and its record clearly indicates contempt for the City and community. The current Zoning Administrator dismisses these concerns as "not significant". The community does not agree.

The current Zoning Administrator is inconsistent with regards to Condition 19. He requires a minimum of two security guards be present at all times the Blue Zebra is open for business yet on page 19 he included the following sentence in his report. "During periods when there are no patrons in the parking lot, two security guards would appear to be an excessive requirement." This appears to be a further example of the current Zoning Administrator's concern for the financial situation of the Blue Zebra. This again is not/should not be an issue of the Planning Code and as such the Zoning Administrator has clearly overreached his jurisdiction.

Respectfully Submitted,



Michael E. Lee
Chairman, Ad Hoc Committee for Safe Children

March 14, 2003 ZA Report Errors

Page	ZA Report Statement	Page	ZA Supporting Statement	Disregarded Submitted Evidence
1	"substantially complied with the conditions"		none	submitted statements and materials showing that on 52 different occasions over 100 violations of conditions occurred. Eyewitness statements by Councilman Ed Reyes and presentation of evidence by LAPD Senior Lead Officer Richard Rodriguez.
7	"there was no loitering outside or in parking lot of Animal Control west of subject site."	6	report of city planning visit of Thursday, January 9, 2003, from approximately 9 pm to 10:30 pm	submitted statement of violations stated numerous occasions of loitering and illegal parking in Animal Control parking lot
14	Zoning Administrator "Except for the subsequent construction of the unauthorized partition with the portholes, this condition has been satisfied"			Conditions 2, 10 & 11 were violated. Page 18 Zoning Administrator "These partitions were not indicated on the plans approved by the Zoning Administrator on January 9, 2002, for issuance of building permits." There is no evidence of further permits pulled.
15	Conditions imposed to address the nuisance activities of the previous operator almost five years ago.	8	"The operator appealed the imposed conditions to the City Council. At the meeting of the City Council held April 14, 1999, the City Council denied the appeal and upheld the determination of the Zoning Administrator and the corrective conditions."	The previous operator closed in September of 2000. The twenty conditions became effective 3 years and 9 months before the January 13, 2003 hearing.
16	Zoning Administrator "The extent of children in this particular area during the day could not be established from public testimony."	11	Former volunteer at the Nightingale Middle School indicates that 500 kids walk on Ave 26 close to the subject property.	Letter submitted by Nightingale Middle School Principal states that 1,158 students of the student body live in the Lincoln Heights area. This is only one of the five schools in the area. Two parochial schools Divine Savior and Sacred Heart were not even listed.
16	"The operator indicates that pedestrian traffic is very light and has conducted a three day survey of the area."	13	Operator Attorney "They observed pedestrians passing the subject property for three days and observed 29 minor pedestrians.	Video taping was done by the operator on a day when Nightingale Middle School was not in session.

16	"The operator also indicates that there are very few scheduled events for children at the animal shelter and that they do not involve children outside the animal shelter or unsupervised."	13	The operators attorney found that there are few classes and field trips to the animal shelter and that children are supervised at all times.	The operator secured information on classes from the Animal Shelter personnel over the phone. The Animal Shelter only provides the facilities, the attorney's office did not contact the LAUSD, which is the agency that conducts the classes. The attorney needed only to visit the LAUSD website to view the program description and class schedule.
17	Zoning Administrator Comment "The partitions are not in compliance"	10	Operator Representative "The issue of the recent esthetic partitions which do not in any material way interfere with law enforcement visibility"	Page 17 Zoning Analyst comment "No evidence of inspection from the Dept of Building and Safety or Officers from the Hollenbeck Vice Unit has been submitted to the file." Hollenbeck Vice observed the location on January 7, 2003, and informed the Zoning Analyst of violation prior to Zoning Analyst's site visit on January 9, 2003. Hollenbeck Vice's report faxed to the Planning Department on January 10, 2003. Zoning Administrator "These partitions are not in compliance"
	CONCLUSION			The conditions can be divided into two basic categories. One category of a single action. Such as submit a plot plan and pay fees. Conditions 1,2,3,5,7,8,9,10,14 and 17 are single action categories. Of these 10 the Blue Zebra violated conditions 2 and 10 with the instillation of the partitions without proper authority and clearance. The remaining 10 conditions 4,6,11,12,13,15,16,18,19 and 20 are ongoing conditions. Of these, conditions 4,11, 16,18 and 20 were repeatedly violated. in conclusion of the single action conditions 2 of 10 conditions violated. Of the 10 ongoing conditions 5 of 10 conditions were violated. 35% Violation rate overall and a 50% violation rate for ongoing conditions.

**Report Log of On-site Violations
through February 17, 2003
Noted by Community**

No#	Date	Description	Condition(s) Violated	Witness(es)
	year 2002			
1	20-Feb	Gun confiscated from Security Guard	Quality of Security Guards, 19	LAPD
2	27-Feb	Gang incident in Street	Type of people this sort of establishment attracts	Lacy Street Animal Shelter Staff
3	2-Mar	Reported break-in at 2645 Lacy St	Type of people this sort of establishment attracts	Protesters
4	6-Mar	LA Weekly Ad illegal operating hours, Street Security lights left off	Fraud, 18	Protesters
5	30-Mar	Empty beer cans along street fronting Club	13, 16	Protesters
6	10-Apr	Empty beer cans along street fronting Club	13, 16	Protesters
7	13-Apr	Empty beer cans along street fronting Club	13, 16	Protesters
8	19-Apr	Empty beer cans along street fronting Club	13, 16	Protesters
9	19-Apr	Large gathering at Club, illegal parking in city parking lot. Street Security lights left off	Illegal parking, 18	LAFD, Parking Enforcement, Protesters
10	20-Apr	Spotlight shown on Freeway, Street Security lights left off	Safety Hazard, 18	Protesters
11	26-Apr	Car leaving Club tosses out beer Bottle, Street Security lights left off	16, 18	Protesters
12	28-Jun	Patrons still in parking lot at 2:27am, Club sign left on. Street Security lights left off	6, 18	Protesters
13	11-Jul	Empty beer cans along street fronting Club	13, 16	Protesters
14	13-Jul	Security Guard tries to intimidate Protesters, Street Security lights left off	Quality of Security Guards, 18, 19	LAPD, Protesters
15	18-Jul	Empty beer cans along street fronting Club	13, 16	Protesters
16	19-Jul	Empty beer cans along street fronting Club, Street Security lights left off	13, 16, 18	Protesters
17	20-Jul	Empty beer cans along street fronting Club, Street Security lights left off	13, 16, 18	Protesters

No#	Date	Description	Condition(s) Violated	Witness(es)
	year 2002			
18	21-Jul	Empty beer cans along street fronting Club	13, 16	Protesters
19	22-Jul	Empty beer cans along street fronting Club	13, 16	Protesters
20	22-Jul	Empty Beer Bottle in parking lot of Blue Zebra	13, 16	Protesters
21	10-Aug	Empty beer cans along street fronting Club	13, 16	Protesters
22	10-Aug	Patrons verbally abusive, Lewd Conduct, Street Security lights left off	Type of people this sort of establishment attracts, Lewd Conduct, 18	Protesters
23	11-Aug	Obliviously drunk Patrons allowed into Club, Street Security lights left off.	Drunk in Public, 18	Protesters
24	19-Aug	Empty Beer Bottle in parking lot of Blue Zebra	13, 16	LAPD, Protesters
25	20-Aug	Empty beer cans along street fronting Club	13, 16	Protesters
26	31-Aug	Empty beer cans along street fronting Club	13, 16	Protesters
27	2-Sep	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
28	7-Sep	<u>Councilman Reyes</u> views empty liquor bottles in parking lot of Blue Zebra	13, 16	Councilman Protesters
29	29-Sep	LAPD SLO Rodriguez collected liquor containers at location. Empty Liquor containers in parking lot of Blue Zebra.	13, 16	LAPD, Protesters
30	6-Oct	Empty beer cans along street fronting Club	13, 16	Protesters
31	10-Oct	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
32	11-Oct	Empty liquor containers in street rear door	13, 16	Protesters
33	11-Oct	Patrons accuse dancer of soliciting, Street Security lights left off	Soliciting, 18	LAPD, Protesters
34	12-Oct	Empty liquor containers in street rear door, Street Security lights left off	13, 16, 18	LAPD, Protesters
35	13-Oct	Empty Liquor containers in parking lot of Blue Zebra, empty liquor containers in street rear door, empty liquor containers in parking lot of adjacent business, empty liquor containers along street of Club	13, 16	Protesters
36	20-Oct	LAPD SLO Rodriguez collected liquor containers and weapon at location. Empty Liquor containers in parking lot of Blue Zebra.	13, 16	LAPD, Protesters

No#	Date	Description	Condition(s) Violated	Witness(es)
	year 2002			
37	20-Oct	Viewed 3 patrons passing a beer bottle among themselves at the far outside corner of the Blue Zebra building, in full view of Security Guards. No action taken by Security for over 20 minutes. Street security lights left off.	Quality of Security Guards, 16, 18, 19	Protesters
38	25-Oct	Empty beer cans along street fronting Club.	13, 16	Protesters
39	27-Oct	Empty beer cans along street fronting Club	13, 16	Protesters
40	28-Oct	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
41	12-Nov	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
42	15-Nov	Dancer exposes her chest, Street Security lights left off	Lewd Conduct, 18	Protesters
43	19-Nov	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
44	24-Nov	Viewed patrons drinking in parking lot of Blue Zebra, Street Security lights left off	16, 18	Protesters
45	25-Nov	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
46	9-Dec	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
47	15-Dec	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
48	26-Dec	Empty beer cans along street fronting Club	13, 16	Protesters
	year 2003			
49	2-Jan	Observed Single Security Guard for 35 minutes. Street Security lights left off	18, 19	Protesters
50	6-Jan	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
51	6-Jan	Observed Single Security Guard for 55 minutes. Street Security lights left off.	18, 19	Protesters
52	10-Jan	Observed Single Security Guard for 1 Hr. Street Security lights left off	18, 19	Protesters
53	17-Jan	Empty Liquor containers in parking lot of Blue Zebra. Street Security lights left off	13,16,18	Protesters
54	19-Jan	Observed Single Security Guard for 35 minutes.	19	Protesters
55	24-Jan	Observed Patrons Loitering after Closing Time at entrance of Blue Zebra for 35 minutes. Street Security lights off.	6, 18	Protesters
56	31-Jan	Empty beer cans along street fronting Club	13, 16	Protesters
57	2-Feb	Empty beer cans along street fronting Club	13, 16	Protesters

No#	Date	Description	Condition(s) Violated	Witness(es)
	year 2003			
58	10-Feb	Empty Liquor containers in parking lot of Blue Zebra. Street Security lights left off	13,16,18	Protesters
59	14-Feb	Empty Liquor containers in parking lot of Blue Zebra. Street Security lights left off	13,16,18	Protesters
60	17-Feb	Empty beer cans along street fronting Club	13,16	Protesters
	16-Feb	Act of <u>intimidation</u> on protestors by patron immediately after exiting club parking lot. License plate of patron available upon request.		Protesters
	16-Feb	Act of <u>intimidation</u> on protestors by patron sent by club security. Patron acknowledged security encouraged his actions. Told protestors "don't mess with (the) club, (the) club won't mess with you". Upon leaving the protestors, the patron went back to the club security to apparently make a report. Patron then left the area.		Protesters
		* Protestors have not seen street side security lights on when protesting or when driving by the area after dark.	18	
		* The requirement for a minimum of two security guards for exterior patrol during business hours has been consistently violated over the past year.	19	

200 N. SPRING STREET
CITY HALL, ROOM 410,
LOS ANGELES, CA 90012
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(213) 485-8907 FAX



DISTRICT OFFICE
163 S. AVE. 24
ROOM 202
LOS ANGELES, CA 90031
(213) 485-0763 PHONE
(213) 485-8908 FAX

ED P. REYES
Councilmember, First District

February 11, 2003

Mr. David Kabashima
Associate Zoning Administrator
Office of Zoning Administration
200 North Spring Street, Room 700
Los Angeles, California 90012

**RE: CASE NO. DIR 98-0210(RV)(PA), Lacy Street Hospitality Services, Inc.
2662 Lacy Street**

Dear Mr. Kabashima:

I am submitting this letter to reiterate my comments made at the January 13th public hearing as well as to respond to Mr. Weston's, the applicants representative, characterization of the Lincoln Heights Industrial community and neighborhood.

In 2001, the community, LAPD, LAUSD, and my office, worked to widen the Lacy Street Walkway, clean the area over the freeway, and put additional lighting and mirrors to make it safer for Lincoln Heights students attending Nightingale Middle School. (According to Nightingale Vice Principal, George Shafer, there are 1158 Lincoln Heights students currently attending Nightingale.) In addition, there is a continuing partnership with parents and community members monitoring the Lacy Street Walkway and bridge under the supervision of the LAPD and LAUSD. This is being done during the peak pedestrian traffic hours immediately before and after school.

The City and community worked together to dedicate the Lacy Street Neighborhood Park in the summer of 2001. This is a pocket park and is directly across the street from the Avenue 26 Gold Line Station, which will open in July of this year.

The Industrial District BID continues to cleanup the community including Lacy Street. For years, my office has diligently been working to improving the Lacy Street area.

Since the issuance of the Building and Safety permit to Lacy Street Hospitality Services, Inc., partitions in the lap dance areas with portholes have been constructed that clearly violate the 48 inch maximum height mandated noted in Condition No.11.

In the Planning Department staff report dated January 10, 2003, the following observation was stated: Condition No. 11 comment, "When patrons went into the booths for the lap dance, staff's observations was restricted due to the darkness and the partitions, therefore; any observations made by law enforcement could be hindered."

The hours of operation under Condition No. 6 should not be modified. Mr. Weston's video was taken midday on a Friday when Nightingale Middle School was not in session. In addition, the classes for the elementary schools had not released their students from class.

The improvements to the Lacy Street Walkway, and the continuing LAPD surveillance, point to the main reason that Condition No. 6 was originally enacted. At 6 p.m., the majority of the students and parents have passed the site and the majority of the families and public using the animal shelter, nearby businesses, and neighborhood park have left the area. The ROP animal classes are currently scheduled to be held on Saturday between 9:00 a.m. and 3:00 p.m. at the North Central Animal Shelter, directly across the street from the Blue Zebra. The new session begins this month.

Due to the configuration of the "L" shaped parking lot as well as the continuing alcohol, trash and debris violations, there should be a minimum of 3 (three) security guards on site at all times. One guard should be required to be posted at the door at all times to electronically wand and monitor incoming and outgoing customers. Because of the ever-increasing need to monitor the problems on the parking lot, the second guard should be required to be on exterior patrol at all times. Having three guards at all times would allow one guard to be free to monitor the inside of the cabaret and augment exterior patrol as needed. This would also allow sufficient staff to be on hand during emergency situations and staffing during breaks and meals.

Due to the applicants lack of compliance with the current conditions, I am very concerned about allowing them to hire their own security employees. I am particularly concerned with their request to be able to place these security employees where they think best. Outside security firms must operate at a professional standard to maintain a relationship with the city agencies as well as the Police department.

During Mr. Weston's reciting of the specifics of Condition No. 13, he omitted the word "consumption". During LAPD Vice Officer Caldera's testimony, he stated that when working in an undercover capacity, the security guards told him that alcohol cannot be taken in the club so he should drink in the parking lot and then come in. The condition specifically prohibits the "sale and dispensing of alcoholic beverages for consumption on premises at any time." In addition, Condition No. 20 states, "there shall be no consumption of alcoholic beverages permitted on the premises or in the parking lot area adjacent to the building."

When the Lacy Street Hospitality Services, Inc., initially had their outdoor lighting checked by the LAPD, they were in compliance. Since that time, the Blue Line Construction Authority has constructed a permanent sound wall which blocks the ambient lighting which light part of the rear of their lot. In the process, it created a permanent "dark" area in the parking lot which I do not believe the LAPD has signed off as adequate for the site.

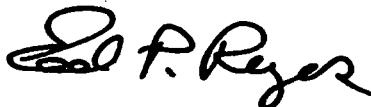
In regards to the interpretation of the "exterior" lighting in Condition No. 18, the LAPD signed off on the lighting in the parking lot as being in compliance, however the condition stated "sufficient exterior lighting so that law enforcement can clearly see the exterior of the premises and any persons congregating on the exterior" which includes the front street side lighting which has never been turned on. The Blue Zebra has not been in compliance.

In conclusion, due to the lack of compliance by the current applicant, we are requesting modifications to the existing conditions as follows:

- 1) The addition of a mandatory third security guard in Condition No. 18.
- 2) The addition of a mandatory 6 month review by the Zoning Administrator.
- 3) Quarterly Building and Safety inspection of the site beginning March 2003 to check for compliance with the conditions per the Zoning Administrator and Building and Safety Permit with notification sent to the Council Office.

Should you have any questions regarding this matter, please contact Ralph Avila of my staff at (213) 485-3451.

Sincerely,



ED P. REYES,
Councilmember First District

EPR/ees

No#	Date	Description	Condition(s) Violated	Witness(es)
53	17-Jan	Empty Liquor containers in parking lot of Blue Zebra. Street Security lights left off	13,16,18	Protesters
54	19-Jan	Observed Single Security Guard for 35 minutes.	19	Protesters
55	24-Jan	Observed Patrons Loitering after Closing Time at entrance of Blue Zebra for 35 minutes. Street Security lights off.	6,18	Protesters
56	31-Jan	Empty beer cans along street fronting Club	13,16	Protesters
57	2-Feb	Empty beer cans along street fronting Club	13,16	Protesters
58	10-Feb	Empty Liquor containers in parking lot of Blue Zebra. Street Security lights left off	13,16,18	Protesters
		* Protestors have not seen street side security lights on when protesting or when driving by the area after dark.	18	
		* The requirement for a minimum of two security guards for exterior patrol during business hours has been consistently violated over the past year.	19	



**BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES**

856 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012 / (213) 974-4111

GLORIA MOLINA
SUPERVISOR, FIRST DISTRICT

January 10, 2003

Ms. Anaik Charron, Zoning Administrator
Office of Zoning Administration
City of Los Angeles
200 North Spring Street, 7th Floor
Los Angeles, California 90012

Re: Lacy Street Hospitality Services, Inc. Case #DIR 98-0210 (RV) (PA)
(Hearing January 13, 2003) 2662 Lacy Street, "Blue Zebra" adult cabaret

Dear Ms. Charron:

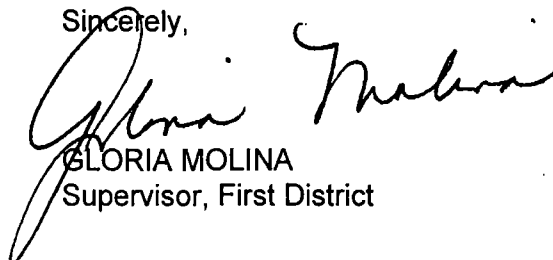
I am writing to express my opposition to the Lacy Street Hospitality Services, Incorporated's (Applicant) request to modify the conditions under which it currently operates as an adult entertainment venue.

I am particularly concerned about the request to modify the hours of operation (Condition #6) to extend them to additional hours of the day and early morning hours. This condition is an important part of limiting the negative impact of its operation on the numerous children who must utilize Lacy Street and the freeway bridge to walk to and from the area's schools. The current operating hours of 6:00 p.m. to 2:00 a.m. are much more suitable for this type of establishment.

Of additional concern is the applicant's request to modify the required security patrol. Currently, a minimum of two bona fide, uniformed, state licensed security guards to patrol the exterior of the premises are required. I am concerned that changing this to a minimum of two appropriately dressed and identifiable state licensed security guards to be present at all times, seeks to relax the standards and purpose of the security team. I have heard reports from residents that the required exterior patrols do not occur on a consistent basis and that the required maintenance and trash pick up conditions are not consistently enforced.

Accordingly, I ask that you give serious consideration to denying the applicant's request for modification of the current conditions.

Sincerely,


GLORIA MOLINA
Supervisor, First District

GM/sm

STATE OF CALIFORNIA
COMMITTEES:
APPROPRIATIONS
BUDGET
EDUCATION
HEALTH
PUBLIC SAFETY
WATER, PARKS AND WILDLIFE
SELECT COMMITTEES:
ENTERTAINMENT AND THE ARTS, CHAIR
COMPTON UNIFIED SCHOOL DISTRICT
LOW PERFORMING SCHOOLS
JOINT LEGISLATIVE BUDGET COMMITTEE

STATE CAPITOL
EST. 1849
Assembly
California Legislature

JACKIE GOLDBERG
ASSEMBLYMEMBER, FORTY-FIFTH DISTRICT
ASSISTANT MAJORITY WHIP

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0045
(916) 319-2045
FAX (916) 319-2145
 DISTRICT OFFICE
106 NORTH AVENUE 56
LOS ANGELES, CA 90042
(323) 258-0450
FAX (323) 258-3807

January 10, 2003

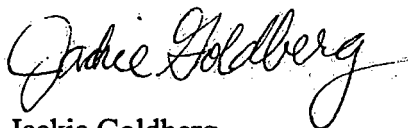
Los Angeles City Hall
Office of Zoning Administration
200 North Spring Street, 7th Floor
Los Angeles, CA 90012

Dear Zoning Administrator,

Nightingale Middle School, Loretto and Hillside Elementary Schools are within a few blocks of the Blue Zebra Adult Entertainment business located at 2662 Lacy Street in the Lincoln Heights/Cypress Park area of Los Angeles.

Since this area has so many children walking to and from school it is important that the hours of operation be upheld, 6pm through 2am, and that licensed and bonded security be required so that they can enforce the no alcoholic beverage on the site conditions.

Sincerely,



Jackie Goldberg
Assemblymember, 45th District





Ad Hoc Committee For Safe Children

P.O. Box 501039, Los Angeles, California 90050

Phone/Fax (323) 223-8673

January 12, 2003

Office of Zoning Administration
200 North Spring Street, 7th Floor
Los Angeles, CA 90012

CASE No. DIR 98-0210 (RV) (PA)
APPLICANT: LACY STREET HOSPITALITY SERVICES, INC.

Dear Zoning Administrator:

We are the community members who have been monitoring the business activities of the Blue Zebra Adult Cabaret since it opened last year. We adamantly oppose the requested modifications of the two Conditions which regulate the hours of operation and the minimum requirements for state licensed and uniformed security guards at the premises.

With regard to the requested modification of Condition 6, the conditions under which the Zoning Administrator imposed the restricted business hours have not changed. Lacy Street is still the primary route for school students to cross the freeway bridge that leads to Nightingale Middle School, Loreto Street Elementary School and Hillside Elementary School. The Regional Occupational Program Center of the L.A.U.S.D. continues to hold its animal care classes at the North Central Animal Shelter, located directly across the street from the Cabaret. The Los Angeles Police Department continues to monitor the site, burdening its already over strained resources.

Presently, Condition 19 regulates the minimum of two security guards at the site and mandates exterior patrol of the premises. The attached schedule details fifty two instances where multiple Conditions imposed by the Zoning Administration were violated over the last year. These violations include empty beer cans, illegal parking in the city parking lot of the Animal Shelter, patrons in parking lot after the restricted business hours, verbal abuse of the community by patrons of the Cabaret and security guards intimidating the protesters across the street from the Cabaret. During our months of protesting, we have noticed a continual lack of the required number of security guards for long periods of time during business hours and lack of any regular

patrol of the parking lot at the premises.

For the above reasons, we oppose the requested modifications to Conditions 6 and 19 and not only more City agency enforcement but that these conditions be placed permanently on the site. All of the above clearly indicates to the community that the current operators have no intention of working to become a good neighbor and view both the community and the City with contempt.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Lee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael E. Lee, Chair
Ad Hoc Committee for Safe Children

Atch: Ad Hoc Committee list of Violations

No#	Date	Description	Condition(s) Violated	Witness(es)
	year 2002			
1	20-Feb	Gun confiscated from Security Guard	Quality of Security Guards, 19	LAPD
2	27-Feb	Gang incident in Street	Type of people this sort of establishment attracts	Lacy Street Animal Shelter Staff
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18	21-Jul	Empty beer cans along street fronting Club	13, 16	Protesters
19	22-Jul	Empty beer cans along street fronting Club	13, 16	Protesters
20	22-Jul	Empty Beer Bottle in parking lot of Blue Zebra	13, 16	Protesters
21	10-Aug	Empty beer cans along street fronting Club	13, 16	Protesters

No#	Date	Description	Condition(s) Violated	Witness(es)
	year 2002			
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24	19-Aug	Empty Beer Bottle in parking lot of Blue Zebra	13, 16	Protesters
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30	6-Oct	Empty beer cans along street fronting Club	13, 16	Protesters
31	10-Oct	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
32	11-Oct	Empty liquor containers in street rear door	13, 16	Protesters LAPD,
33	11-Oct	Patrons accuse dancer of soliciting, Street Security lights left off	Soliciting, 18	Protesters
34	12-Oct	Empty liquor containers in street rear door, Street Security lights left off	13, 16, 18	LAPD, Protesters
35	13-Oct	Empty Liquor containers in parking lot of Blue Zebra, empty liquor containers in street rear door, empty liquor containers in parking lot of adjacent business, empty liquor containers along street of Club	13, 16	Protesters
36	20-Oct	LAPD SLO Rodriguez collected liquor containers and weapon at location. Empty Liquor containers in parking lot of Blue Zebra.	13, 16	LAPD, Protesters
37	20-Oct	Viewed 3 patrons passing a beer bottle among themselves at the far outside corner of the Blue Zebra building, in full view of Security Guards. No action taken by Security for over 20 minutes. Street security lights left off.	Quality of Security Guards, 16, 18, 19	Protesters
38	25-Oct	Empty beer cans along street fronting Club	13, 16	Protesters

No#	Date	Description	Condition(s) Violated	Witness(es)
	year 2002			
39	27-Oct	Empty beer cans along street fronting Club	13, 16	Protesters
40	28-Oct	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
41	12-Nov	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
42	15-Nov	Dancer exposes her chest, Street Security lights left off	Lewd Conduct, 18	Protesters
43	19-Nov	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
44	24-Nov	Viewed patrons drinking in parking lot of Blue Zebra, Street Security lights left off	16, 18	Protesters
45	25-Nov	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
46	9-Dec	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
47	15-Dec	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
48	26-Dec	Empty beer cans along street fronting Club	13, 16	Protesters
	year 2003			
49	2-Jan	Observed Single Security Guard for 35 minutes. Street Security lights left off	18, 19	Protesters
50	6-Jan	Empty Liquor containers in parking lot of Blue Zebra	13, 16	Protesters
51	6-Jan	Observed Single Security Guard for 55 minutes. Street Security lights left off.	18, 19	Protesters
52	10-Jan	Observed Single Security Guard for 1 Hr. Street Security lights left off	18, 19	Protesters
		* Protestors have not seen street side security lights on when protesting or when driving by the area after dark.	18	
		* The requirement for a minimum of two security guards for exterior patrol during business hours has been consistently violated over the past year.	19	



Los Angeles Police Department Organized Crime and Vice Division

419 South Spring Street Room 600
Los Angeles, California 90013

(213) 473-7633 Office
(213) 473-7699 Fax

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To: LA CITY ZONING ADMIN.
VINCENT QUITORIANO
From: DETECTIVE ERIC MOORE

Date: 1-10-03 Number of Pages including cover page: 1 OF 2

Fax Number: (213) 978-1334
Telephone: (213) 978-1458

Comments:
SEE ATTACHED DECLARATION
RE: THE BLUE ZEBRA

RECEIVED
CITY OF LOS ANGELES

JAN 10 2003

CITY PLANNING DEPT.
ZONING ADMINISTRATION

RECEIVED
CITY OF LOS ANGELES

JAN 10 2003

CITY PLANNING DEPT.
ZONING ADMINISTRATION**INVESTIGATING OFFICER'S DECLARATION****DECLARATION OF DETECTIVE ERIC MOORE - #26676**

I, Detective Eric Moore, declare that I am, and at all times mentioned herein was, a Police Officer of the Los Angeles Police Department engaged in the performance of official duties.

I have been a police officer for 13 years. I have worked vice for approximately 4 years and have conducted numerous conditions inspection at a variety of locations. At the time of the below investigation, I was assigned to Organized Crime and Vice Division (OCVD), Community Problems Unit. (CPU)

I received a request from Zoning Administration that I check conditions compliance at 2662 Lacy Street, The Blue Zebra, formerly known as the Lacy St. Cabaret

On 1/07/03, my partner Detective III William Margolis #20161 and I drove to the location in an unmarked vehicle and plain clothes to check condition compliance. Initially, we drove to the parking lot across the street from the location to ascertain the presence of two security guards around the exterior of the premises as required by condition # 13. The guards were present and in uniform. I checked their guard cards both guards had current guard cards.

We checked conditions 4, 5, 6, 10, 11, 14, 15, 16, 18, 19, and 20. The manager was cooperative in allowing us to conduct our inspection. My only concerns were compliance with conditions 10 and 11.

During my inspection I noted that there were partitions that obstructed my view of the area that the nude dances were performed in violation of condition 10 and possibly 11. I had to walk around a wall/partition separated this area from the main room of the location to observe a performer doing a nude dance for a customer in a booth. I noted that there were circular holes cut into the wall of the partition that I could also see the performer if I stood directly in front of the hole as if I was looking through the window. I advised Assistant Zoning Administrator Quitoriano who advised me he was going to the location and would be able to look at it personally.

I noted that there was a similar partition and design set up for areas designated for the topless dances. I took digital photographs of the areas and E-mailed the photos to Zoning (Quitoriano, Vince) for his review.

I have read the foregoing declaration consisting of three pages and declare under the penalty of perjury that it is true and correct.

Executed at Los Angeles, California on 1-10-03

Det. E. Moore
Detective E. Moore

Florence Nightingale Middle School3311 North Figueroa Street, Los Angeles, California 90065
Telephone (323) 221-2128 Fax (323) 222-4506MARYLOU AMATO
Principal

February 10, 2003

Mr. Dave Kabashima
Office of Zoning Administration
200 N. Spring Street, 7th Floor
Los Angeles, CA 90012

Dear Mr. Kabashima:

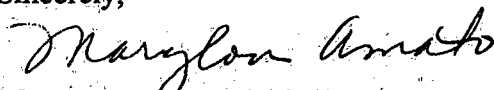
It has recently come to my attention that the BLUE ZEBRA, an adult entertainment located at 2662 Lacy Street, is seeking to: (1) extend it's hours of operation, and (2) only provide "appropriately dressed and identifiable" state licensed security personnel. The Nightingale Middle School Community (which student population consists of 1,986 6th to 8th graders) is adamantly opposed to Blue Zebra's request to modify the conditions which this business currently operates under.

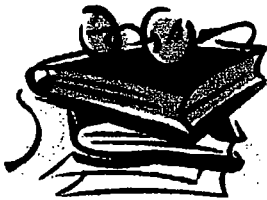
The first and utmost concern I have in writing this letter is - for the safety and well-being of our children. The Blue Zebra is located near designated walk routes for students attending Nightingale Middle School (1,158 of whom live in the Lincoln Heights area). Many of Nightingale's students walk past the Blue Zebra on their way to and from school.

In an era where we are trying not only to educate and protect our children, but also to encourage them to distance themselves from undesirable activities, the Zoning committee should then understand the basis of our strong objections. If the extension of the hours of operation is granted, then our students will be forced to walk past an establishment which promotes nudity (and, typically, these type of establishments attract activities such as disorderly conduct, solicitation of lewd acts, public drug and alcohol use) WHILE THE ESTABLISHMENT IS OPEN. Documented complaints by local residents, such as excessive trash and litter associated with this business, also pose as a health hazard to our children. Furthermore, if modifications are made to the two existing conditions which were initially imposed on the Blue Zebra, we will be setting a dangerous precedent that may lead to further amendments in the future.

It is my fear that in the event Blue Zebra's hours are extended, and/or security personnel are no longer required to wear uniforms, then, the existing problems in the area would exacerbate and the impact on our students would be detrimental. The Nightingale Middle School Community is strongly asking you: (1) to carefully consider the negative outcome with respect to Blue Zebra's request, and, (2) for your assistance to protect our young and impressionable children.

Sincerely,


Marylou Amato, Principal



Vera Padilla

February 6, 2003

Mr. Ernie Sanchez
Field Deputy-Council member Ed. P. Reyes
Lincoln Heights Office

Dear Mr Sanchez:

The Regional Occupational Programs in the Lincoln Heights Community continue to draw in students that are interested in Animal Care.

The Northeast Animal Shelter continues to provide Career Exploration at their center for those students that want to pursue careers in Veterinary.

Lincoln students and community students continue to enroll in the program. This semester September to February 2003, thirty students completed the 60 hour program. The program will continue for the remainder of the school year and summer 2003.

For Additional ROP Programs please feel free to call me at (323) 223-4021.

Sincerely,

Vera Padilla

Lincoln High School
3501 N. Broadway
Los Angeles, CA 90031
tel: (323) 223-4021
fax: (323) 223-1291



VERA PADILLA
CAREER COUNSELOR

LOS ANGELES UNIFIED SCHOOL DISTRICT
LINCOLN HIGH SCHOOL

3501 NORTH BROADWAY
ROOM 201
LOS ANGELES, CALIFORNIA 90031

TEL: (323) 223-4021
FAX: (323) 223-1291

Self-Realization Fellowship Church

(YOGODA SATSANGA SOCIETY OF INDIA)

Founded in 1920
by
Paramahansa Yogananda



3880 San Rafael Avenue
Los Angeles, California 90065
Phone 323-225-2471

February 11, 2003

Mr. David Kabashima
Office of Zoning Administration
200 North Spring Street, Room 700
Los Angeles, CA 90012

Re: CASE No. DIR 98-0210(RV)(PA)
Lacy Street Hospitality Services, Inc.
2662 Lacy Street

Dear Mr. Kabashima:

Self-Realization Fellowship Church adamantly opposes the changes in two conditions proposed by Lacy Street Hospitality Services, Inc., which operates the Blue Zebra Cabaret.

Our Church owns and operates a publications center at 3208 Humboldt Street, quite near the Lacy Street site in question. We are a religious, non-profit, organization with churches, centers, and meditation groups all over the world. Our international headquarters is located at 3880 San Rafael Avenue on Mount Washington.

In our opinion, the operation of the Blue Zebra Cabaret continues to have a negative moral and economic impact on the surrounding community, and for that reason we continue to oppose the existence of such an establishment at the Lacy Street location. To the extent such an establishment continues, we believe it must follow all the conditions imposed by Associate Zoning Administrator Leonard S. Levine in his ruling of October 19, 1998.

Comments on the proposed modifications to the existing conditions:

1. Whereas Condition No. 6 limits business hours to 6 p.m. through 2 a.m., the Cabaret would like to operate from 11 a.m. through 2 a.m. (4 a.m., Thursdays through Saturdays.) This would mean that the Cabaret would be open during the hours children are going and coming from school and visiting the animal shelter and park across the street. It would expand the abuse our neighbors report in the way of litter from alcoholic beverage containers and intoxicated customers lurking in doorways. Finally, it would greatly expand the need for police resources in connection with this site.

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ZONING ADMINISTRATION

Mr. David Kabashima
Office of Zoning Administration
February 11, 2003
Page 2

2. Whereas Condition No. 19 requires the Cabaret to provide "a bonafide state licensed security service" with a minimum of two guards patrolling the exterior of the premises during business hours, the Cabaret would like to exclude the requirement for the hiring of a security service, and eliminate the need for exterior patrol duty. In our view, it would be grossly irresponsible for the City to relax these requirements imposed for the protection of the community, especially in light of the consistent violations that have reached our ears. Rather, we believe, the existing condition needs to be strictly enforced.

For the above reasons, we urge you not to permit the modifications proposed by the Cabaret to the conditions the City has imposed on it to protect our community.

Sincerely,

SELF-REALIZATION FELLOWSHIP CHURCH



Uma Mata
Secretary

UM:ba



February 7, 2003

Mr. David Kabashima
Office of Zoning Administration
200 North Spring Street, Room 700
Los Angeles, California 90012

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FEB 18 2003

CITY PLANNING DEPT.
ZONING ADMINISTRATION

RE: CASE NO. DIR 98-0210(RV)(PA)
Lacy Street Hospitality Services, Inc.
2662 Lacy Street

Dear Mr. Kabashima:

The Historic Lincoln Heights Industrial Zone Business Improvement District (HLHIZBID) would like to make it clear that keeping the 20 conditions imposed by the Zoning Administration intact is imperative. We strongly oppose the changes in the 2 conditions that have been requested by the Lacy Street Hospitality Services, Inc. We pay for the services of a cleaning crew in our B.I.D. area and have had complaints from our crew regarding the amount of liquor containers on the street as a direct result of the Blue Zebra Cabaret.

As President of the HLHIZBID, I personally went to the management of the Blue Zebra approximately 4 months ago and requested that they keep their part of the street free of liquor containers. It has improved a bit since our conversation but there is continued presence of alcohol containers

According to the information I received as a result of the hearing on January 13, 2003, it is apparent that the Blue Zebra management and owners clearly lack respect for the current conditions. They continue to have alcohol containers in the street, and I heard that they constructed walls in the lap dance area of the club. Having security outside of their building has helped to maintain the integrity of the HLHIZBID area, as well as being an aid to the LAPD, and we would be saddened to hear of any change in either condition.

Thank you for your time and consideration of the Lincoln Heights area regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Ortiz".

Eric Ortiz,
President,
Historic Lincoln Heights Industrial Zone B.I.D.

February 7, 2003

Mr. David Kabashima
Office of Zoning Administration
200 North Spring Street, Room 700
Los Angeles, California 90012

RE: CASE NO. DIR 98-0210(RV)(PA)
Lacy Street Hospitality Services, Inc.
2662 Lacy Street

Dear Mr. Kabashima:

We, the Lincoln Heights Neighborhood Council, would like to formally state our position on the request for the change of 2 of the 20 conditions imposed by the Zoning Administration in 1998. We strongly oppose the changes requested by the applicant. Several of our members have been involved with this as well as the previous strip club at the same location and understand the relevance of these conditions to the neighborhood school children, local businesses, and residents.

The current applicant has shown a clear lack of respect for the current conditions by their construction in the lap dance area of the club as well as the outside security officers not only leaving the area but also by informing the undercover vice officer that if he wanted to drink he should do so in the parking lot. We can only speculate how many more violations there would be if they were able to hire their own security and place them where they see fit. The LAPD has benefited from having the security outside of the facility. If they feel it is necessary to also have security inside, the applicant is fully capable of hiring additional personnel for that purpose.

Thank you in advance for the time and attention you are taking in this matter.

Sincerely,



Oscar Garcia, President
Lincoln Heights Neighborhood Council

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FEB 28 2003
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Florence Crittenton Center

Residential Treatment • Aftercare-Emanicipation Program • Vocational Training Program • Onsite Non-Public School
Teen Mother & Child Development Program • Village Learning Center for Daycare • Foster Family Agency

Post Office Box 31219 • 234 East Avenue 33 • Los Angeles, California 90031-1937 • (323) 225-4211 • Fax: (323) 225-1602
Foster Family Agency: 600 W. Broadway, #200 • Glendale, California 91204 • (818) 265-0320 • Fax: (818) 265-0326
Website: www.florencecrittenton.com

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Steven Schultz
Executive Director

Memberships

Association of Children's
Service Agencies
California Alliance of
Child and Family Services
California Association of
Special Education & Services
Child Welfare League of America
Foster Family Based
Treatment Association

Licenses and Certification

State Department of Education,
Certified Non-Public School
State Department of Social Services
Group Home Lic. 191801788
Foster Family Agency Lic. 197800815

January 7, 2003

TO: Los Angeles City Zoning Administrator
RE: Blue Zebra, 2662 Lacy Street

Dear Zoning Administrator,

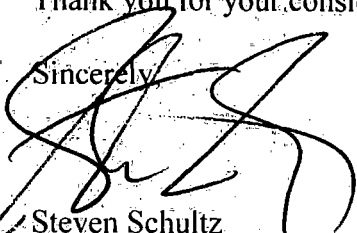
We care for 60 abused and neglected girls and their children at our 24-hour residential treatment facility and high school at 234 East Avenue 33 in Lincoln Heights. Down the street, a mere 2-1/2 blocks away at 2662 Lacy Street is the Blue Zebra adult entertainment establishment. Help protect our children by not allowing Blue Zebra to open before 6:00pm.

Many of our teen girls have the opportunity to attend Regional Occupational Classes at the North East Animal Shelter in "Animal Care and Control". These classes are approved by the State Board of Education. Our students also have the option to volunteer at the animal shelter and receive credits towards graduation. This animal shelter is directly across the street from the Blue Zebra.

When our girls exit the Animal Shelter, they must pass the Blue Zebra to get back home. Please don't allow our young girls to be subjected to Blue Zebra's clientele. Keep them closed until at least 6:00pm.

Thank you for your consideration. Call me anytime for more information.

Sincerely,


Steven Schultz
Executive Director
323/225-4211 x215

CC: Roger Reck, Board President



Boys and Girls Club

2635 Pasadena Avenue
Los Angeles, CA 90031
(323) 221-9111

LOS ANGELES BOYS AND GIRLS CLUB

"55 Years of Serving the Youth of Los Angeles"

February 11, 2003

Mr. David Kabashima
Office of Zoning Administration
200 North Spring Street, Room 700
Los Angeles, California 90012

RE: CASE NO. DIR 98-0210(RV)(PA)
Lacy Street Hospitality Services, Inc.
2662 Lacy Street

Dear Mr. Kabashima:

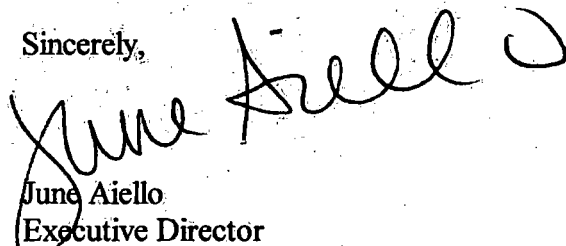
We, the staff of the Los Angeles Boys and Girls Club, would like to formally state our position on the request for the change of 2 of the 20 conditions imposed by the Zoning Administration in 1998 with regards to the Lacy Street Hospitality Services, Inc. business. We strongly oppose the changes requested by the applicant. Many of our Club youth are students at Nightingale Middle School and use Lacy Street to get to and from the school to the Club and/or their homes. The kids pass right by the business as they are walking home.

Extending the hours of the business would mean that it would be open during school hours especially the critical after-school hours of 3 to 6 pm. There will be potential if not inevitable risks involved with having such a business be open within walking distance of a local middle school during the after school hours. We also oppose the request to use their own security and position them inside the building. We feel that this request does not serve the best interests of the community.

For the safety of our youth and the improvement of our community, we respectfully request that you do not allow these zoning changes to be made.

Thank you in advance for the time and attention that you are taking in this matter.

Sincerely,


June Aiello
Executive Director
Los Angeles Boys and Girls Club

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FEB 14 2003

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ZONING ADMINISTRATION



**MONTECITO
HEIGHTS
IMPROVEMENT
ASSOCIATION**

P. O. BOX 42122
LOS ANGELES, CA
90042-0122

January 12, 2003

City of Los Angeles
Office of Zoning Administration
200 N. Spring Street, 7th Floor
Los Angeles, California 90012

Case No. DIR 98-0210 (RV)(PA)
Applicant: Lacy Hospitality Services, Inc.

Dear Zoning Administrator:

The Montecito Heights Improvement Association supports the denial of the request for a modification of any of the 20 conditions imposed on 2662 Lacy Street. Several of our community members have continuously monitored the situation at this location for years and feel that reducing any of the conditions will have a detrimental impact in our Northeast Los Angeles neighborhoods.

Regarding condition number 6: none of the schools have moved from the area, and neither have the children's need to use Lacy Street as a means of going to and coming from school. For no other reason, this condition should remain as it is written.

Regarding condition number 19: it has come to our organization's attention that the Blue Zebra has never been in full compliance. According to Condition No. 19, the facility is to have a minimum of two security guards around the exterior of the premises at all times which would indicate they would need at least three per shift to cover breaks, etc. They have never had more than two. In fact, according to our members, at times during the shift, there have been no security guards visible in the exterior at all, particularly in cold weather. On other occasions there has only been one present. Since the management of the Blue Zebra has been in non-compliance with this condition, not only should this condition not be made more lenient, rather it should at least be maintained, if not tightened.

Thank you for your time and consideration to the concerns of the residents, families, and children of Northeast Los Angeles.

Sincerely,

Robert Nakahiro,
President

**MONTECITO HEIGHTS NEIGHBORHOOD WATCH
424 EAST AVE 39
LOS ANGELES, CA 90031
(323) 223-8673**

February 11, 2003

Mr. David Kabashima
Office of Zoning Administration
200 North Spring Street, Room 700
Los Angeles, California 90012

RE: CASE NO. DIR 98-0210(RV)(PA)
Lacy Street Hospitality Services, Inc.
2662 Lacy Street

Dear Mr. Kabashima:

We, the Montecito Heights Neighborhood Watch, oppose the requested changes to the two conditions by the Lacy Street Hospitality Services, Inc. Several of our members either protest or monitor the club on a regular basis and have seen numerous violations of the conditions. We know that there were 50+ occasions with over 100 violations as of the date of the hearing. The violations have continued since the January 13th hearing. As such, we do not feel they are entitled to have the conditions loosened.

According to Nightingale Middle School, there are more than 1,100 children who live in the Lincoln Heights area. Many of these children walk past the Blue Zebra Adult Cabaret on their way to and from school. These children make use of the Lacy Street bridge. The Lincoln Heights Business Improvement District has a program that maintains the area for the safety of the children as well as the beautification of the area. The L.H.B.I.D. sends out a cleaning crew 5 days a week to sweep and clean the Industrial area. These crews have spent considerable time and energy cleaning up after the patrons of the Blue Zebra, specifically by picking up the empty alcohol containers.

At the hearing, whether intentional or not, Mr. Weston spent quite some time tailoring the facts. Examples of this include the video taken on a day when Nightingale Middle School was not in session and before the elementary school children would be released, showing the yet to be completed train tracks, showing the view of the portholes from the stage rather than from the vantage point the LAPD

would have when they walk in the door, the calls to the animal shelter rather than the LAUSD to find out about the ROP schedule of classes held at the Animal Shelter, failing to acknowledge the fact that children actually do use Lacy Street to go to and from school, and his recitation of the conditions when he omitted the word 'consumption' when referring to alcohol in the parking lot and premises.

One other thing Mr. Weston said more than once was that the parking lot and surrounding area are cleaned at night after the club has closed. This statement was false. If the parking lot had been cleaned of liquor debris, etc., Senior Lead Officer Richard Rodriguez would not have been able to pick up the bottles, cans and weapon that he showed you at the hearing nor would the L.H.B.I.D. cleaning crew have made complaints to the B.I.D. President Eric Ortiz regarding the presence and quantity of liquor debris.

Regarding the necessity for an unaltered condition 6; children DO use Lacy street to go to and from school. Strip clubs are to be in industrial areas for a reason - to keep them away from children and families. Lincoln Heights, one of the oldest areas of the city, is a "mixed use" area with industrial, commercial, and residential next to each other. As a result, a special condition was imposed to help the balance between the residents, businesses, and industrial. This is condition 6 which is how the children are protected from the well documented negative impact a strip club has on a community.

Because the Blue Zebra management and owners have neither respected or adhered to the current conditions, we strongly urge you to continue to have them hire an outside security firm and to have the security guards posted in the exterior. In this way, the community will be more assured that the security will do a satisfactory job. Due to their spotted track record with the conditions, if they were able to hire their own security and have them placed where they see fit, our fear is that they will take advantage of the situation in the same way they constructed the high walls with the portholes in the lap dance area when the condition clearly states no more than 48 inches in height.

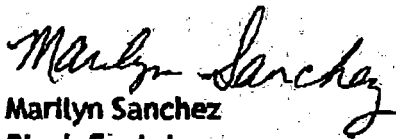
One issue which we believe has not been addressed is the interpretation of the "exterior" lighting in condition 18. LAPD signed off regarding the lighting in the parking lot being in compliance. The condition clearly states "sufficient exterior lighting so that law enforcement can clearly see the exterior of the premises and any persons congregating on the exterior." which, in our opinion, would include the front street side lighting which has yet to be turned on or checked by LAPD.

At the hearing, Mr. Weston condemned the twenty conditions for the business struggling financially. Their struggle is not the result of the conditions but of bad

business practices. A prime example would be their advertising in the LA Weekly. In the past five weeks alone they have advertised the Lacy Street location only twice. Advertising sporadically is not an uncommon practice for them. Mr. Weston also complained about the rental amount being high. The management was fully aware of the conditions when they signed their lease and as such one should have no bearing on the other.

Thank you for your consideration. If you have any questions, please contact me at (323) 223-8673.

Sincerely,



Marilyn Sanchez
Block Captain

February 7, 2003

DAVID KABASHIMA
CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
OFFICE OF ZONING ADMINISTRATION
City Hall 7th Floor Room 763
200 North Spring Street
Los Angeles, CA 90012-2601

Re: Case No. DIR98-0210(RV)(PA)
Request for Administrative Denial

David:

I am requesting the denial of the "Administrative Application" recently submitted to modify previously approved "special operational conditions" for the existing Blue Zebra "Strip Club" located at 2662 Lacy Street in Lincoln Heights, CA. It was only a short period ago that the Office of Zoning Administration granted very specific "conditions of approval" for the continued operation of the "Sexual Entertainment Enterprise" although many groups and organizations in the Communities of Montecito Heights, Lincoln Heights, Cypress Park, Mt. Washington, and Glassell Park strongly opposed this type of business operating within the Northeast and Eastside Neighborhoods.

It would appear that the tailored "conditions of approval" developed by the City Planning Commission and granted by the Zoning Administrator's Office - although opposed by the neighboring communities - are still not sufficient to maintain the operational needs of the "Strip Club." There is no reason why the "agreed upon conditions" currently in place should be modified unless there is a personal desire by the business owner to expand "outreach" for this enterprise.

If you have any further questions, comments or remarks, please feel free to contact me by telephone at 323.550.8335, by FAX at 323.550.8336, or via E-Mail at ebebradley@direcway.com. Have a great day!

Respectfully,

Bradley
GPNC Advocate

B/arr

CC: FILE
COUNCILMAN ED REYES' OFFICE (CD01)
COUNCILMAN NICK PACHECO'S OFFICE (CD14)

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CITY OF LOS ANGELES
FEB 11 2003
CITY PLANNING DEPT.
ZONING ADMINISTRATION

**Carol Ries
3005 Asbury Street
Los Angeles, CA 90065**

**Att: Dave Kabashima
Office of Zoning Administration
200 North Spring Street, Room 700
Los Angeles, CA 90012**

RE: The Blue Zebra, 2662 Lacy Street, Los Angeles

It has come to my attention that the adult entertainment business, known as The Blue Zebra is seeking to extend their business hours. Currently their business hours are from 6:00 p.m. - 2:00 a.m. Monday thru Friday. They are requesting an additional nine (9) hours daily from Thursday thru Saturday. This would mean they would open at 11:00 a.m. instead of 6:00 p.m. and remain open until 4:00 a.m. instead of 2:00 a.m. The remainder of the week (Sunday thru Wednesday), they would close at 2:00 a.m., but continue to open at 11:00 a.m., which would be an addition of seven (7) hours daily.

Moreover, I have heard that they are attempting to reduce their security on the exterior of their business or worse, hire their own personnel as security.

Regarding the additional hours requested, please consider the following:

1. Currently, our community endures a blatant disregard of the established city-imposed rules by this establishment as reported by local residents. Some examples of this are:
 - a. Consummation of alcoholic beverages outside the premises (countless discarded containers of alcoholic beverages found in the area support this complaint).
 - b. Excessive trash and litter outside the building and on the street (can be viewed on a daily basis).
 - c. Building code violations as cited to you by Councilmember Ed Reyes.
2. In general, I am not pleased with the existence of this business in our community; however, if we must accept the inevitability of a strip club in our midst, it would be to our best interest to limit the excessive trash and littering of empty alcoholic beverages by restricting its business hours and monitoring the behavior of its clients. Also, a stricter

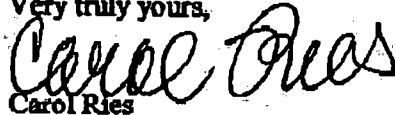
enforcement of the rules imposed by the city should be supported and monitored on a daily basis. Perhaps another security guard could be added, supported by a police patrol car.

Basically, it is my belief that adding more hours would further contribute to an already problematic situation – a non-compliant business that is covertly disrespectful to our community

Regarding the city imposed security—we need more, not less. And if their plan is to hire their own personnel, I am extremely suspect of this because of their disrespect of the existing rules. Allowing them to hire security of their own choosing, does not instill me with a lot of confidence that the job will get done.

Please help our community by keeping the hours as they stand and by adding more city security. If you need inspiration, think of the children who walk by there on their way to school, think of the neighbors who live close by; think of the community activists who volunteer their time in their commitment to a better quality of life; and above all, think of yourself who is sworn to serve your community to the best of your ability.

Very truly yours,



Carol Ries

Resident of Cypress Park

Dave Kabashima - Adult Entertainment Business

From: <GamySheida@aol.com>
To: <dkabashi@planning.lacity.org>
Date: 2/3/2003 6:41 PM
Subject: Adult Entertainment Business

This e-mail is in response to a letter I received from my Councilmember Ed Reyes concerning the adult entertainment business The Blue Zebra located at 2662 Lacy Street. I understand that they would like to extend their business hours. My concern about this type of business remains the same in that it has a negative impact in our community.

Studies have shown that the effects of the adult entertainment business leads to the increase of crime. These crimes are prostitution, drug use, drinking and driving, gambling, robberies, burglaries, rapes, and sexually oriented crimes. It also has a negative impact on property value. The standard in this community will continue to decline. The biggest concern I have is the negative impact this has on the family. Money not going to the family, marriages threatened, our children being captivated by what lays behind the doors of this establishment.

I'm urging the City to deny any requests to extend The Blue Zebra hours of operation. The children in our community will be subject to harassment and possible sex crimes.

Your consideration on this matter is greatly appreciated.

Thank You,
Gamaliel Catalan
3119 Griffin Ave
Los Angeles, CA 90031
GamySheida@aol.com

FROM FRED M FLORES
P O BOX 31511
LOS ANGELES CA 90031-0511

"LINCOLN HEIGHTS"

TO CITY OF LOS ANGELES
ATTN: DAVE KABASHIMA
OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 700
LOS ANGELES, CALIFORNIA 90012

WE ARE IN RECEIPT FOR A CALL TO ACTION FROM OUR COUNCILMEMBER, EP P REYES. REFERENCE IS MADE TO THE BLUE ZEBRA, LOCATED AT 2662 LACY STREET, LA CA. WITH TOTAL RESPECT AND ADMIRATION FOR OUR COUNCILMEMBER WHO HAS DONE HIS BEST TO SUPPORT OUR DESIRE NOT TO HAVE THIS TYPE OF ACTIVITY IN OUR NEIGHBORHOOD. I AM SUBMITTING THIS LETTER. I AM SURE YOU HAVE RECEIVED TONS OF MATERIAL AND HAVE HEARD FROM OUR NEIGHBORS VOICING OUR DISAPPROVAL OF HAVING THIS SO-CALLED BUSINESS IN OUR NEIGHBORHOOD.

NOW, AFTER LIMITING THE HOURS IN WHICH THEY CAN OPERATE, ALTHO WE DID NOT REALLY WANT TO ACCEPT. THIS MONSTER RISES AND IS ASKING FOR MORE HOURS!

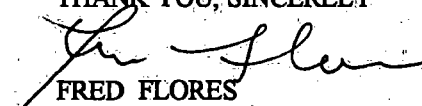
THIS IS ABSURB! INSTEAD OF THIS BUSINESS GIVING UP AND MOVING ON, IT IS WANTING TO SEE IF MORE HOURS WILL CHANGE THEIR DECLINING BUSINESS! AS AN ADMINISTRATOR, BUSINESS OWNER, BUSINESS MANAGER AND OPERATOR, I KNOW WHAT ONE MUST DO TO CREATE MORE BUSINESS. IF THE BUSINESS IS NOT DOING WELL, YOU MAKE CHANGES, IF NOT, THEN YOUR NET PROFIT WILL INDICATE, EITHER YOU BECOME A NON-PROFIT BUSINESS OR MOVE ON.

I REFLECT ON PAST HISTORY OF HOW THIS BUSINESS CAME TO BE. THERE WAS STIPULATIONS THAT IT HAD TO MEET AND ACCEPT. ONE WAS THE HOURS. NOW SINCE IT HAS OPERATED AND HAS NOT MET ITS EXPECTATIONS WITHIN THE REQUIREMENTS ESTABLISHED. WHY SHOULD THERE BE A RE-CONSIDERATION? THE NEIGHBORHOOD, WITH A QUALITY OF BEING PATIENCE, AT THIS PROVOCATION, ANNOYANCE AND MISFORTUNE, STOOD BY WITHOUT FURTHER COMPLIANT.

ANOTHER JUSTIFICATION FOR OUR STRONG OBJECTION TO THE APPLICATION IS THE RECENT INFORMATION I RECEIVED ABOUT THE TRASH, LITTER, BUILDING CODE VIOLATIONS, AND THE OVERALL BLIGHT THIS BUSINESS BRINGS TO OUR NEIGHBORHOOD. ENOUGH IS ENOUGH. THEREFORE WE STRONGLY OBJECT THE APPLICATION FOR EXTENSION OF HOURS AND INSTEAD I WOULD SUPPORT A REVIEW OF COMMUNITY CLAIMS OF VIOLATIONS BY THE BUSINESS.

BECAUSE CRIME IS OF MOST IMPORTANCE IN OUR NEIGHBORHOOD, I FIND IT IMPORTANT TO FURNISH OUR MAYOR AND CHIEF OF POLICE OF LOS ANGELES A COPY OF THIS CORRESPONDENCE. OUR COUNCILMEMBER IS RECEIVING A COPY.

THANK YOU, SINCERELY


FRED FLORES
Resident of Lincoln Heights

January 7, 2003

Copies furnished: Mayor, LA Chief of Police, LA Councilmember, 1st District

RECEIVED
CITY OF LOS ANGELES
FEB 11 2003
CITY PLANNING DEPT.
ZONING ADMINISTRATION

From: <MAILER-DAEMON@yahoo.com>
To: <awg-meg1976@sbcglobal.net>
Date: 2/5/03 6:03PM
Subject: failure delivery

Message from yahoo.com.
Unable to deliver message to the following address(es).

<dkabashi@planning.lacity.org>:
Sorry, I couldn't find any host named planning.lacity.org. (#5.1.2)

--- Original message follows.

Return-Path: <awg-meg1976@sbcglobal.net>
Message-ID: <20030206020326.35675.qmail@web80212.mail.yahoo.com>
Received: from [64.161.170.26] by web80212.mail.yahoo.com via HTTP; Wed, 05 Feb 2003 18:03:26 PST
Date: Wed, 5 Feb 2003 18:03:26 -0800 (PST)
From: Audie Garcia <awg-meg1976@sbcglobal.net>
Subject: Blue Zebra
To: dkabashi@planning.lacity.org
MIME-Version: 1.0
Content-Type: multipart/alternative; boundary="0-1427295414-1044497006=:34457"

--0-1427295414-1044497006=:34457
Content-Type: text/plain; charset=us-ascii

February 5, 2003

Dave Kabashima, Office of Zoning Administration

Dear Mr. Kabashima,

I am a concerned citizen who lives in the neighborhood where the Blue Zebra, 2662 Lacy Street, Los Angeles, CA--adult entertainment operates its business. I was notified by First District Councilmember Ed P. Reyes that the Blue Zebra is requesting to extend their hours and I strongly disagree with this request.

I am asking you to consider all of the negativism this issue brings to our community. Let me share one example: As the Metro gets underway in that location, to be up in July 2003, the risk of walking to the station already exists with the vagrants in the area and it will be even less desirable to utilize with extended hours of adult entertainment.

This is not acceptable; consider this a formal objection to allow the Blue Zebra to extend its hours.

Sincerely,

Maria E. Garcia, Neighbor

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Content-Type: text/html; charset=us-ascii

<P>February 5, 2003</P>
<P>Dave Kabashima, Office of Zoning Administration</P>
<P>Dear Mr. Kabashima,</P>
<P>I am a concerned citizen who lives in the neighborhood where the Blue Zebra, 2662 Lacy Street, Los

Angeles, CA - adult entertainment operates its business. I was notified by First District Councilmember Ed P. Reyes that the Blue Zebra is requesting to extend their hours and I strongly disagree with this request.</P>

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<P>Sincerely,</P>

<P>Maria E. Garcia, Neighbor</P>

--0-1427295414-1044497006=:34457--

Dave Kabashima - Blue Zebra

From: <l.cerros@att.net>
To: <dkabashi@planning.lacity.org>
Date: 2/13/2003 6:33 AM
Subject: Blue Zebra

Dear Sir or Madam,

I am a long time resident of the Cypress Park area and I am writing to you to express my objection to the adult business, Blue Zebra at 2662 Lacy St. extending their operating hours. I feel that this type of entertainment should be diligently regulated as there are neighborhood children who may be affected by the type of "by- products" that this adult business brings to our community. Aside from the potential of crime occurring, drugs, and prostitution, it should be noted that adult entertainment centers usually bring down property values, keep decent hard working people from moving into the community and greatly decrease the value of our neighborhood. Also, these types of business care very little to the betterment of the community and consequently do not care about the surrounding properties.

Therefore, in conclusion please reject the extended hours of operations to this business and perhaps even revoke their city license so that they may move out of our neighborhood and preferably bring in a business like a book store, which would greatly benefit all.

Thank you,

Luis Cerros

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

STAFF REPORT

January 10, 2003

Kathy Mac Donald

Kelly MacDonald, President (A)
Lacy Street Hospitality Services, Inc
15423 East Valley Boulevard
City of Industry, CA 91746

JNM Humbolt Investment (O)
6711 East Washington Boulevard
Los Angeles, CA 90040

Robert B. Lamishaw (R)
JPL Zoning Services, Inc.
6257 Van Nuys Boulevard, Suite 101
Van Nuys, CA 91401

CASE NO. DIR 98-0210(RV)(PA)
POSSIBLE IMPOSITION OF ADDITIONAL
CONDITIONS TO ABATE NUISANCE/
MODIFICATION OF CONDITIONS/OR
REVOCATION OF USE

2662 Lacy Street
Northeast Los Angeles Planning Area
Zone : M1-1

D. M. : 142.5A221/141B221

C. D. : 1

CEQA : ENV 2002-3492-CE

Fish and Game: Exempt

Legal Description: Lot 7, Arb 2 of Griffin's
Arroyo Seco Tract and Lots 1 and 2 of
Victor Berri's Subdivision of Lots 8 and 9
of Griffin's Arroyo Seco Tract

ZONING ANALYST: PIO VINCENT QUITORIANO

REQUEST

The purpose of the hearing is to obtain testimony of the owner of the subject property and business plus affected and/or interested persons regarding the operation of the Blue Zebra (formerly the Lacy Street Cabaret). Following the hearing the Zoning Administrator may modify and/or impose additional conditions regarding the use of the existing business as an adult cabaret in order to mitigate any land use impacts caused by the use. Those wishing are also invited to submit written comments prior to the hearing.

ISSUES:

On October 19, 1998, the Zoning Administrator imposed conditions on the continued operation of the former Lacy Street Cabaret, in order to mitigate adverse impacts caused by its operation. Such impacts were determined to be a public nuisance. On December 15, 1998, the Board of Zoning Appeals denied an appeal filed by the operator, sustaining the Zoning Administrator. The operator appealed the imposed conditions to the City Council. At the meeting of the City Council held April 14, 1999,

the City Council denied the appeal and upheld the determination of the Zoning Administrator and the corrective conditions and the Mayor concurred on April 26, 1999. Condition No. 8 of the determination requires the business operator to file a Plan Approval between 90 and 100 days of the effective date of the City Council action. The Plan Approval review application was filed, for Review of Conditions, on June 19, 2002.

In addition to complying with the mandatory review, the applicant request modification of two conditions: Condition No. 6, which states the hours of operation are limited to 6 p.m. to 2 a.m. seven days a week; **to hours of operation are limited to 11 a.m. to 2 a.m. Sunday through Wednesday, and 11 a.m. to 4 a.m. Thursday through Saturday.** Condition No. 19 which states "within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator", to be modified as; **a minimum of two appropriately dressed and identifiable state licensed security guards shall be present on the premises at all times that the Blue Zebra Cabaret is open for business.**

AUTHORITY: The Director of Planning, through the Office of Zoning Administration, has the authority to revoke the use or impose conditions on the operation of the existing business as an adult cabaret under Section 12.27.1 (land use impacts caused by any use), of the Los Angeles Municipal Code.

SUBJECT PROPERTY

The subject property is a level, rectangular-shaped, interior, parcel of land, consisting of approximately 0.95 acres, having a frontage of approximately 200 feet on the east side of Lacy Street and a uniform depth of 206 feet.

The subject site is developed with a one-story renovated industrial with signage announcing "Blue Zebra". The building has a color scheme of dark blue, and gray. The 7,000 square-foot building's hours of operation are: 6 p.m. to 2 a.m.

The subject site has 34 parking spaces. There is also a wireless telecommunications facility on a monopole and equipment cabinets located on the eastern portion of the site.

SURROUNDING PROPERTY

Surrounding properties are within the MR1-1 and M1-1 Zones and are characterized by level topography and semi-improved streets. The surrounding properties are vacant and developed with one- and two-story industrial buildings and parking lots.

North

Adjoining properties to the north of Lacy Street are zoned MR1-1 and are developed with one-story industrial buildings and a parking lot occupied by an animal care and control center.

South

Adjoining properties to the south of the subject site are zoned M1-1 and are developed with two-story office buildings and industrial buildings, and parking lots occupied by a Los Angeles Department of Water and Power Distribution Center.

East

Adjoining properties to the east of the subject site are zoned M1-1 and are developed with one- and two-story industrial buildings and a parking lot occupied by fire equipment service facility.

West

Adjoining properties to the west of the subject site are zoned M1-1 and are developed with one- and two-story industrial and a parking lot occupied by Lacy Street Production Studios and fire extinguisher restoration business.

STREETS AND CIRCULATION

Lacy Street, adjoining the subject property to the northwest, is a Local Street dedicated a width of 57 feet and improved with curb, gutter and partial sidewalk.

PREVIOUS CASES, AFFIDAVITS, PERMITS, ETC.**Subject Property:**

Case No. ZA 98-0210(RV) - On October 19, 1998, the Zoning Administrator modified the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation.

Case No BZA 5668 - On December 15, 1998, the Zoning Administrator denied the operator's appeal and sustained the action of the Zoning Administrator.

Council File No. 99-0235 - The operator appealed the imposed conditions to the City Council. At the meeting of the City Council held April 14, 1999, the City Council denied the appeal and upheld the determination of the Zoning Administrator and the corrective conditions.

Permit No. 01016-1000-087 - Issued on May 15, 2002. Proposed tenant improvement - interior non-bearing partition (E) adult cabaret. (Non structural work).

Permit No. 96VN01942 - Issued on June 17, 1996, for Certificate of Occupancy for Adult Cabaret. No liquor to be served, add toilet rooms and platforms and stage. Restripe parking for 34 stalls.

Order to Comply No. H1239N - Issued on March 27, 1997, requiring removal of illegal roof banner.

Certificate of Occupancy - Issued on July 22, 1997, corresponding to Permit No. 96VN01942 to convert a 5,898 square foot portion of a 13,455 square foot manufacturing/office to manufacturing/office and adult cabaret. No liquor to be served.

Surrounding Properties:

No similar or relevant cases were found on surrounding properties in the immediate neighborhood.

GENERAL PLAN, SPECIFIC PLANS AND INTERIM CONTROL ORDINANCES

Community Plan:

The Northeast Los Angeles District Plan designates the subject property for Limited Industrial with corresponding zones of M1, MR1 and P and Height District No. 1.5:1.

Specific Plans and Interim Control Ordinances:

The subject property is within the area of the Northeast District Plan Interim Control Ordinance (Ordinance No. 170,089). The subject property is not affected.

Flood Hazard Management Specific Plan:

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. 154,405, have been reviewed and it has been determined that the subject property is not located in an area for which a flood insurance rate map has been prepared.

Environmental:

On June 19, 2002, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV-2002-3492-CE, for a Categorical Exemption, Class 1, Category 22, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100.

RESPONSES/COMMENTS FROM OTHER DEPARTMENTS

As of the writing of this report, no other department or division has responded.

GENERAL COMMENTS

The subject property is a level, rectangular-shaped, interior parcel of land, consisting of approximately 0.95 acres (41,200 square feet), having a frontage of 200 feet on the east side of Lacy Street and a uniform depth of 206 feet. An approximately 7,000 square-foot, one-story industrial building with mezzanine sits in the front (west) central portion of the site. The perimeter of the site is enclosed by an approximately 7-foot in height wrought iron fence and gate. A 34-space parking lot forms an L-shape around the south to east sides of the subject site.

Staff conducted a site investigation on Friday December 20 at approximately 9:30 a.m. Additionally, City Planning and Building and Safety staff visited the establishment on Thursday, January 9, 2003, from approximately 9 p.m. to 10:30 p.m. The cabaret is entered at the subject building southwest corner. Customers proceed east along an approximate 15-foot hallway adjoining the building's south exterior wall to a cashier's booth. Price for entrance is \$10.00 plus a mandatory \$15.00 topless lap dance ticket for a total of \$25.00 entrance fee (ticket attached to file).

After an entry fee is paid, the customers proceed easterly through a gate and metal door into the main room of the cabaret. The main room is opened and permitted a maximum capacity of 149 persons.

Staff observations in relation to the submitted floor plan:

East Portion of Interior

Beginning with the east wall of the room, this wall is at the rear of the room, the floor is raised. Located on the eastern wall of the room are 11 stalls or booths with one chair in each. It is in these stalls that the lap dancing services occur.

North Portion of Interior

On the north wall, there are two to three additional stalls for lap dancing, a bar area for keeping drinks chilled (i.e., soft drinks, juices, drinking and sparkling water. In an area beyond the north wall is are two restrooms: one for men and one for women. Also, along this wall is an Automated Teller Machine (ATM).

Western Portion of Interior

The west wall is the area from which a circular stage projects out to approximately the center of the room. To the left of the stage, is where the cabaret's dancers enter which staff believes is from a dressing room and a staging area before entering the stage through another door.

The rest of the room is fairly opened with the tables and stools, and chairs around the perimeter of the stage.

Furthermore, the music indoors was very loud and outside of the subject site it was not audible. Additionally, there was no loitering outside or in the parking lot of Animal Control west of the subject site.

Nearest Schools

There are three schools in the vicinity of the subject site, however, none of them are within a 500-foot radius of the site. The school's names, and addresses are:

1. Florence Nightingale Middle School, 3311 North Figueroa Street, Los Angeles 90065.
2. Hillside Elementary School, 120 East Avenue 35, Los Angeles, 90031.
3. Loretto Street Elementary School, 3408 Arroyo Seco Avenue, Los Angeles 90065.

REVIEW OF CONDITIONS

The numbers here coincide with the condition numbers in the City Council's action (CF No. 99-0235). The conditions and compliance with said conditions during Thursday, January 9, 2003, site investigation 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. Within 30 days of the effective date of this determination the owner shall submit a plot plan showing the exterior layout of the premises including all buildings and parking areas together with a floor plan showing all interior areas of the cabaret. All interior partitions shall be shown in compliance with Condition No. 10 below.

Comment: Zoning Administrator's discretion.

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.

Comment: Zoning Administrator's discretion.

4. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

Comment: No graffiti was observed during the field inspection.

5. A copy of this action and all conditions shall be maintained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.

Comment: This condition was verified by Los Angeles Police Department's Organized Crime And Vice Division on Tuesday, January 7, 2003.

6. The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week.

Comment: The applicant claims they are in compliance with said condition.

7. Pursuant to LAMC Section 19.01-P, the business owner shall reimburse the City for costs required to conduct and process the subject nuisance abatement action. A check in the amount of \$2,000 shall be made payable to the City of Los Angeles and shall be paid no later than 30 days from the effective date of this action.

Comment: The full amount was paid in full on January 3, 2002.

8. No sooner than 90 days and no later than 120 days from the effective date of this action the owner of the Lacy Street Cabaret shall file a Plan Approval application with the Office of Zoning Administration and pay the applicable fee of \$523 and provide a mailing list of owners and occupants within a 500 foot radius of the facility. A public hearing shall be held pursuant to this application to determine the degree of compliance with the conditions contained herein and the effectiveness of the conditions, and whether additional more restrictive conditions, or fewer conditions need to be considered for the cabaret or whether the use should be revoked.

Comment: The application for a Plan Approval review was filed on June 19, 2002; a public hearing is scheduled for January 13, 2003.

9. Within 30 days of the effective date of this determination the owner of the Lacy Street Cabaret shall file and record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Comment: The Covenant and Agreement binding the conditions to the land was filed on February 27, 2002.

10. Except for offices, employee dressing areas and restroom facilities, no partitions or room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel. Any existing partitions or dividers not otherwise excepted by this condition shall be removed from the premises within 14 days of the effective date of this determination. An inspection by either the Department of Building and Safety or officers from the Hollenbeck Vice Unit shall be required to verify that all of the screening and partitions have been removed dismantled and taken away from the premises. Evidence of such inspection shall be provided to the Zoning Administrator by operator or by LAPD. Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises.

Comment: There were partitions in the lap dance areas with port holes approximately 3 feet in diameter. No evidence of inspection from the Department of Building and Safety or officers from the Hollenbeck Vice Unit has been submitted to the file. However, there is a February 12, 2002, letter from the Police Commission granting a Café Entertainment and Shows-Adult permit, attached to file.

11. There shall be no booths or enclosed areas with dividers or partitions separating interior areas that are more than 48 inches in height. No partitions, fences or dividers shall be allowed to remain (beyond the effective date of this action) inside the premises that restrict the observation of patrons by law enforcement personnel.

Comment: Again, there were partitions in the lap dance areas with port holes approximately 3 feet in diameter. Staff was seated along the southern wall and later at the stage observing the business and entertainment operations. When patrons went into the booths for the lap dance, staff's observations was restricted due to the darkness and the partitions, therefore; any observations made by law enforcement could be hindered.

12. The premises shall not be rented, leased, contracted for or otherwise used for private parties which exclude the general public. Private parties where admittance is allowed only from a list or similar screening system shall not be permitted on the premises.

Comment: Planning staff could not verify.

13. There shall be no sale or dispensing of alcoholic beverages for consumption on the premises permitted at any time.

Comment: No sales of alcohol was observed during site analysis.

14. The owner/operator of the premises shall maintain a current record of all employees on the premises including hourly or salaried employees and all

persons who work in any capacity on the premises. These records shall contain the employees name and address and length of employment. This information shall be made available to any law enforcement officer upon demand.

Comment: This condition was verified by Los Angeles Police Department's Organized Crime And Vice Division on Tuesday, January 7, 2003.

15. A copy of these conditions shall be maintained on the premises at all times and shall be made available to any law enforcement officer upon demand. All employees shall read these conditions and shall be made familiar with these requirements upon being employed.

Comment: This condition was verified by Los Angeles Police Department's Organized Crime And Vice Division on Tuesday, January 7, 2003.

16. At least once a day the parking lot area and the public right-of-way adjacent to the property shall be cleaned and all trash, cans, bottles and the like shall be collected and disposed of in a trash receptacle provided for that purpose on the subject property.

Comment: The site was clean and clear of trash and debris.

17. Within 30 days of the effective date of this determination the owner shall complete any uncompleted sidewalk repairs adjacent to the subject property.

Comment: The sidewalk was in good condition and showed no sign of disrepair.

18. The exterior of the premises shall be illuminated sufficiently so that law enforcement personnel shall be able to clearly see the exterior of the premises and any persons congregating on the exterior. The sufficiency of the lighting in meeting this condition shall be subject to the review of the Los Angeles Police Department and approval by the Zoning Administrator.

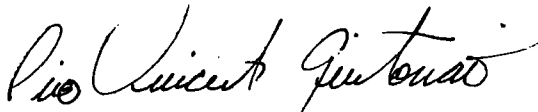
Comment: During the evening investigation the subject site parking area and sidewalk was well illuminated so that any persons congregating on the exterior could clearly be seen.

19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.

Comment: A letter dated February 25, 2002, is attached to the file with a contract that stating that the security provider is Southwest Patrol Inc. license No. PPQ 12297. Staff observed two security personnel on the premises and they wave a wand for weapons before entering the establishment.

20. There shall be no consumption of alcoholic beverages permitted within the premises or in the parking lot area adjacent to the building. A sign indicating that the consumption of alcoholic beverages is not permitted shall be posted both in English and Spanish on the exterior of the building in the parking lot and within the interior of the premises. The signs shall be a minimum of 24 X 24 inches in size and printed so as to be legible from a reasonable distance within the building or within the parking area.

Comment: No consumption of alcohol was observed at the time of the site investigation; staff informed the representative to submit photos of all signage at the public hearing.



PIO VINCENT QUITORIANO
Zoning Analyst

PVQ:lmc

5. OWNER/APPLICANT INFORMATION

Applicant's Name Kathy Mac Dannald, President Company Lacy St. Hospitality Services, Inc.

Address: 15423 East Valley Blvd Telephone: (909) 518-8137 Fax: (626) 961-6770

City of Industry _____ Zip: 91746 E-mail: _____

Property Owners Name (if different than applicant) JNM Humbolt Investment

Address: 6711 E Washington Blvd Telephone: () none Fax: () none

Los Angeles Zip: Ca E-mail: See representative

Contact Person for project information Robert B. Lamishaw c/o JPL Zoning Services, Inc.

Address: 6257 Van Nuys Blvd, Suite 101 Telephone: (818) 781-0016 Fax: (818) 781-0929

Van Nuys, CA Zip: 91401 E-mail: lamishaw@jplzoning.com

6. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature: [Handwritten Signature]
(Record owner only)
Kathy Mac Dannald

Print: President

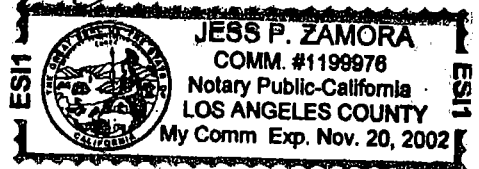
Date: 6-17-02

Subscribed and sworn before me this (date): June 17, 2002

In the County of Los Angeles State of California

Notary Public: [Handwritten Signature]

Stamp: _____



7. ADDITIONAL INFORMATION/FINDINGS

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

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

Planning Staff Use Only

Base Fee <u>1467.00</u>	Reviewed and Accepted by <u>JAIMIE R. WPAZ</u>	Date <u>6.19.02</u>
Receipt No. <u>232,994</u>	Deemed Complete by <u>[Handwritten Signature]</u>	Date <u>6-27-02</u>

13. **ADDITIONAL INFORMATION FINDINGS:** The Master Land Use Application form may be used if the following information is provided. You may attach additional sheets if there is not enough room to answer in the spaces provided. Please answer all questions that are applicable.

a. Explain why this application is being filed at this time.
 The instant request is being filed pursuant to ZA 98-0210(RV), (see attached),
condition number 8 and subsequent legal action.

b. Is the application for a deemed-to-be-approved conditional use permit or a conditional use plan approval? Check one.
 Deemed-to-be-Approved Plan Approval

c. What is the current zoning on the property? M1-1
 What was the zoning when the building was built? M1-1

d. Subject property is level _____ sloping and _____ rectangular
 _____ triangular _____ irregular-shaped parcel of land.

e. Describe how the site is presently developed, including details such as square footage of buildings, occupancy loads, stories, number of seats, etc. If the site has been destroyed, provide detail of what was destroyed and what remains. The subject property is developed with an existing single story 5,898 s.f. adult cabaret. The development of the subject property has not changed since the 1998 action sited above.

f. Surrounding properties. Fill in the following matrix:

	zones	uses
Northerly	PF-1	Animal control facility
Southerly	PF-1	Abandoned RR right-of-way and DWP yard
Westerly	M1-1	Film production studio
Easterly	M1-1	Equipment sales and storage

g. If you are rebuilding, is it on the same foundation? Are you adding floor area? If yes, how much? N/A sq. ft., N/A %.

h. Is a conditional use permit now on the property? If yes, what type? no What sections of the Municipal Code permits this use(s)? Section 12.24-C N/A Attach a copy of all prior conditional use cases to this application.

i. Is the use site the same size it was when it was established? Yes/No _____
If the site has changed in size please explain. _____

j. Was the use discontinued for a year or more? Yes/No. If yes, please explain:

If the use was discontinued for a period less than one year, give dates in continuous use since approved under modified revocation proceeding

k. How many parking spaces are now on the site? 28 How many parking spaces were on the site on the date that the use became established? 28 How many spaces will be required by Code for the proposed addition? 28 What will be the total number of parking spaces required by Code for this site, if the Plan is approved? 28

l. Improvements were originally permitted on _____ Building Permit No. _____ and Certificate of Occupancy issued on _____ (Attach copies.)

The Office of Zoning Administrative Research will primarily be based on business licenses, field check, prior cases and building permits. If you will provide a business license history, copies of building permits, certificates of occupancy and photographs, it will help the staff process this request. Please provide a list of all prior cases and plan approvals. SEE ATTACHED

m. How many retail uses did you have originally? 0 How many are you proposing? N/A Parking spaces to be provided N/A

LAW OFFICES

WESTON, GARROU & DEWITT

A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES

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MICHAEL W. BROWN*

OF COUNSEL

AUBREY I. FINN*
CATHY E. CROSSON*
A. DALE MANICOM*
JOSEPH P. WOHRLE*

* ADMITTED IN CALIFORNIA
* ADMITTED IN FLORIDA
* ADMITTED IN INDIANA
* ADMITTED IN TEXAS
* A CALIFORNIA PROFESSIONAL CORPORATION
* A FLORIDA PROFESSIONAL ASSOCIATION

October 25, 2002

Mr. Robert Janovici
Chief Zoning Administrator
The Office of Zoning Administration
200 North Spring Street
Seventh Floor, City Hall
Los Angeles, California 90012

Re: **Supplement To Plan Approval Review Application**
ZA 98-0210 (RV)

Dear Mr. Janovici:

On or about June 20, 2002, **Blue Zebra Adult Cabaret** timely submitted its required Plan Approval Review Application. This letter constitutes a supplement to the previously submitted document.

Pursuant to Los Angeles Municipal Code (L.A.M.C.) Section 12.27.1-D, **Blue Zebra Adult Cabaret** hereby respectfully requests the *modification* of two of the twenty nuisance abatement conditions ("conditions") imposed by the Office of Zoning Administration upon the previous tenant of the premises located at 2662 Lacy Street.

Background

On October 19, 1998, pursuant to the provisions of L.A.M.C. Section 12.27.1, the Zoning Administrator for the City of Los Angeles required "the modification of the operation of the **Lacy Street Cabaret** located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation." *Zoning Administrator Ruling*, Case No. ZA 98-0210 (RV), p. 1, Oct. 19, 1998. In order to effectuate its nuisance abatement decision, the Zoning Administrator imposed twenty conditions (not required by either the general zoning or license laws or regulations of the City of Los Angeles) upon the **Lacy Street Cabaret**. We believe that the **Lacy Street Cabaret** went *out of business* and *closed* in or about September, 2000.

Mr. Robert Janovici

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The **Blue Zebra Adult Cabaret** ("Blue Zebra") opened in late February, 2002 – nearly eighteen months after the **Lacy Street Cabaret** closed. **Blue Zebra** is not affiliated in any way with the **Lacy Street Cabaret**.

The events that precipitated the imposition of the twenty nuisance abatement conditions¹ occurred while the **Lacy Street Cabaret** was the lessee and sole occupant of the **Lacy Street** premises. Notably, all of these events occurred years *before* **Blue Zebra** leased and began to operate at the location. **Blue Zebra's** management has maintained the business as a good neighbor and corporate citizen, avoiding the combination of circumstances which disturbed the neighborhood and led to the nuisance abatement action and imposition of the conditions.

What Blue Zebra Had To Do Prior To Opening For Business

Despite that neither it, nor the operation of its business, was in any way responsible for the events that precipitated the Zoning Administrator's Ruling, **Blue Zebra** agreed to comply with the conditions imposed.² Specifically, **Blue Zebra** was required to do many things including the following *before* opening for business:

- (1) remove all graffiti from the site (and continue to do so within 24 hours of its occurrence);

¹ In the October 19, 1998 Imposition of Conditions, the Office of Zoning Administration found that: "The operation of the **Lacy Street Cabaret** has been and continues to be a troublesome location and nuisance insofar as the site has been the locus for public demonstrations, assaults, a shooting, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages." (Emphasis added.) *Zoning Administrator Ruling*, p. 14.

² **Blue Zebra's** compliance is particularly poignant given that it was unaware of the twenty conditions when it leased the property. Once it learned of the conditions, **Blue Zebra** took affirmative steps to determine their applicability and then to comply with them. For example, **Blue Zebra's** attorneys had to work with the Office of Zoning Administration in order to comply with many of the twenty conditions because the conditions had been imposed so long before, the specified periods of time had elapsed. Thus it was literally impossible to comply with many of the conditions. The Office of Zoning Administration provided a new chronological framework for **Blue Zebra** with which it assiduously complied.

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- (2) reimburse the City its costs for conducting and processing the nuisance abatement action (against **Lacy Street Cabaret**);
- (3) file a Plan Approval application with the Office of Zoning Administration and pay all required fees;
- (4) submit and comply with required building plans;
- (5) maintain the property in good order and collect and dispose of any and all debris on a daily basis;
- (6) repair the uncompleted sidewalks adjacent to the property;
- (7) ensure that the exterior of the premises was/is sufficiently illuminated by adding new approved lighting; and
- (8) obtain and utilize the services of a bona fide, uniformed state licensed security service to patrol the exterior of the premises during hours of operation.

Moreover, **Blue Zebra** has taken several additional steps not required by the Zoning Administrator's Ruling to ensure both a harmonious presence in the neighborhood and that the problems caused by **Lacy Street Cabaret** would not be replicated. Specifically, the Police Commission Permit Review Board requested that **Blue Zebra** consent to its own condition in addition to the twenty imposed by the Zoning Administrator. That requested condition limited **Blue Zebra's** right to lawfully advertise its business by requiring **Blue Zebra** to utilize only approved signage on the premises. **Blue Zebra** voluntarily agreed to the request and has abided the condition. A copy of the approved signage is attached as Exhibit "A."

Blue Zebra also offered at a February 20, 2002 hearing before the Police Commission Permit Review Board, to establish a special, monitored telephone line so that any community comments or concerns could be promptly communicated. The toll-free telephone line was intended to facilitate communication between concerned members of the public and **Blue Zebra** personnel. The toll-free telephone line was installed and the Police Commission so notified on March 8, 2002. The toll-free telephone number was also provided to the Council Office and to a representative of the community. Copies of letters to the Police Commission and the Council Office and the community representation are attached hereto as Exhibits "B" and "C." The letter to the community representative is partially redacted to preserve his privacy rights.

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Similarly, at the February 20, 2002 Police Commission Permit Review Board hearing, those members of the public who were present and expressed concerns about **Blue Zebra's** operation were provided with the business card of the undersigned, John H. Weston, counsel for **Blue Zebra**. The business card contains Mr. Weston's telephone and fax numbers, as well as his e-mail address. Anyone with a concern, comment, criticism or question concerning the **Blue Zebra** was invited to contact Mr. Weston. To date, Mr. Weston has not received a single call or message.

Blue Zebra's willingness and efforts to cooperate with the Zoning Administration and members of the public are unquestionable. However, these efforts do not constitute a waiver of **Blue Zebra's** objections to the constitutionality and legality of the conditions or the imposition of them in this situation. **Blue Zebra** does not challenge the legality or imposition of the conditions. Rather, reserving all of its rights, it merely requests the *modification of only two* of the twenty conditions pursuant to its right under L.A.M.C. Section 12.27.1-D.

Requested Modifications

The Zoning Administrator's October 19, 1998 ruling imposed, among others, the following two conditions upon the **Lacy Street Cabaret**:

- "6. The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week.
19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for ~~X~~ business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator."

Zoning Administrator Ruling, p. 2, 4.

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Blue Zebra hereby requests that the two conditions be modified as follows:

6. The hours of operation are limited to 11 a.m. to 2 a.m. Sunday through Wednesday, and 11 a.m. to 4 a.m. Thursday through Saturday.
19. The owner of the premises shall obtain the services of bona fide, state licensed security guards to patrol the premises during the hours that the premises is open for business.
✧ A minimum of two licensed security guards shall be present on the premises at all times that the Blue Zebra Adult Cabaret is open for business. The security guards shall display appropriate badges and be appropriately dressed according to guidelines promulgated by the owner of the premises. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.

The Modifications Are Warranted Under L.A.M.C. 12.27.1-D

Pursuant to L.A.M.C. Section 12.27.1-D, **Blue Zebra** is entitled to request the *modification* of the two referenced conditions. That section states, in relevant part:

Upon application by the owner or lessee, the Director may modify or eliminate the conditions of a prior decision.

An application shall be considered if a time period of at least one year has passed from the date the conditions were originally imposed; or if there have been substantial changes in the nature and operation of the use or discretionary zoning approval; or if there has been a change in circumstances such that the continued enforcement of the previously imposed conditions is no longer reasonable or necessary.

L.A.M.C. § 12.27.1-D.

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Substantially *more than one year* has passed since the original conditions were imposed. The Zoning Administrator promulgated the conditions on October 19, 1998, and the Mayor finally approved their application to **Lacy Street Cabaret** on April 14, 1999. The modification request is therefore timely.³

However, in addition to evidencing its timeliness, the significant passage of time must be kept in mind when considering the fairness of this modification request. Specifically, the conditions imposed upon the **Lacy Street Cabaret** *more than four years ago* (October 19, 1998) were prompted by events that occurred *more than five years ago*. Since then, the **Lacy Street Cabaret** closed (September, 2000). **Blue Zebra**, by contrast, opened in February 2002 – *barely nine months ago*. Ample time has allowed for substantial changes in the nature and use of the premises.

These substantial changes are evident when one considers that **Blue Zebra** was not the lessee of the site nor the operator of the business when the conditions were imposed or the events occurred which created the nuisance. As such, **Blue Zebra** is an innocent bystander that now finds itself compelled to carry the substantial burden of the previous, unrelated tenant. It is clear, then, that “there have been substantial changes in the nature and operation of the use” of the premises. L.A.M.C. § 12.27.1-D.

In addition to its total uninvolvedness in the long-ago misconduct, **Blue Zebra’s** management has shown itself to be able to operate an adult cabaret without generating the combination of problems apparently caused by the prior tenants. One need only consider the fact that the combination of problems associated with the **Lacy Street Cabaret**, the very combination of problems deemed a nuisance by the Zoning Administrator, ceased when **Lacy Street Cabaret** closed. This fact makes it clear that there “has been a change in circumstances such that the continued enforcement of the previously imposed conditions is no longer reasonable or necessary.” L.A.M.C. § 12.27.1-D. Notwithstanding the totality of changed circumstances, **Blue Zebra** seeks to *modify only* conditions #6 and #19.

³ Additionally, in his October 12, 2001 letter to counsel for **Blue Zebra**, David Kabashina, Associate Zoning Administrator, stated: “It has been over a year since the final action on April 21 [sic], 1999, to impose the subject conditions, therefore, your client is qualified to file that request even without consideration that there may be a change in circumstances and that this may be a new and unrelated business.” *Kabashina Letter*, Oct. 12, 2001, p. 2.

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Financial And Other Concerns Justify The Modification of Conditions #6 And #19

Blue Zebra has high fixed monthly costs – nearly \$14,000 per month just for rent, utilities and insurance. In the post September 11 economy, it, like most retail businesses, is required to maximize its resources and minimize its expenses to the greatest extent prudently possible in order to survive – let alone flourish. Conditions #6 and #19 severely impact Blue Zebra's bottom-line and its ability to make a reasonable profit.

- A. *Condition #6 Should Be Modified To Allow An Additional Two Hours Of Operation On Thursday Through Saturday Nights.*

With its high fixed costs, Blue Zebra must be able to operate longer than eight hours a day. Blue Zebra requests that Condition #6 be modified so that the cabaret may remain open from 2:00 a.m. through 4:00 a.m., Thursday through Saturday, its most patronized days. These additional six hours of operation will allow Blue Zebra to benefit from the expected additional patronage longer hours of operation will permit. The request to allow these additional hours is made primarily to offset the high fixed costs and the initial significant financial investment made in the club and its ongoing expenses. Allowing the club to operate for a total of six additional hours over just three days will further the Zoning Administration's goal of steering "the operation of the cabaret in a satisfactory manner so that it may function as a viable commercial enterprise." *Zoning Administrator Ruling*, p. 16.

The additional six hours also will have no impact on the surrounding community. None of the other area businesses in this manufacturing section is open from 2:00 a.m. through 4:00 a.m., Thursday through Saturday. Also, there are no sensitive uses to be affected.

- B. *Condition No. 6 Should Also Be Modified To Allow Blue Zebra To Operate From 11:00 A.M. Through 6:00 P.M., Daily*

Blue Zebra also requests that Condition #6 be modified so that the cabaret may open at 11:00 a.m. rather than at 6:00 p.m. Industry patterns indicate that during a daytime shift, a cabaret can expect about one-half the number of customers it receives during the evening hours. Currently, Blue Zebra (which is presently open for only 8 hours a day, 6:00 p.m. to 2:00 a.m.) averages roughly 60 customers

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per night. The additional daytime hours, then, would only amount to approximately 30 additional customers per day. This translates into an average of only 4 customers per daytime hour of operation, a seemingly minimal addition to the manufacturing zone's daytime activity.

Importantly, however, these four customers per hour are expected to create additional revenues for Blue Zebra of \$12,600 a month (assuming each customer spends an average of \$15) (nearly enough to cover its fixed monthly costs) and more than \$159,000 a year. This is a significant sum for Blue Zebra; one that will have a dramatic impact on the financial well-being of the company.

The additional daytime hours also will allow consideration of a number of new proposals for improving the club. One such possibility is the installation of a kitchen. The additional revenue generated from increased business due to longer hours of operation will help justify the significant costs associated with such improvements. The actualization of such proposals will also allow the club to create additional jobs. Finally, it will promote business efficiency and a more stable, viable commercial establishment.

C. *The Reasons Offered In Support Of Condition #6 Are Not Inconsistent With Blue Zebra's Requested Modifications.*

Blue Zebra respectfully submits that the reasons stated in 1998 for the limited hours imposed by Condition #6 are not fairly applicable to it given the fact that circumstances have substantially changed since Lacy Street Cabaret closed.

First, Blue Zebra is in full compliance with the Los Angeles City zoning plan. Additionally, the building's decor and signage do not contain offensive or suggestive photographs, wording or images. The only signage that a passerby can see on the well-maintained brick structure is tastefully designed, elegant blue-neon lettering which reads, simply, "Blue Zebra Adult Cabaret."

The ruling also asserts that restricted club hours will ensure the availability of police resources. *Zoning Administrator's Ruling*, p. 7. While that may have been appropriate for Lacy Street Cabaret, it appears that it is not vis-a-vis Blue Zebra. This is reinforced by the fact that the combination of events which

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prompted the imposition of the conditions occurred *over five years* before **Blue Zebra** opened its doors.⁴

D. Modifying Condition #19 Will Lower Blue Zebra's Costly Overhead And Promote Its Efficiency And Stability.

The cost to **Blue Zebra** associated with the condition that it hire third-party, state licensed security personnel is tremendous. Currently, **Blue Zebra** spends nearly \$85,000 per year to hire outside security personnel to comply with the requirements of Condition #19. It would be far less costly, and more effective, were **Blue Zebra** allowed to directly hire state licensed security guards as employees. The cost disparity is due to the fact that security guard supply companies charge more for personnel in order to generate a profit for each security guard supplied. Allowing **Blue Zebra** to hire its own state licensed personnel would eliminate the additional cost attributable to doing business with third-party companies. Generally, **Blue Zebra's** competitors within the City of Los Angeles are not required to have state licensed guards, let alone from an outside service.

By directly hiring state licensed security personnel **Blue Zebra** will also be able to limit employee turnover, ensure proper site-specific training of its state licensed security personnel, and avoid problems caused by untrained third-party guards who are unfamiliar with the business, its patrons, other employees and the neighborhood. These benefits will create a more professional and efficient working environment and promote the overall stability of the club.

The requested modification also seeks to modify the requirement that the state licensed security guards patrol the *exterior* of the premises at all times. This portion of the condition is unduly restrictive and limits the effectiveness of the security force by compelling them to remain outside of the club. For example, when there is little or no activity in the parking area, mandating two guards to remain on patrol outside is unnecessary and a waste of resources. Allowing state licensed security personnel to make regular patrols and do their jobs *both within* and *without* the premises based upon their trained sense of shifting ascertainable needs, however, will better establish their presence

⁴ This is particularly true when it is considered that other adult establishments are generally not subject to such restrictive conditions. To compel **Blue Zebra** to restrict its hours of operation when all of the events that precipitated the imposition of the conditions occurred years ago during *another* business' tenure is arbitrary and unfair and, **Blue Zebra** submits, is without justification.

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throughout the property and more effectively and efficiently address any situations which need their attention.

Finally, the requirement that state licensed security personnel wear uniforms creates a menacing atmosphere that can easily be remedied by simply altering their attire. **Blue Zebra** prefers that their employee state licensed security personnel wear more subdued, but distinctive clothing while overseeing the premises. Such attire will likely take the form of a black or dark sport coat and trousers, appropriate shoes and tie. The employee state licensed guards will be required to dress in similar or identical colors that will make them readily identifiable to patrons. Additionally, each state licensed guard will be required to wear a badge that is visible and obvious to club patrons. These slight changes will make the environment of the night club more hospitable, professional and relaxed without jeopardizing the safety and security of neighbors, patrons and employees.

E. *The Reasons Offered In Support Of Condition #19 Are Not Inconsistent With Blue Zebra's Requested Modification.*

The Zoning Administration's stated reason for Condition #19 is to:

. . . ensure that adequate security is provided for the premises and that said security be provided by a professional, state licensed service trained for that purpose. This condition is also established to prevent the owner of the premises from hiring security people who are not professionals and who are not state licensed or who may not be sufficiently trained to provide the level of security necessary for this type of premises.

Zoning Administrator Ruling, p. 19.

These reasons are not inconsistent with **Blue Zebra's** requested modification of Condition #19.

Blue Zebra is committed to hiring state-licensed security personnel to patrol the interior and exterior of the premises. In this respect, **Blue Zebra** not only is offering to ensure the safety and security of neighbors, but patrons and employees as well. Moreover, there are tremendous benefits to retaining

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ZA 98-0210 (RV)

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a knowledgeable and regular staff. For example, a consistent, professionally licensed staff will be better able to recognize patrons and employees and thereby decrease the chances of mistakes. A regular, professional, state licensed staff also will work more efficiently and thoroughly than teams of temporarily assigned security personnel with little or no knowledge of the business, patrons or workforce. Most importantly, **Blue Zebra** will continue to provide the *very* state licensed security guards required at present, but will be able to deploy them more effectively as their training and the circumstances of the moment direct.

Conclusion

We believe the requested modifications are reasonable and in keeping with the intent of the Zoning Administrator's original ruling, *i.e.*, to abate whatever nuisance may have been caused *five years ago* by the **Lacy Street Cabaret**. **Blue Zebra** had *nothing* to do with those problems. By submitting this request, we reaffirm our commitment to cooperating with your office to preserve the safety, integrity, and commercial viability of **Blue Zebra** and the surrounding area. **Blue Zebra** is and will continue to be a good neighbor and good corporate citizen. It asks only for relief from portions of two of the conditions which have proved to be *severely* economically burdensome and not appropriate for this new business.

Thank you for your consideration.

Very truly yours,

WESTON, GARROU & DeWITT

By

JOHN H. WESTON

JHW:ja
Exhibits A-C

EXHIBIT "A"

A COPY OF THE APPROVED SIGNAGE

BLUE ZEBRA
ADULT CABARET

EXHIBIT "A"

EXHIBIT "B"

**COPY OF MARCH 8, 2002 LETTER TO THE POLICE
COMMISSION AND THE COUNCIL OFFICE**

LAW OFFICES

WESTON, GARROU & DEWITT

A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES

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March 8, 2002

Lieutenant Debra Kirk
Commanding Officer
Los Angeles Police Commission
150 North Los Angeles Street
Los Angeles, California 90012

Re: *Lacy Street Hospitality Services, Inc.*
(2662 Lacy St., Los Angeles, CA 90031)

Dear Lt. Kirk:

I write in furtherance of a representation I made to the Police Commission Permit Review Board at the February 20, 2002 protest hearing, regarding my above-captioned client's then-pending application for a Café Entertainment and Shows Permit. In order to facilitate communication between those who opposed granting of the permit and my client's personnel, I reported my client's intention to establish a special, monitored telephone line so that any comments or concerns could be promptly communicated.

I offered to send the telephone number directly to those opponents who were present, but I was instead requested to provide the telephone number to Councilmember Reyes' office from which it could be subsequently obtained by interested people. The telephone line has been up and running for a few days, and I now respectfully, formally advise you of both that fact and its relevant particulars.

The telephone number is 1-800-761-0181. Callers are greeted with this language:

"Hello. Thank you for calling the Blue Zebra Good Neighbor Comment Line. If there is something you want us to know, please leave your name, your number, and a brief message, and we will return your call as soon as possible... or, just leave a brief message. We care about our neighbors, so please, let us know. Thank you for calling.";

they are then invited to leave their message.

I trust you will find this satisfactory.

EXHIBIT "B"

Lt. Debra Kirk

Re: **Lacy Street Hospitality Services, Inc.**
(2662 Lacy St., Los Angeles, CA 90031)

March 8, 2002

Page 2

Parenthetically, as you may know, after the hearing I spent nearly an hour in the corridor with many of the citizen opponents. I sought to answer their questions and to deal with their expressed concerns. I also gave business cards containing my telephone number, my fax number and my e-mail address to many of them and encouraged them to call me at any time in connection with the new business. As you can imagine, I stressed my client's unequivocal desire to be a good corporate citizen and a good neighbor and my confidence that if fairly evaluated, their perception of my client's business as a good neighbor will be very different from their experience with its predecessor.

Please let me know should you have any suggestions regarding the phone line.

Very truly yours,

WESTON, GARROU & DeWITT

By

JOHN H. WESTON

JHW:km

Enclosures

cc: Carlos DeLa Guerra, Esq., Deputy City Attorney
Detective Robert Diaz,
LAPD Commission Investigation Division
Hon. Ed P. Reyes, Los Angeles City Councilmember
Booker Ridgeway, Police Commission Advocate
Lacy Street Hospitality Services, Inc.

EXHIBIT "C"

**PARTIALLY REDACTED COPY OF MARCH 8, 2002 LETTER TO
THE COMMUNITY REPRESENTATIVE**

LAW OFFICES
WESTON, GARROU & DEWITT
A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES
WILSHIRE BUNDY PLAZA
12121 WILSHIRE BOULEVARD, SUITE 900
LOS ANGELES, CALIFORNIA 90025-1176
FAX (310) 442-0899
(310) 442-0072

JOHN H. WESTON*
CLYDE DEWITT**
G. RANDALL GARROU**
MICHAEL W. BROWN*

OF COUNSEL
AUBREY I. FINN*
CATHY E. CROSSON**
A. DALE MANICOM*
JOSEPH P. WOHRLER*

* ADMITTED IN CALIFORNIA
* ADMITTED IN FLORIDA
* ADMITTED IN INDIANA
* ADMITTED IN TEXAS
* A CALIFORNIA PROFESSIONAL CORPORATION
* A FLORIDA PROFESSIONAL ASSOCIATION

FLORIDA OFFICE
LAWRENCE G. WALTERS**
LAURA JACOBBS*
455 DOUGLAS AVENUE
SUITE 2188-31
ALTAMONTE SPRINGS, FL 32714-8559
FAX (407) 774-6181
(407) 788-7337

SAN DIEGO OFFICE
432 F STREET, SUITE 202
SAN DIEGO, CA 92101-6136
FAX (619) 239-1717
(619) 232-3288

March 8, 2002

**TRANSMITTED ON THIS DATE
VIA TELEFAX TO [REDACTED]
ORIGINAL SENT TODAY BY MAIL**

Michael [REDACTED]
[REDACTED]
Los Angeles, California 90041

Re: *Lacy Street Hospitality Services, Inc.*
(2662 Lacy St., Los Angeles, CA 90031)

Dear Mr. [REDACTED]:

At the Police Commission Permit Review Board protest hearing on February 20, 2002, in connection with my above-captioned client's then-pending application for a Café Entertainment and Shows Permit, I represented that my client would establish a special monitored telephone line so that any comments or concerns could be promptly communicated.

I offered to send the telephone number directly to those opponents who were present, but I was instead requested to provide the telephone number to Councilmember Reyes' office where it could be subsequently obtained by interested people. You were the only person who authorized me to contact him directly. The telephone line has been up and running for a few days, and I now respectfully, formally advise you of both that fact and its relevant particulars. I am also sending this information to both Councilmember Reyes and the Police Commission.

The telephone number is 1-800-761-0181. Callers are greeted with this language:

"Hello. Thank you for calling the Blue Zebra Good Neighbor Comment Line. If there is something you want us to know, please leave your name, your number, and a brief message, and we will return your call as soon as possible... or, just leave a brief message. We care about our neighbors, so please, let us know. Thank you for calling.";

they are then invited to leave their message.

EXHIBIT "C"

LAW OFFICES
WESTON, GARROU & DEWITT
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Michael [REDACTED]

Re: *Lacy Street Hospitality Services, Inc.*
(2662 Lacy St., Los Angeles, CA 90031)

March 8, 2002

Page 2

I trust you will find this satisfactory and would very much appreciate, if appropriate, your giving this information to your neighbors so that they too may have the telephone number. I enjoyed talking to your neighbors and to you after the hearing and particularly appreciated the spirit of those conversations. As I said then, please feel free to contact me directly if I can be helpful with respect to the matters we discussed.

Very truly yours,

WESTON, GARROU & DeWITT

By

JOHN H. WESTON

JHW:km

NOTICE OF PUBLIC HEARING

On December __, 2002, at ___ o'clock in the morning, a public hearing will be held in which Blue Zebra Adult Cabaret will petition the City of Los Angeles Office of Zoning Administration to permit it to modify those conditions which currently require:

1. A minimum of two uniformed, state licensed security guards provided by a bona fide security service shall be present on the exterior of the premises at all times that the Lacy Street Cabaret is open for business; and
2. The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week.

Blue Zebra will seek the approval of the Zoning Administrator to modify those conditions to require:

1. A minimum of two appropriately dressed and identifiable state licensed security guards shall be present on the premises at all times that the Blue Zebra Cabaret is open for business; and
2. The hours of operation are limited to 11 a.m. to 2 a.m. Sunday through Wednesday, and 11 a.m. to 4 a.m. Thursday through Saturday.

The public hearing will be held at _____, Room __, Los Angeles, California 90025.

COUNTY CLERK'S USE	CITY OF LOS ANGELES OFFICE OF THE CITY CLERK ROOM 615, CITY HALL EAST LOS ANGELES, CALIFORNIA 90012 CALIFORNIA ENVIRONMENTAL QUALITY ACT	CITY CLERK'S USE
<h1 style="margin:0;">NOTICE OF EXEMPTION</h1> <p style="margin:0;">(Article III, Section 3—City CEQA Guidelines)</p>		

Submission of this form is optional. The form shall be filed with the County Clerk, 111 No. Hill St., Los Angeles, California 90012, pursuant to Public Resources Code Section 21252 (b). Pursuant to Public Resources Code Section 21188 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	LA	1998-210	COUNCIL DISTRICT 1
---	-----------	-----------------	------------------------------

PROJECT TITLE * APPROVAL OF Plans	LOG REFERENCE ENV 2002-3492 CE
---	---

PROJECT LOCATION * 2662 LAER ST, LA 90031

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: * Plan Approval

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY: *
--

CONTACT PERSON * ROBERT B. LAMISHAW	AREA CODE TELEPHONE NUMBER * 818 * 781-0016	EXT.
---	---	------

EXEMPT STATUS: (Check One)		
<input type="checkbox"/> MINISTERIAL	CITY CEQA GUIDELINES Art. III, Sec. 2b	STATE EIR GUIDELINE Sec. 15073
<input type="checkbox"/> DECLARED EMERGENCY	Art. III, Sec. 2a (1)	Sec. 15071 (a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. III, Sec. 2a (2) & (3)	Sec. 15071 (b) & (c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. III, Sec. 1	Sec. 15060
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Art. VII, Sec. 1	Sec. 15100
Class <u>1</u> Category <u>22</u> (City CEQA Guidelines)		
<input type="checkbox"/> OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and city guideline provision.)	

JUSTIFICATION FOR PROJECT EXEMPTION: Granting or renewal of a variance or conditional use for a nonsignificant change of use in an existing facility.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.

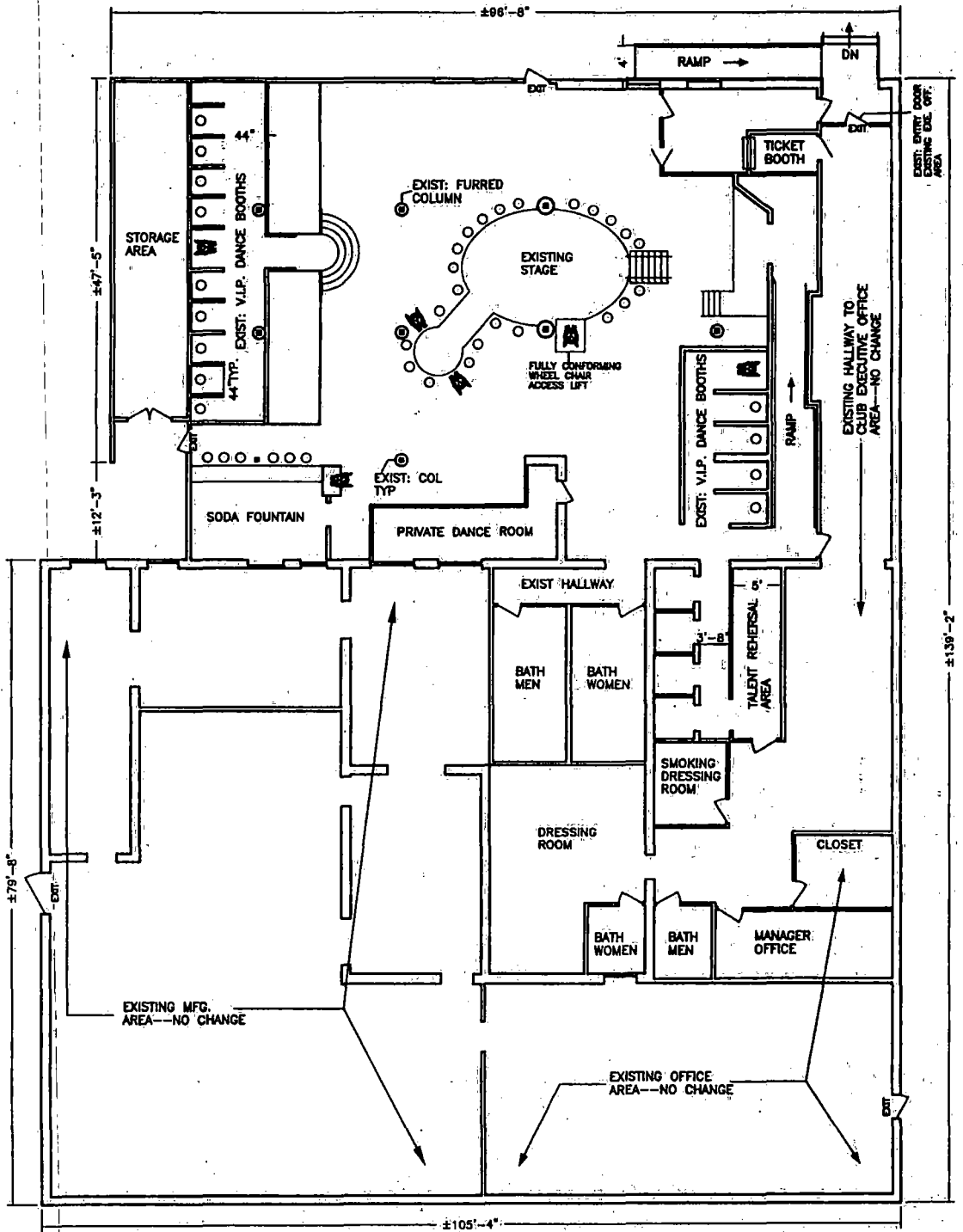
SIGNATURE <i>Jaime E. Lopez</i>	TITLE CPA	DATE 6.19.02
FEE: \$ 49 ⁰⁰	RECEIPT NO. 232,774	REC'D BY JAIME E. LOPEZ
		DATE 6.19.02

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Form Gen. 183 (Rev. 8-90) (Appendix A) (C.S. 4/98)

THE APPLICANT CERTIFIES THAT HE OR SHE UNDERSTANDS THE FOLLOWING: Completion of this form by an employee of the City constitutes only a staff recommendation that an exemption from CEQA be granted. A Notice of Exemption is only effective if, after a public review and any required public hearings, it is adopted by the City agency having final jurisdiction (including any appeals) over the project application. If a CEQA exemption is found inappropriate, preparation of a Negative Declaration or Environmental Impact Report will be required. IF THE INFORMATION SUBMITTED BY THE APPLICANT IS INCORRECT OR INCOMPLETE SUCH ERROR OR OMISSION COULD INVALIDATE ANY CITY ACTIONS ON THE PROJECT, INCLUDING CEQA FINDINGS.

*** ROBERT B. LAMISHAW**
NAME (PRINTED)

Jaime E. Lopez
SIGNATURE



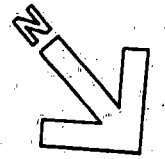
- Notes:
1. Situs Address:
2662,2664 Lacy Street
Los Angeles, Ca 90031
 2. Private Booths:
Standard Booths = 13 booths
H/C Booths = 2 booths
Total Booths = 15 Booths
 3. Private Dance Room = 1 room

EXISTING FLOOR PLAN

CAD GRAPHICS BY

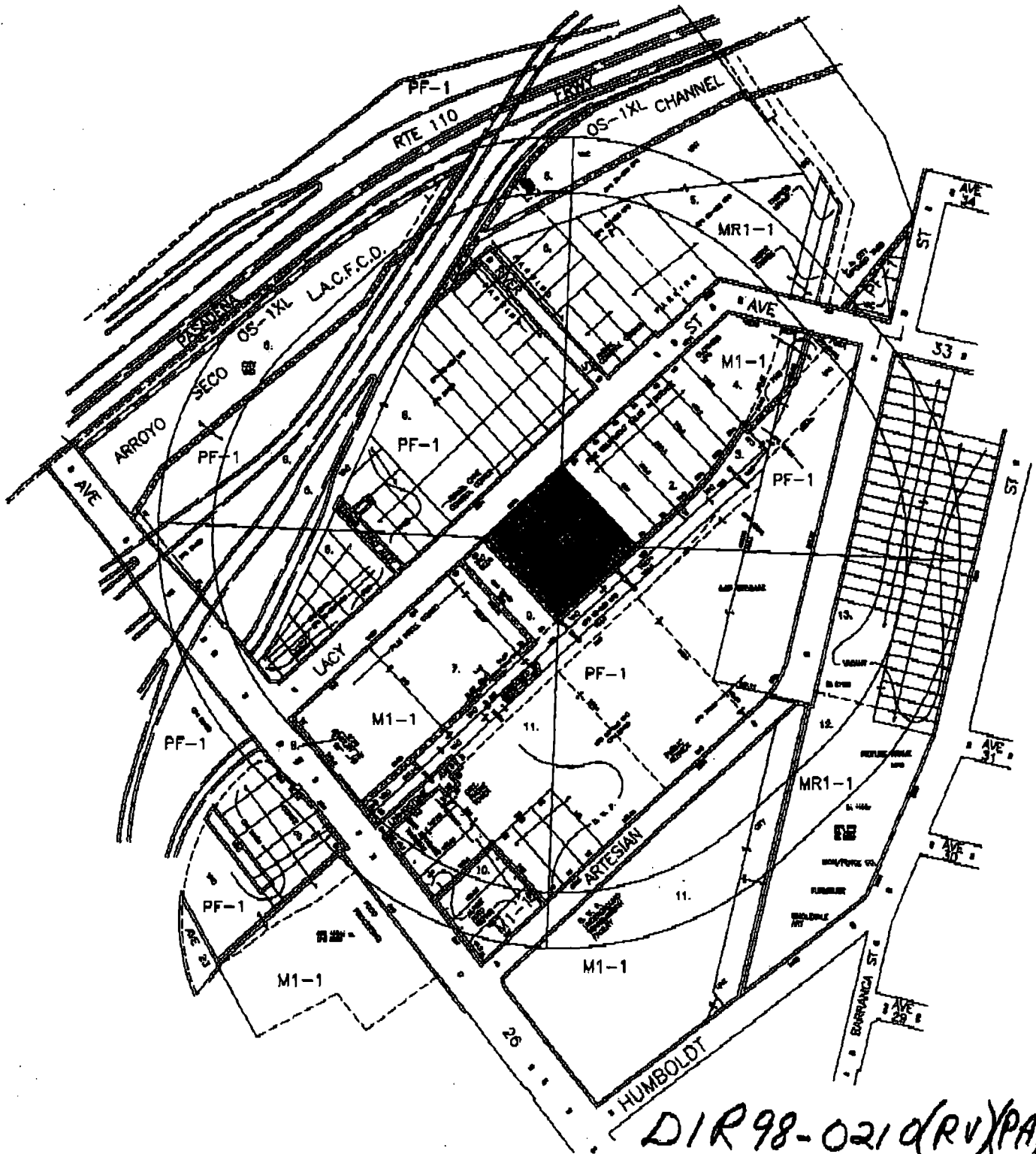


JPL Zoning Services
8257 Van Nuys Blvd.
Van Nuys, CA 91411
(818)781-0016




SCALE: 1/16" = 1'
DATE: 06-13-2002

JPL- 3399FP



MAP FOR LOT 7, AND 2, A PORTION OF CHESTER ARROYO SEED TRACT, MS 20-46, AND LOTS 1 AND 2, VICTOR BERRY SUBDIVISION OF LOTS 6 AND 8 WITH PERTAINING 1/2/1/2 ACRES WHICH WERE A SUBDIVISION OF LOT 7, BOTH OF WHICH LOTS ARE A PART OF CHESTER ARROYO SEED TRACT.

NEW T.P. PAGE 584 ORD 4-7	ADULT ENTERTAINMENT	CASE NO. DATE: 08-04-02 DRAWN BY: JPL ZONING SERVICES S.M. OR CAD: 143.5321, 141221	NET ACRES = 0.95 ACRES
C.D. J. REVER C.T. 1999 P.A. M/T LOS ANGELES	CAD GRAPHICS BY  JPL Zoning Services, Inc. 6857 Van Nuys Blvd. #101 Van Nuys, CA 91401 (818)781-0018	SCALE: 1"=100' USES: FIELD CONTACT PERSON: RANDY GARROU PHONE NO. 310-671-2707	 JPL-3399 RM

J. MICHAEL CAREY
City Clerk

CITY OF LOS ANGELES
CALIFORNIA



Office of the
CITY CLERK
Council and Public Services
Room 615, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

When making inquiries
relative to this matter
refer to File No.

RICHARD J. RIORDAN
MAYOR

BZA 5658
98-0210-14
PC
METD. PLAN COMM.

99-0235

PLACE IN FILES

CD 1

APR 28 1999

April 27, 1999

DEPUTY

J N M Humbolt Investment
6711 E. Washington Bl.
Los Angeles, CA 90040

Council Member Hernandez
Board of Zoning Appeals
Office of Zoning Administration
Advisory Agency
Information Technology Agency
Bureau of Engineering,
Development Services Division
Attn: Glenn Hirano

Department of Transportation,
Traffic/Planning Sections
Department of Building & Safety
c/o Zoning Coordinator
Bureau of Street Lighting,
"B" Permit Section
Fire Department
Police Department

Industrial Strip L.A.
aka Lacy St. Cabaret
2662 Lacy St.
Los Angeles, CA 90031

Roger Jon Diamond
2115 Main St.
Santa Monica, CA 90405

RE: NUISANCE ABATEMENT APPEAL FOR PROPERTY AT 2662 LACY STREET

At the meeting of the Council held April 14, 1999, the following
action was taken:

Attached report adopted	<u>X</u>
Mayor concurred.....	<u>4-26-99</u>
FORTHWITH.....	_____
Ordinance adopted.....	_____
Findings adopted.....	<u>X</u>
Negative Declaration adopted.....	_____
Categorically exempt.....	<u>X</u>
Generally exempt.....	_____
EIR certified.....	_____
Tract map approved for filing with the County Recorder.....	_____
Parcel map approved for filing with the County Recorder.....	_____

J. Michael Carey

City Clerk
bs

steno\990235

[Signature]
4/27/99



Handwritten text at the top left of the page, possibly a date or reference number.

STANDARD INFORMATION



**PLANNING AND LAND USE MANAGEMENT COMMITTEE
Report/Communication for Signature**

#4
Council File Number 99-0235
Committee Meeting Date 4-6-99
Council Date 4-14-99

COMMITTEE MEMBERS	YES	NO	ABSENT
COUNCILMEMBER BERNSON, Chair	✓		
COUNCILMEMBER MISCIKOWSKI	✓		
COUNCILMEMBER HERNANDEZ	✓		

Remarks Nuisance Abatement appeal at
2662 Lacy St.

John A. White, Legislative Assistant ♦♦♦♦ Telephone 485-5707

Mayor's Time Stamp

RECEIVED
CITY CLERK'S OFFICE Stamp

99 APR 21 PM 2:52

BY CITY CLERK
DEPUTY

RECEIVED

FORTHWITH

'99 APR 21 P2:57

DEPUTY MAYOR

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 99-0235

COUNCIL DISTRICT NO. 1

COUNCIL APPROVAL DATE April 14, 1999

RE: NUISANCE ABATEMENT APPEAL FOR PROPERTY AT 2662 LACY STREET

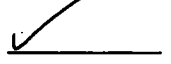
MAY 03 1999

LAST DAY FOR MAYOR TO ACT _____
(10 Day Charter requirement as per LAMC Section 12.24H)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

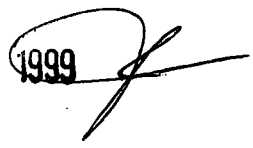
APPROVED

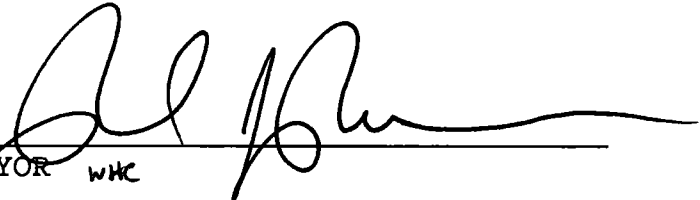
*DISAPPROVED



*Transmit objections in writing pursuant to LAMC Section 12.24H

DATE OF MAYOR APPROVAL OR DISAPPROVAL APR 26 1999

APR 27 1999 


MAYOR WMC

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u>—</u>

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Nuisance Abatement appeal for property at 2662 Lacy Street.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is categorically exempt from CEQA pursuant to Article VII, Section 1, Class 21(2) of the City's Environmental Guidelines.
2. ADOPT FINDINGS of the Board of Zoning Appeals as the Findings of Council.
3. RESOLVE TO DENY APPEAL filed by A Very Small Venture, LLC, (Roger Jon Diamond) from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different determination by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted; determine, that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the focus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community; the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street is required in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation; and IMPOSE CORRECTIVE conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

Applicant: City of Los Angeles	BZA 5658
(Office of Zoning Administration)	ZA 98-0210-RV

Fiscal Impact Statements: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of

this report.

**TIME LIMIT FILE - APRIL 29, 1999
(Public Hearing Scheduled in Council April 14, 1999)**

Summary:

At their meeting held on April 6, 1999, the Planning and Land Use Management Committee conducted a public hearing on an appeal filed by A Very Small Venture, LLC, (Roger Jon Diamond) from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different determination by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted; determine, that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the focus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community; the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation; and impose corrective conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

During the public comment period, the Zoning Administrator stated that the proposed 20 conditions for the Lacy Street Cabaret adult theater will mitigate nuisance activities and reduce their impact on the community. The conditions are intended to abate nuisance activities, not to drive the operator out of business. The cabaret is located in an M-zone and conforms with the area's zoning restrictions. However, local residents and business operators and employees have stated that they have been intimidated by the cabaret, protestors have been assaulted by cabaret patrons, and undercover police officers have been solicited for lewd acts. School children pass the cabaret on their way to two nearby schools.

A representative of the appellant stated that Mr. Wasco has a legal right to operate his business at this location. The appellant's representative further went on to state that the Police Department has reported that no criminal activity has taken place at this location and further reported that the cabaret has "no noticeable effect on the community or children." Courts threw out arrests made by the Police Department at the cabaret. A shooting that took place there was not associated with the cabaret. Finally, the appellant's representative stated that the cabaret brings economic activity to the area and occupies what would otherwise be a vacant, unused building.

Representatives of the Police Department stated that the cabaret has been the subject of two vice investigations. The Department spent 500 hours conducting these investigations, making 19 arrests for alcoholic beverage sale violations and for the soliciting of lewd acts. The Department representative further stated the County's Department of Childrens Services has initiated an investigation of the cabaret relative to allegations made that a minor was paid to perform for patrons. The Department representative further stated that the proposed conditions -- especially restricting the hours of operation to 6 p.m. through 2 a.m. and requiring the removal of a fence for private lap dances -- will assist the Police Department conduct their investigations. Community members were also present to state their support for the proposed conditions.

The Planning and Land Use Management Committee recommended that Council adopt the Findings of the Board of Zoning Appeals and deny the appeal filed by A Very Small Venture, LLC, thereby imposing the corrective Conditions of Approval to mitigate nuisance activities associated with the Lacy Street Cabaret.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

Mike Heine
Craig Mahner

JAW:ys
4-7-99
Enc: BZA 5658
ZA 98-0210-RV
CD 1
Attachment: Conditions of Approval

#990235

REPT. & FINDINGS
ADOPTED
APR 14 1999
LOS ANGELES CITY COUNCIL
CAT EXEMPT APPROVED
TO THE MAYOR FORTHWITH

CONDITIONS OF APPROVAL

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. Within 30 days of the effective date of this determination the owner shall submit a plot plan showing the exterior layout of the premises including all buildings and parking areas together with a floor plan showing all interior areas of the cabaret. All interior partitions shall be shown in compliance with Condition No. 10 below.
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 in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. A copy of this action and all conditions shall be maintained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.
6. The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week.
7. Pursuant to LAMC Section 19.01-P, the business owner shall reimburse the City for costs required to conduct and process the subject nuisance abatement action. A check in the amount of \$2,000 shall be made payable to the City of Los Angeles and shall be paid no later than 30 days from the effective date of this action.
8. No sooner than 90 days and no later than 120 days from the effective date of this action the owner of the Lacy Street Cabaret shall file a Plan Approval application with the Office of Zoning Administration and pay the applicable fee of \$523 and provide a mailing list of owners and occupants within a 500 foot radius of the facility. A public hearing shall be held pursuant to this application to determine the degree of compliance with the conditions contained herein and the effectiveness of the conditions, and whether additional more restrictive conditions, or fewer conditions need to be considered for the cabaret or whether the use should be revoked.

9. Within 30 days of the effective date of this determination the owner of the Lacy Street Cabaret shall file and record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
10. Except for offices, employee dressing areas and restroom facilities, no partitions or room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel. Any existing partitions or dividers not otherwise excepted by this condition shall be removed from the premises within 14 days of the effective date of this determination. An inspection by either the Department of Building and Safety or officers from the Hollenbeck Vice Unit shall be required to verify that all of the screening and partitions have been removed dismantled and taken away from the premises. Evidence of such inspection shall be provided to the Zoning Administrator by operator or by LAPD. Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises.
11. There shall be no booths or enclosed areas with dividers or partitions separating interior areas that are more than 48 inches in height. No partitions, fences or dividers shall be allowed to remain (beyond the effective date of this action) inside the premises that restrict the observation of patrons by law enforcement personnel.
12. The premises shall not be rented, leased, contracted for or otherwise used for private parties which exclude the general public. Private parties where admittance is allowed only from a list or similar screening system shall not be permitted on the premises.
13. There shall be no sale or dispensing of alcoholic beverages for consumption on the premises permitted at any time.
14. The owner/operator of the premises shall maintain a current record of all employees on the premises including hourly or salaried employees and all persons who work in any capacity on the premises. These records shall contain the employees name and address and length of employment. This information shall be made available to any law enforcement officer upon demand.
15. A copy of these conditions shall be maintained on the premises at all times and shall be made available to any law

enforcement officer upon demand. All employees shall read these conditions and shall be made familiar with these requirements upon being employed.

16. At least once a day the parking lot area and the public right-of-way adjacent to the property shall be cleaned and all trash, cans, bottles and the like shall be collected and disposed of in a trash receptacle provided for that purpose on the subject property.
17. Within 30 days of the effective date of this determination the owner shall complete any uncompleted sidewalk repairs adjacent to the subject property.
18. The exterior of the premises shall be illuminated sufficiently so that law enforcement personnel shall be able to clearly see the exterior of the premises and any persons congregating on the exterior. The sufficiency of the lighting in meeting this condition shall be subject to the review of the Los Angeles Police Department and approval by the Zoning Administrator.
19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.
20. There shall be no consumption of alcoholic beverages permitted within the premises or in the parking lot area adjacent to the building. A sign indicating that the consumption of alcoholic beverages is not permitted shall be posted both in English and Spanish on the exterior of the building in the parking lot and within the interior of the premises. The signs shall be a minimum of 24 X 24 inches in size and printed so as to be legible from a reasonable distance within the building or within the parking area.

COUNCIL VOTE

14-Apr-99 11:10:50 AM, #8

ITEM NO. (6)

Voting on Item(s): 6

Roll Call

ALATORRE	Yes
BERNSON	Yes
CHICK	Yes
FEUER	Yes
GALANTER	Absent
GOLDBERG	Yes
HERNANDEZ	Yes
HOLDEN	Absent
MISCIKOWSKI	Yes
RIDLEY-THOMAS	Yes
SVORINICH	Yes
WACHS	Yes
WALTERS	Yes
*FERRARO	Yes
	Absent

Present: 12, Yes: 12 No: 0

DATE: APR 14 1999

COUNCIL ITEM NO. 6

PLEASE PRINT

PERSONS SEATED AT CENTER TABLE TO ANSWER QUESTIONS
AND PROVIDE INFORMATION TO COUNCIL MEMBERS

<u>NAME</u>	<u>TITLE</u>	<u>ORGANIZATION</u>
1. <u>OFFICER BARBORA</u>	<u>POLICE OFFICER</u>	<u>LAPD / HILLENBECK</u>
2. <u>THOMAS MOSELE</u>	<u>CAPTAIN</u>	<u>LAPD / HILLENBECK</u>
3. <u>RON SHOOP</u>	<u>SERGEANT</u>	<u>LAPD / HILLENBECK</u>
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____

2

CITY OF LOS ANGELES SPEAKER BOARD

Date: 4/14/99

Council File No., Agenda Item, or Case No. #6/99-0235

I wish to speak before the Council Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? (X) For proposal (X) Against proposal () General comments

Name: ERNEST E. SANCHEZ

Business or Organization Affiliation: Ad Hoc Committee for Safe Children

Address: 3310 1/2 Griffin Ave LA Ca 90031

Business phone: 323-223-8670 Representing:

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW: []

Client Name: Phone #:

Client Address: Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

Date April 14, 1999

Council File No., Agenda Item, or Case No. 99-0235

I wish to speak before the City Council Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal (X) Against proposal () General comments

Name: Roger Jon Diamond

Business or Organization Affiliation: Attorney for appellant

Address: 2115 MAIN STREET, SANTA MONICA CALIF 90405

Business phone: (310) 399 3259 Representing: A VERY SMALL VENTURE

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW: [X]

Client Name: A VERY SMALL VENTURE Phone #: (323) 227 6829

Client Address: 2662 LACY STREET, LOS ANGELES, CALIF

4

CITY OF LOS ANGELES SPEAKER CARD

Date 4/14/99

Council File No., Agenda Item, or Case No. 6

I wish to speak before the L.A. City Council Name of City/Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal

Name: MICHAEL CLINTON (X) Against proposal () General comments

Business or Organization Affiliation: FIRE MASTER

Address: 2684 Lacy St Los Angeles CA 90037 Street City State Zip

Business phone: (323) 225-6666 Representing:

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW: []

Client Name: Phone #:

Client Address: Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

CITY OF LOS ANGELES SPEAKER BOARD

Date

Council File No., Agenda Item, or Case No.

6

I wish to speak before the _____
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal

(X) Against proposal
() General comments

Name: Mary CURRANTE

Business or Organization Affiliation: SIERRA CLUB ANGELES CHAPTER

Address: 4219 Beverly Ave LA CA 90031
Street City State Zip

Business phone: 323-221670 Representing: _____

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: _____ Phone #: _____

Client Address: _____
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

CITY OF LOS ANGELES SPEAKER'S BOARD

Date

4-14-99

Council File No., Agenda Item, or Case No.

#6

I wish to speak before the _____
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal
 Against proposal
Name: Mary Quiarte (QUIARTE) General comments

Business or Organization Affiliation: SIERRA CLUB ANGELES CHAPTER

Address: 4219 Berenice Ave LA CA 90031
Street City State Zip

Business phone: 323.222.2620 Representing: _____

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: _____ Phone #: _____

Client Address: _____
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

5
CITY OF LOS ANGELES SPEAKER BOARD

Date

4/14/99

Council File No., Agenda Item, or Case No.

6

I wish to speak before the CITY COUNCIL
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal
 Against proposal
 General comments

Name: BILL MURRAY

Business or Organization Affiliation: MONTECUTO HEIGHTS IMPROVEMENT ASSOCIATION

Address: 4005 SINOVA ST LA CA 90031
Street City State Zip

Business phone: 323/225-6393 Representing: _____

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: _____ Phone #: _____

Client Address: _____
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

CITY OF LOS ANGELES SPEAKER CARD

Date

4/14/99

Council File No., Agenda Item, or Case No.

Item # 6

I wish to speak before the

City Council

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal

Against proposal

() General comments

Name:

Charles Wolf

Business or Organization Affiliation:

Self-Realization Fellowship Church

Address:

3880 San Rafael Ave, Los Angeles CA 90065

Street

City

State

Zip

Business phone:

(323) 225-2481

Representing:

Self-Realization Fellowship Church

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name:

Phone #:

Client Address:

Street

City

State

Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

NOTICE OF LOBBYING REGISTRATION

If you are receiving compensation to make this appearance, the City's municipal lobbying ordinance (L.A.M.C. Section 48.01 et seq., as amended) may require you to register and report your lobbying activity. For more information about the City's lobbying law, contact the City Ethics Commission at (213) 237-0310, by fax at (213) 485-1093 or at 201 N. Los Angeles St., L.A. Mall, Suite 2, Los Angeles, CA 90012.

Information about lobbying the City of Los Angeles may also be found on the Internet by accessing the Ethics Commission site on the City of Los Angeles "home page" located at <http://www.ci.la.ca.us>

CITY : LOS ANGELES SPEAKER .RD

Date

4/14/99

Council File No., Agenda Item, or Case No.

#6 / 99-0235

Cancel

I wish to speak before the

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal

Against proposal

General comments

Name: *Martha Vaca*

Business or Organization Affiliation: *community resident*

Address: *2650 Carleton Ave* *LA* *CA* *9006*
Street City State Zip

Business phone: _____ Representing: _____

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: _____ Phone #: _____

Client Address: _____
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

CITY : LOS ANGELES SPEAKER CARD

Date

4/14/99

Council File No., Agenda Item, or Case No.

6

I wish to speak before the

Council

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal

- Against proposal
 General comments

Name:

Martha Vaca

Business or Organization Affiliation:

community resident

Address:

2650 Carleton Ave LA

CA

90065

Street

City

State

Zip

Business phone:

Representing:

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name:

Phone #:

Client Address:

Street

City

State

Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

8

CITY OF LOS ANGELES SPEAKER'S BOARD

Date

APRIL 14, 1999

Council File No., Agenda Item, or Case No.

6

City Council

I wish to speak before the

Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal

Against proposal

General comments

Name: HENRY SCHWARTZ

Business or Organization Affiliation: AD HOC COMMITTEE FOR SAFE CHILDREN

Address: 777 MOON AVENUE, LOS ANGELES CA 90065

Business phone: 323 225-9221 Representing: SELF

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: Phone #:

Client Address: Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

5

Date

4/6/99

OPPOSE
Project/Proposal

Council
File #

99-0235

Phone No.

323/225-6980

Name

Martha Vaca

Address

2650 Carleton Avenue

City

LA

Zip Code

90065

Representing

resident

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING AND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

5

Date

4.6.99

OPPOSE
Project/Proposal

Council
File #

99-0235 B2A 5658 CD1

Phone No.

(323) 225.7221

Name

HENRY SCHWARZ

Address

777 MOON AVENUE

City

LOS ANGELES

Zip Code

90065

Representing

AD HOC COMMITTEE FOR SAFE CHILDREN

BRROYO SOCIETY

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

5

Date

4/6/99

OPPOSE
Project/Proposal

Council
File #

99-0235

Phone No.

323-225-2471

Name

Charles Wall

Address

3880 San Rafael Ave.

City

Los Angeles

Zip Code

90065

Representing

Self-Realization Fellowship Church

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

5

Date

4-6-99

OPPOSE
Project/Proposal

Council
File #

990235

Phone No.

213 485 2941

Name

CAPTAIN TOM MOSELLE

Address

HOLLIBELL AREA LARO

City

Zip Code

Representing

Los Angeles Police Dept

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT Project/Proposal AGENDA ITEM # 5 Date 4-6-99

OPPOSE Project/Proposal Council File # 99-0235

Phone No. 213 847-6550

Name SHOOP, RONALD

Address 1936 E 1st St

City L.A. Zip Code 90033

Representing LPD - HOBI UCC

- | | | | |
|------------------------------------|--|---------------------------------------|--------------------------------|
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Property Owner(s) | <input type="checkbox"/> Assoc. | <input type="checkbox"/> Other |
| <input type="checkbox"/> Appellant | <input type="checkbox"/> Surrounding Property Owner(s) | <input type="checkbox"/> Organization | |

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM # 5 Date 4/6/99

~~PURPOSE
Project/Proposal~~

Council
File # 99.0235

Phone No. 213 847-6550

Name ANDREW BARBOZA (OFFICER)

Address 1936 E. 1ST STREET

City LA Zip Code 90033

Representing LAPD HOLLERBEK VICE

- | | | | |
|------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Property Owner(s) | <input type="checkbox"/> Assoc. | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Appellant | <input type="checkbox"/> Surrounding
Property Owner(s) | <input type="checkbox"/> Organization | |

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA ITEM # 5 Date April 6, 1999

OPPOSE
~~Project/Proposal~~

Council File # 99-0235

Name Roger Jon Diamond Phone No. (310) 399 3259

Address 2115 Main Street

City SANTA MONICA Zip Code CALIFORNIA 90405

Representing A Very Small Venture

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA
ITEM #

5

Date

4/6/99

OPPOSE
Project/Proposal

Council
File #

99-0235

Phone No.

Name

KEVIN WASKO

Address

2662 LACY STREET

City

LA, CA.

Zip Code

Representing

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKERS

SUPPORT
Project/Proposal

AGENDA

ITEM # 5 Date 4-6-99

OPPOSE
Project/Proposal

Council

File # 99-0235
BZA 5658

CD1
Phone No. 323-223-8673

Name Ernest E Sanchez

Address 3310 1/2 Griffith Ave

City Los Angeles Zip Code 90031

Representing Ad Hoc Committee For Safe Children

Applicant

Property Owner(s)

Assoc.

Other

Appellant

Surrounding
Property Owner(s)

Organization

PLANNING AND LAND USE MANAGEMENT COMMITTEE
SUGGESTED NOTIFICATION OF COUNCIL ACTION

Council File No. 99-0235

sign

Applicant/Appellant/Owner	Representative
<u>J N M Humbolt Investment</u>	<u>Industrial Strip L.A.</u>
<u>6711 E Washington Bl.</u>	<u>aka Lacy St. Cabaret</u>
<u>LA 90040</u>	<u>2662 Lacy St.</u>
	<u>L.A 90031</u>

- Council Member(s) Hernandez
- Planning Commission (w/file) Other
- Director of Planning Roger Jon Diamond
- Board of Zoning Appeals 2115 Main St.
- Office of Zoning Administration (2 copies) Santa Monica 90405
- Advisory Agency
- Planning Department - Community Planning Section
- Planning Department - GIS Section - Attn: Fae Tsukamoto
221 North Figueroa Street, Room 900
- Information Technology Agency
- Bureau of Engineering, Development Services Division - Attn: Glenn Hirano
- Department of Transportation, Traffic/Planning Sections
- Department of Building & Safety c/o Zoning Coordinator
- Bureau of Street Lighting, "B" Permit Section
- Department of Water and Power Other
- Fire Department
- Police Department
- Community Development Department
- City Attorney-Attn:
- City Administrative Officer
- Office of the Mayor (w/file) - Section 12.24H
- Los Angeles County Assessor

J. MICHAEL CAREY
City Clerk

CITY OF LOS ANGELES
CALIFORNIA

Office of the
CITY CLERK
Council and Public Services
Room 615, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

When making inquiries
relative to this matter
refer to File No.



RICHARD J. RIORDAN
MAYOR

CF 99-0235
BZA 5658
ZA 98-0210-RV
CD 1

March 19, 1999

* CORRECTED LETTER *

NOTICE TO PROPERTY OWNERS/OCCUPANTS WITHIN A 500-FOOT RADIUS

You are hereby notified that the Planning and Land Use Management Committee of the Los Angeles City Council will consider, on Tuesday, April 6, 1999, at approximately 1:00 p.m. or soon thereafter in Room 316, 200 North Main Street, Los Angeles City Hall, an appeal filed by A Very Small Venture, LLC, (Roger Jon Diamond) from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different **determination** by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted; determine, that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the focus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community; the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation; and impose corrective conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

Applicant: City of Los Angeles (Office of Zoning Administration)

The full Los Angeles City Council will also conduct a public hearing on this matter on April 14, 1999, at approximately 10:00 a.m. or soon thereafter in the Council Chamber, Room 300, City Hall at the above-mentioned address.

If you are unable to appear at these hearings, you may submit your comments in writing. The file and appeal referred to above can be reviewed in the Office of the City Clerk. Written comments may be addressed to the City Clerk, Room 615, City Hall, 200 North Main Street, Los Angeles, CA 90012.

John A. White
Legislative Assistant
Planning and Land Use
Management Committee, 213.485.5707
e-mail: jwhite@clerk.ci.la.ca.us

Note: If you challenge this proposed 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 delivered to the City Clerk at, or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

#990235.ltr

Metropolitan News - publish on or before March 18, 1999
Newspaper

* CORRECTED NOTICE *

PUBLIC NOTICE

The Planning and Land Use Management Committee of the Los Angeles City Council will consider on Tuesday, April 6, 1999 at approximately 1:00 p.m. or soon thereafter in Room 316, 200 North Main Street, Los Angeles, CA 90012, an appeal filed by A Very Small Venture, LLC, (Roger Jon Diamond) from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different determination by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted; determine, that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the focus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community; the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation; and impose corrective conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

Applicant: City of Los Angeles (Office of Zoning Administration)

In addition, the Los Angeles City Council will conduct a public hearing on April 14, 1999, at approximately 10:00 a.m., or as soon thereafter as the matter can be taken up, in the Council Chamber, Room 300, at the above address. A copy of the Council file Number 99-0235 may be examined in the Office of the City Clerk. Written comments may be submitted to the Council, addressed in care of the City Clerk, Room 615, City Hall, 200 No. Main Street, Los Angeles, CA 90012.

Note: If you challenge this proposed 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 delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

J. MICHAEL CAREY, CITY CLERK
of the City of Los Angeles

File No. 99-0235

Ordinance No. 165,851

AFFIDAVIT OF MAILING NOTICE OF PUBLIC HEARING

STATE OF CALIFORNIA)
County of Los Angeles) ss

Jeannie Hedman, being duly sworn, deposes and says: that he is a Deputy City Clerk of the City of Los Angeles; that he did on the 19th day of March, 1999, mail, postage prepaid, to all persons within a radius of 500 feet from the exterior boundaries of the property involved in the

CORRECTED LETTER
LACY STREET CABARET
PROPERTY LOCATED AT 2662 LACY STREET
BZA 5658 ZA 98-0210-RV

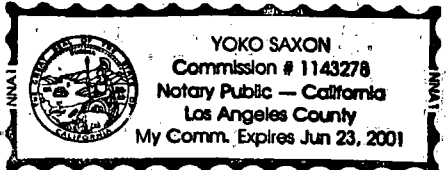
at their last known address as shown upon the records of the City Clerk, a notice of said hearing, a true copy of which notice is hereto attached and made a part hereof.

That there is a regular daily communication and service by mail between the City of Los Angeles, and each of the addresses to which notices were mailed.

Jeannie Hedman
DEPUTY CITY CLERK

Subscribed and sworn to before me
this 19th day of March 1999.

Yoko Saxon
Notary Public in and for the County
of Los Angeles, State of California



5205-003-001
Mercer, Art and Dolores
522 Ave 22
Los Angeles CA 90065

5205-003-006
Cal Mex Clothing Manufacturing
3225 Lacy St.
Los Angeles CA 90031

5205-005-026
Lepore, Joseph J.
3305 Pasadena Ave.
Los Angeles CA 90031

5205-005-040
Gillins, Lawrence M. and Lynn C.
311 W. Avenue 33
Los Angeles CA 90031

5205-005-044
Gillins, Lawrence M. and Lynn C.
4163 Dorset Pl.
Flintridge CA 91011

5205-006-032
Self-Realization Fellowship
3880 San Rafael Ave.
Los Angeles CA 90065

5205-006-036
Garcia, Manuel N. and Gloria L.
3112 Humboldt St.
Los Angeles CA 90031

5205-006-037
Peterson, Rosemarie
706 Callita St.
Arcadia CA 91007

5205-006-038
Velasco, Edward G. and Eva G. (Trs)
P.O. Box 400731
Hesperia CA 92340

5205-006-039
Perdue, Mary (et al)
147 W. Avenue 31
Los Angeles CA 90031

5205-006-053
Kennington Properties Inc.
3209 Humboldt St.
Los Angeles CA 90031

5205-009-003
Polgrea, Donald K.
773 Mount Washington Dr.
Los Angeles CA 90065

5205-009-900
L.A. City DWP
P.O. Box 51111
Los Angeles CA 90051

5205-010-001
Alpine Foreign Auto
337 W. Avenue 26
Los Angeles CA 90031

5205-011-003
Lowenthal, Ira L. Co-Tr
4020 Quartz Dr.
Santa Rosa CA 95405

5205-011-005
Pressman, Jerrold S.
520 Broadway Ste 660
Santa Monica CA 90401

5205-011-006
Jahns, William H. Jr.
520 Broadway #650
Santa Monica CA 90401

5205-011-008
JNM Humboldt Investments
6711 E. Washington Blvd.
Los Angeles CA 90040

5205-011-010
Knight, James J. and Helen E. (et al)
2626 Lacy St.
Los Angeles CA 90031

5205-016-021
Gadd, Kevin W. Co-Tr
26652 Sand Canyon Rd.
Santa Clarita CA 91351

5446-017-018
Feldman, Leonard (Tr)
451 N. Bristol
Los Angeles CA 90049

5446-017-028
Ross, William B. Co-Tr
1201 S. Olive St.
Los Angeles CA 90015

5446-018-010
Fink, David L.
3238 N. Figueroa St.
Los Angeles CA 90065

5205-003-900
City of Los Angeles
111 E. 1st St. #201
Los Angeles CA 90012

5205-003-802
Union Pacific R/R Co.
Box 2500
Broomfield CO 80020

5205-003-802
Union Pacific R/R Co.
10 S. Main St.
Salt Lake UT 84101

5205-012-002
E B Malone Corp.
330 W. Ave. 26
Los Angeles CA 90031

5205-003-902
Los Angeles MTA
One Gateway Plaza 14th Flr.
Los Angeles CA 90012-2932

NOTE: Occupant labels were provided
by Planning Dept.

5205-003-001/ 980210

MERCER,ART AND DOLORES
522 AVE 22
LOS ANGELES CA 90065

5205-005-005/ 980210

DRUMM,MAY ET AL
418 CASANOVA ST
LOS ANGELES CA 90012

5205-005-011/ 980210

GRIZEL,MICHAEL R AND FRIEDA B
1540 LANCASTER ST
PASADENA CA 91103

5205-005-017/ 980210

KENNINGTON LTD INC
3209 HUMBOLDT ST
LOS ANGELES CA 90031

5205-005-024/ 980210

LEPORE,JOSEPH J
3305 PASADENA AVE
LOS ANGELES CA 90031

5205-005-027/ 980210

DUARTE,TERESA
1249 BRESEE AVE
PASADENA CA 91104

5205-005-039/ 980210

GILLINS,LAWRENCE M AND
4163 DORSET PL
LA CANADA FLINTRIDGE CA 91011

5205-005-044/ 980210

GILLINS,LAWRENCE M AND LYNN C
4163 DORSET PL
FLINTRIDGE CA 91011

5205-006-004/ 980210

VIZUETE,ADELITA
15906 PADOVA DR
HACIENDA HGTS CA 91745

5205-006-007/ 980210

XAM QUANG HAI
117 W AVENUE 31
LOS ANGELES CA 90031

5205-003-006/ 980210

CAL MEX CLOTHING MANUFACTURING
3225 LACY ST
LOS ANGELES CA 90031

5205-005-006/ 980210

LE VAL OF CALIF INC
3308 PASADENA AVE
LOS ANGELES CA 90031

5205-005-013/ 980210

MCMILLIN,TILLIE A AND
4409 TERRY LEE CIR
BANNING CA 92220

5205-005-021/ 980210

GILLINS,LAWRENCE M AND LYNN C
4163 DORSET PL
FLINTRIDGE CA 91011

5205-005-025/ 980210

RIVERA,CARMEN AND
130 W AVENUE 34
LOS ANGELES CA 90031

5205-005-028/ 980210

BARRIOS,DAVID F
305 E AVENUE 31
LOS ANGELES CA 90031

5205-005-040/ 980210

GILLINS,LAWRENCE M AND LYNN C
311 W AVENUE 33
LOS ANGELES CA 90031

5205-005-045/ 980210

SALAZAR,ELVIRA A
5825 BENNER ST
LOS ANGELES CA 90042

5205-006-005/ 980210

GRAY,JAN C
2793 CRESTON DR
LOS ANGELES CA 90068

5205-006-008/ 980210

CHAN,PETER K AND SALINA L
770 N HILL PL
LOS ANGELES CA 90012

5205-003-007/ 980210

MERCER,ART AND DOLORES
2010 N FIGUEROA ST
LOS ANGELES CA 90065

5205-005-007/ 980210

LEPORE,GRACE T AND
11510 BRYMER LN
NORTHRIDGE CA 91326

5205-005-014/ 980210

NIZNIK,EMMA M TR
343 S AVENUE 52
LOS ANGELES CA 90042

5205-005-022/ 980210

HERRERA,VERA G AND
116 W AVENUE 34
LOS ANGELES CA 90031

5205-005-026/ 980210

LEPORE,JOSEPH J
3305 PASADENA AVE
LOS ANGELES CA 90031

5205-005-035/ 980210

SALAZAR,ELVIRA A
5825 BENNER ST
LOS ANGELES CA 90042

5205-005-043/ 980210

LE VAL OF CALIF INC
3305 PASADENA AVE
LOS ANGELES CA 90031

5205-005-046/ 980210

SPINKA,THOMAS J ET AL
4640 GOULD AVE
LA CANADA FLINTRIDGE CA 91011

5205-006-006/ 980210

ADARGAZ,JOE ET AL
1246 S LARK ELLEN AVE
WEST COVINA CA 91791

5205-006-009/ 980210

FRANK CHU AND
127 W AVENUE 31
LOS ANGELES CA 90031

5205-006-010/ 980210

TONG, MARGURITE B
133 W AVENUE 31
LOS ANGELES CA 90031

5205-006-021/ 980210

LOPEZ, JOSE P
3209 PASADENA AVE
LOS ANGELES CA 90031

5205-006-025/ 980210

CISNEROS, FERNANDO Y
3231 PASADENA AVE
LOS ANGELES CA 90031

5205-006-032/ 980210

SELF-REALIZATION FELLOWSHIP
3880 SAN RAFAEL AVE
LOS ANGELES CA 90065

5205-006-038/ 980210

VELASCO, EDWARD G AND EVA G TRS
P O BOX 400731
HESPERIA CA 92340

5205-006-041/ 980210

NHAN, KIET T
137 W AVENUE 31
LOS ANGELES CA 90031

5205-006-055/ 980210

SOUTHERN CALIFORNIA ASSOCIATION
1535 E CHEVY CHASE DR
GLENDALE CA 91206

5205-009-900/ 980210

L A CITY DEPT OF WATER AND POWER
P O BOX 51111
LOS ANGELES CA 90051

5205-011-003/ 980210

LOWENTHAL, IRA L CO TR
4020 QUARTZ DR
SANTA ROSA CA 95405

5205-011-008/ 980210

JNM HUMBOLDT INVESTMENTS
6711 E WASHINGTON BLVD
LOS ANGELES CA 90040

5205-006-012/ 980210

FONG, WILSON W AND
4463 ALUMNI AVE
LOS ANGELES CA 90041

5205-006-022/ 980210

TA, PETER AND ANN
3217 PASADENA AVE
LOS ANGELES CA 90031

5205-006-029/ 980210

STONE, RICHARD A SR CO TR
3244 HUMBOLDT ST
LOS ANGELES CA 90031

5205-006-036/ 980210

GARCIA, MANUEL N AND GLORIA I
3112 HUMBOLDT ST
LOS ANGELES CA 90031

5205-006-039/ 980210

PERDUE, MARY AND
147 W AVENUE 31
LOS ANGELES CA 90031

5205-006-053/ 980210

KENNINGTON PROPERTIES INC
3209 HUMBOLDT ST
LOS ANGELES CA 90031

5205-006-057/ 980210

HUO ZAO CHEN AND
3239 PASADENA AVE
LOS ANGELES CA 90031

5205-010-001/ 980210

ALPINE FOREIGN AUTO
337 W AVENUE 26
LOS ANGELES CA 90031

5205-011-005/ 980210

PRESSMAN, JERROLD S
520 BROADWAY STE 660
SANTA MONICA CA 90401

5205-011-009/ 980210

LOWENTHAL, IRA L CO TR
4020 QUARTZ DR
SANTA ROSA CA 95405

5205-006-020/ 980210

MORENO, CRISOFORO AND GLORIA
3207 PASADENA AVE
LOS ANGELES CA 90031

5205-006-024/ 980210

KY MINH CHIEU AND
2443 SICHEL ST
LOS ANGELES CA 90031

5205-006-030/ 980210

SPARKENBACH, HECTOR R AND
214 W AVENUE 33
LOS ANGELES CA 90031

5205-006-037/ 980210

PETERSON, ROSEMARIE
706 CALLITA ST
ARCADIA CA 91007

5205-006-040/ 980210

YU, WAN H AND MIAO Y
141 W AVENUE 31 NO 1
LOS ANGELES CA 90031

5205-006-054/ 980210

SELF REALIZATION FELLOWSHIP
3880 SAN RAFAEL AVE
LOS ANGELES CA 90065

5205-009-003/ 980210

POLGREAN, DONALD K
773 MOUNT WASHINGTON DR
LOS ANGELES CA 90067

5205-010-900/ 980210

L A CITY DEPT OF WATER AND POWER
P O BOX 51111
LOS ANGELES CA 90059

5205-011-006/ 980210

JAHNS, WILLIAM H JR
520 BROADWAY NO 650
SANTA MONICA CA 90401

5205-011-010/ 980210

KNIGHT, JAMES J AND HELEN E AND
2626 LACY ST
LOS ANGELES CA 90031

5205-012-001/ 980210	5205-016-001/ 980210	5205-016-002/ 980210
E B MALONE CORP 330 W AVENUE 26 LOS ANGELES CA 90031	KWAN,SELINA F 1386 AVION DR MONTEREY PARK CA 91754	CHAN LY YONG AND VA LY 3003 PASADENA AVE LOS ANGELES CA 90031
5205-016-003/ 980210	5205-016-004/ 980210	5205-016-005/ 980210
MOJICA,JOE M AND GARCIELA 116 W AVENUE 31 LOS ANGELES CA 90031	GEN QIANG ZHANG AND 122 W AVENUE 31 LOS ANGELES CA 90031	KWAN,SZE C AND SHUI L 126 W AVENUE 31 LOS ANGELES CA 90031
5205-016-006/ 980210	5205-016-007/ 980210	5205-016-008/ 980210
NUNEZ,JORGE AND ALICIA 130 W AVENUE 31 LOS ANGELES CA 90031	LUONG TRUNG LY AND HY HUYNH AND 136 W AVENUE 31 LOS ANGELES CA 90031	RECTOR,MARY J 140 W AVENUE 31 LOS ANGELES CA 90031
5205-016-009/ 980210	5205-016-010/ 980210	5205-016-011/ 980210
LAU,OSCAR W AND ELIZA M TRS 9203 DE ADALENA ST ROSEMEAD CA 91770	RUEDAFLORES,SARA AND GILBERT S 2247 SICHEL ST LOS ANGELES CA 90031	MORA,JUAN AND 19030 BRIDGEPORT CT WALNUT CA 91789
5205-016-012/ 980210	5205-016-013/ 980210	5205-016-014/ 980210
MARTINEZ,EVARISTO AND 123 W AVENUE 30 LOS ANGELES CA 90031	ROMAN,RODOLFO AND SILVIA 137 W AVENUE 30 LOS ANGELES CA 90031	LEOS,HELEN 141 W AVENUE 30 LOS ANGELES CA 90031
5205-016-018/ 980210	5205-016-019/ 980210	5205-016-020/ 980210
HERNANDEZ,MICHAEL P AND 3007 PASADENA AVE LOS ANGELES CA 90031	XIAO MEI LIANG AND 145 W AVENUE 30 LOS ANGELES CA 90031	CHIK,KENNETH K AND SUSIE S 149 W AVENUE 30 LOS ANGELES CA 90031
5205-016-021/ 980210	5446-017-007/ 980210	5446-017-008/ 980210
GADD,KEVIN W CO TR 26652 SAND CANYON RD SANTA CLARITA CA 91351	SAWAYA,CONSTANTINE AND 425 S 30TH ST SAN DIEGO CA 92113	CRUZ,CARLOS B 2616 N FIGUEROA ST LOS ANGELES CA 90067
5446-017-009/ 980210	5446-017-012/ 980210	5446-017-015/ 980210
PANGBURN,VICTORIA TR 3200 FAIRESTA ST NO LA CRESCENTA CA 91214	FONG,RICHARD AND SUSAN J TRS 3900 ACKERMAN DR LOS ANGELES CA 90065	BARCENA,JOSE AND HELEN 4056 GOODWIN AVE LOS ANGELES CA 90039
5446-017-018/ 980210	5446-017-028/ 980210	5446-017-032/ 980210
FELDMAN,LEONARD TR 451 N BRISTOL LOS ANGELES CA 90049	ROSS,WILLIAM B CO TR 1201 S OLIVE ST LOS ANGELES CA 90015	BARCENA,JOSE AND HELEN 4056 GOODWIN AVE LOS ANGELES CA 90039
5446-017-033/ 980210	5446-017-035/ 980210	5446-018-010/ 980210
SAWAYA,MICHAEL TR 869 VIA LA CRESTA EL CAJON CA 92021	FONG,RICHARD AND SUSAN J TRS 3900 ACKERMAN DR LOS ANGELES CA 90065	FINK,DAVID L 3238 N FIGUEROA ST LOS ANGELES CA 90065

5446-018-017/ 980210

RICHMAN ENTERPRISES INC
12444 VENTURA BLVD
STUDIO CITY CA 91604

5446-018-020/ 980210

JIR PROPERTIES
116 N MARYLAND AVE STE 1
GLENDALE CA 91206

5446-018-018/ 980210

MANUGHIAN, EDWARD AND MAGDA TRS
3244 ARROYO SECO AVE
LOS ANGELES CA 90065

5446-018-019/ 980210

SULTANYAN, MKRTICH AND SVETLANA
1900 BRIGDEN RD
PASADENA CA 91104

5205-003-900/980210
City of Los Angeles
111 E. 1st St. #201
Los Angeles CA 90012

5205-003-802/980210
Union Pacific R/R Co.
Box 2500
Broomfield CO 80020

5205-012-002/980210
The E B Malone Corp.
330 W. Ave. 26
Los Angeles CA 90031

5205-003-802/98021
Union Pacific R/R Co.
10 S. Main St.
Salt Lake UT 84101

5205-003-902/980210
Los Angeles County MTA
One Gateway Plaza 14th Flr.
Los Angeles CA 90012-2932

LA 98-0210(CRN)

JNM Humboldt Investments
6711 East Washington Boulevard
Los Angeles, CA 90040

Jerrold S. Pressman
520 Broadway
Santa Monica, CA 90401

William Jahns, Jr.
520 Broadway, #65
Santa Monica, CA 90401

City of Los Angeles
1111 East 1st Street, #201
Los Angeles, CA 90012

L.A. County Metropolitan
Transportation
818 West 7th Street
Los Angeles, CA 90017

JNM Humboldt Investments
2662 Lacy Street
Los Angeles, CA 90031

A Very Big Co., LLC
19921 Turnberry Drive
Tarzana, CA 91356

Lacy Street Cabaret
aka Industrial Strip Los Angeles
2662 Lacy Street
Los Angeles, CA 90031

Hank Schwarz
777 Moon Avenue
Los Angeles, CA 90065

Ernest Sanchez
P.O. Box 42A539
Los Angeles, CA 90050

Martha Vaca
P.O. Box 42A539
Los Angeles, CA 90050

Sgt. Dennis Ballas
LAPD - Hollenbeck Area Vice
1936 East First Street
Los Angeles, CA 90033

Sgt. Ronald Shoop
LAPD - Hollenbeck Area Vice
1936 East First Street
Los Angeles, CA 90033

Sgt. Andre Dawson
LAPD - Organized Crime & Vice Div.
419 South Spring Street, 6th Floor
STOP 933

DL
1/14/99
gpc

J. MICHAEL CAREY
City Clerk

CITY OF LOS ANGELES
CALIFORNIA

Office of the
CITY CLERK
Council and Public Services
Room 615, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

When making inquiries
relative to this matter
refer to File No.



RICHARD J. RIORDAN
MAYOR

CF 99-0235
BZA 5658
ZA 98-0210-RV
CD 1

March 12, 1999

NOTICE TO PROPERTY OWNERS/OCCUPANTS WITHIN A 500-FOOT RADIUS

You are hereby notified that the Planning and Land Use Management Committee of the Los Angeles City Council will consider, on Tuesday, April 6, 1999, at approximately 1:00 p.m. or soon thereafter in Room 316, 200 North Main Street, Los Angeles City Hall, an appeal filed by A Very Small Venture, LLC, (Roger Jon Diamond) from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted; determine; that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the focus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community; the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation; and impose corrective conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

Applicant: City of Los Angeles (Office of Zoning Administration)

The full Los Angeles City Council will also conduct a public hearing on this matter on April 14, 1999, at approximately 10:00 a.m. or soon thereafter in the Council Chamber, Room 300, City Hall at the above-mentioned address.

If you are unable to appear at these hearings, you may submit your comments in writing. The file and appeal referred to above can be reviewed in the Office of the City Clerk. Written comments may be addressed to the City Clerk, Room 615, City Hall, 200 North Main Street, Los Angeles, CA 90012.

John A. White
Legislative Assistant
Planning and Land Use
Management Committee, 213.485.5707
e-mail: jwhite@clerk.ci.la.ca.us

Note: If you challenge this proposed 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 delivered to the City Clerk at, or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

#990235.ltr

Metropolitan News - publish on or before March 12, 1999
Newspaper

PUBLIC NOTICE

The Planning and Land Use Management Committee of the Los Angeles City Council will consider on Tuesday, April 6, 1999 at approximately 1:00 p.m. or soon thereafter in Room 316, 200 North Main Street, Los Angeles, CA 90012, an appeal filed by A Very Small Venture, LLC, (Roger Jon Diamond) from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted; determine, that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the focus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community; the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation; and impose corrective conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

Applicant: City of Los Angeles (Office of Zoning Administration)

In addition, the Los Angeles City Council will conduct a public hearing on April 14, 1999, at approximately 10:00 a.m., or as soon thereafter as the matter can be taken up, in the Council Chamber, Room 300, at the above address. A copy of the Council file Number 99-0235 may be examined in the Office of the City Clerk. Written comments may be submitted to the Council, addressed in care of the City Clerk, Room 615, City Hall, 200 No. Main Street, Los Angeles, CA 90012.

Note: If you challenge this proposed 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 delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

J. MICHAEL CAREY, CITY CLERK
of the City of Los Angeles

AFFIDAVIT OF MAILING NOTICE OF PUBLIC HEARING

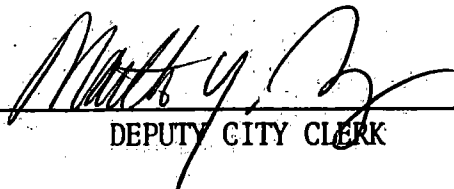
STATE OF CALIFORNIA)
County of Los Angeles) ss

Martha Y. Torres, being duly sworn, deposes and says:
that he is a Deputy City Clerk of the City of Los Angeles; that he did on
the 12th day of March, 1999, mail, postage prepaid,
to all persons within a radius of 500 feet from the exterior boundaries of
the property involved in the


LACY ST. CABARET LOCATED @ 2662 LACY STREET - ZA 98-0210-RV

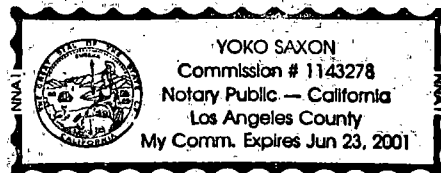
at their last known address as shown upon the records of the City Clerk, a
notice of said hearing, a true copy of which notice is hereto attached and
made a part hereof.

That there is a regular daily communication and service by mail between
the City of Los Angeles, and each of the addresses to which notices were
mailed.


DEPUTY CITY CLERK

Subscribed and sworn to before me
this 12th day of March
19 99.


Notary Public in and for the County
of Los Angeles, State of California



J. MICHAEL CAREY
City Clerk

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



Office of the
CITY CLERK
Council and Public Services
Room 615, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

RICHARD J. RIORDAN
MAYOR

CF 99-0235
BZA 5658
ZA 98-0210-RV
CD 1

March 12, 1999

NOTICE TO PROPERTY OWNERS/OCCUPANTS WITHIN A 500-FOOT RADIUS

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Applicant: City of Los Angeles (Office of Zoning Administration)

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John A. White
Legislative Assistant
Planning and Land Use
Management Committee, 213.485.5707
e-mail: jwhite@clerk.ci.la.ca.us

Note: If you challenge this proposed 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 delivered to the City Clerk at, or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

#990235.ltr

CF 99-0235
BZA 5658
ZA 98-0210-RV

Log 10

LACY ST. CABARET LOCATED @ 2662 LACY STREET

Proof: J. Michael Carey, City Clerk
Attn: Land Records Division
Public Notices Section
201 N. Figueroa St. Room 730
Los Angeles CA 90012

Council District: Mike Hernandez
Councilman, 1st District
Room 318, City Hall
Stop 201

Planning Committee: Mike Hernandez
Councilman, 1st District
Room 318, City Hall
Stop 201

Cindy Miscikowski
Councilwoman, 11th District
Room 275, City Hall
Stop 218

Hal Bernson
Councilman, 12th District
Room 237, City Hall
Stop 220

Appellant: A VERY SMALL VENTURE, LLC
2662 Lacy St.
Los Angeles, CA 90031

Representative: Roger Jon Diamond
2115 Main St
Santa Monica, CA 90405

CF 99-0235
BZA 5658

Log 10
Page 2

LACY ST. CABARET LOCATED @ 2662 LACY STREET

APPLICANT: City of Los Angeles
(Office of Zoning Administration)
221 N. Figueroa St, Room 1500
Mail Stop 395

INTERESTED/
APPEARANCES: SEE ATTACHED

OWNERSHIP LIST PROVIDED BY:
PLANNING DEPARTMENT

2A 5658
 f. 99-0235

LOG 10

<p>Building & Safety 201 N. Figueroa Street, Room 300-P MAIL STOP 115 (Report Only)</p>	<p>Planning/Cartography 201 N. Figueroa Street, Room 300-M MAIL STOP 994 (Report Only)</p>	<p>Bureau of Engineering Land Development & Mapping 634 South Spring Street, 4th Floor MAIL STOP 901 (Report Only)</p>
<p>Supervisor Planning Public Counter 6251 Van Nuys Boulevard MAIL STOP 366 (Report Only)</p>	<p>Chief, Inspection Bureau Building & Safety Room 406, City Hall South MAIL STOP 115 (Report Only)</p>	<p>Con Howe, Director of Planning 221 N. Figueroa Street, Room 1600 MAIL STOP 395</p>
<p>Office of Zoning Administration 221 N. Figueroa Street, Room 1500 MAIL STOP 395</p>	<p>(RV Cases Only) ✓ Horace Tramel, Revocation Tracking 221 N. Figueroa Street, Room 1500 MAIL STOP 395</p>	<p>(RV Cases Only) ✓ Vince Quitarano, Revocation Tracking 221 N. Figueroa Street, Room 1500 MAIL STOP 395</p>
<p>(CUB/CUE/RV Cases Only) ✓ Alcoholic Beverages Control 17215 Studebaker Road, #390 Cerritos, CA 90701</p>	<p>(CUB/CUE/RV Cases Only) ✓ Officer Gomez, LAPD Admin. Vice 419 South Spring Street, Room 600 MAIL STOP 933 ✓</p>	<p>(CUB/CUE/RV Cases Only) ✓ Criminal Intelligence Group, LAPD Room 602, Parker Center MAIL STOP 400 ✓</p>
<p>Leonard Levine, Zoning Administrator Office of Zoning Administration 221 N. Figueroa Street, Room 1500 MAIL STOP 395 ✓</p>	<p>Fae Tsukamoto, GIS Section 221 N. Figueroa Street, Room 940 MAIL STOP 395 (Report Only)</p>	<p>Board Members (5) Conflict Assessment Memo for Parcel Map and Private Street Cases</p>
<p>(RV Cases Only) ✓ Scott LaChasse, Commander Criminal Intelligence Group 150 N. Los Angeles Street, Room 602 MAIL STOP 400</p>	<p>(RV Cases Only) ✓ Claudia McGee-Henry Land Use Division, City Attorney 200 N. Main Street, Room 1800 MAIL STOP 140</p>	<p>(RV Cases Only) ✓ Michael Klekner Land Use Division, City Attorney 200 N. Main Street, Room 1700 MAIL STOP 140</p>
<p>Planning Liaison Council District No. 1 MAIL STOP 201 ✓</p>	<p>Department of City Planning (A) Office of Zoning Administration 221 North Figueroa Street, #1500 Los Angeles, CA 90012-2601</p>	<p>JNM Humbolt Investment (O) ✓ 6711 East Washington Boulevard Los Angeles, CA 90040</p>
<p>Industrial Strip Los Angeles (L) aka Lacy Street Cabaret 2662 Lacy Street Los Angeles, CA 90031 ✓</p>	<p>J. Bennett Friedman ✓ Levinson, Miller, Jacobs & Phillips 1875 Century Park East, #2000 Los Angeles, CA 90067</p>	<p>Roger Jon Diamond (P) ✓ 2115 Main Street Santa Monica, CA 90405</p>
<p>Kevin Wasko ✓ 2662 Lacy Street Los Angeles, CA 90031</p>	<p>b/l 11/14/99 eqn</p>	<p>Avila Argote Office of Supervisor Blaine Medina 5264 E Beverly Bl. L.A., CA 90022</p>

BZA 5658
CF. 99-0235

LOG 10

LA 98-0210(CRN)

JNM Humboldt Investments
6711 East Washington Boulevard
Los Angeles, CA 90040

Jerrold S. Pressman
520 Broadway
Santa Monica, CA 90401

William Jahns, Jr.
520 Broadway, #65
Santa Monica, CA 90401

City of Los Angeles
111 East 1st Street, #201
Los Angeles, CA 90012

L.A. County Metropolitan
Transportation
818 West 7th Street
Los Angeles, CA 90017

JNM Humboldt Investments
2662 Lacy Street
Los Angeles, CA 90031

A Very Big Co., LLC
19921 Turnberry Drive
Tarzana, CA 91356

Lacy Street Cabaret
aka Industrial Strip Los Angeles
2662 Lacy Street
Los Angeles, CA 90031

Hank Schwarz
777 Moon Avenue
Los Angeles, CA 90065

Ernest Sanchez
P.O. Box 42A539
Los Angeles, CA 90050

Martha Vaca
P.O. Box 42A539
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Sgt. Dennis Ballas
LAPD - Hollenbeck Area Vice
1936 East First Street
Los Angeles, CA 90033

Sgt. Ronald Shoop
LAPD - Hollenbeck Area Vice
1936 East First Street
Los Angeles, CA 90033

Sgt. Andre Dawson
LAPD - Organized Crime & Vice Div.
419 South Spring Street, 6th Floor
STOP 933

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1/14/99
ggr

10610

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  JJ      00      00  BB      BB  0000 00  11      22      11      33
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* JOBID:          JOB01213
* JOB NAME:      Z62AXEA
* USERID:       Z62AXE
* SYSOUT CLASS: G
* OUTPUT GROUP: 1 .00001.00001 ZA 98 - 0210 (RV)
* TITLE:
*
* DESTINATION:   LOCAL
* NAME:         PLANNING
* ROOM:         U395
* BUILDING:
* DEPARTMENT:
* ADDRESS:
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Industrial Strip
2662 LACY ST

B2A 5658
CF 99-0235

5205-003-001/ 980210	5205-003-006/ 980210	5205-003-007/ 980210
MERCER, ART & DOLORES 522 AVENUE 22 LOS ANGELES CA 90065	CAL MEX CLOTHING MANUFACTURING 3225 LACY ST LOS ANGELES CA 90031	MERCER, ART & DOLORES 522 AVENUE 22 LOS ANGELES CA 90065
5205-005-005/ 980210	5205-005-006/ 980210	5205-005-007/ 980210
BRUMM, MAY ET AL 418 CASANOVA ST LOS ANGELES CA 90012	LE VAL OF CALIF INC 3308 PASADENA AVE LOS ANGELES CA 90031	LEPORE, GRACE T AND 11510 BRYMER LN NORTHRIDGE CA 91326
5205-005-011/ 980210	5205-005-013/ 980210	5205-005-014/ 980210
BRIZ, MICHAEL R AND FRIEDA B 1540 LANCASTER ST PASADENA CA 91103	MCMILLIN, TILLIE A AND 4409 TERRY LEE CIR BANNING CA 92220	NIZNIK, EMMA M TR 343 S AVENUE 52 LOS ANGELES CA 90042
5205-005-017/ 980210	5205-005-022/ 980210	5205-005-024/ 980210
GILLINS, LAWRENCE M. & MARI-LYNN C. 4163 DORSET PL LA CANADA CA 91011	HERRERA, VERA G AND 116 W AVENUE 34 LOS ANGELES CA 90031	LEPORE, JOSEPH J 3305 PASADENA AVE LOS ANGELES CA 90031
5205-005-025/ 980210	5205-005-026/ 980210	5205-005-027/ 980210
AGNEW, JESSIE (ET AL) 130 W AVENUE 34 LOS ANGELES CA 90031	LEPORE, JOSEPH J 3305 PASADENA AVE LOS ANGELES CA 90031	DUARTE, TERESA 1249 BRESEE AVE PASADENA CA 91104
5205-005-028/ 980210	5205-005-035/ 980210	5205-005-039/ 980210
ARRIOS, DAVID F 305 E AVENUE 31 LOS ANGELES CA 90031	SALAZAR, ELVIRA A 5825 BENNER ST LOS ANGELES CA 90042	KENNINGTON PROPERTIES INC 3209 HUMBOLDT ST LOS ANGELES CA 90031
5205-005-040/ 980210	5205-005-043/ 980210	5205-005-044/ 980210
GILLINS, LAWRENCE M AND LYNN C 311 W AVENUE 33 LOS ANGELES CA 90031	LE VAL OF CALIF INC 3305 PASADENA AVE LOS ANGELES CA 90031	GILLINS, LAWRENCE M AND LYNN C 4163 DORSET PL FLINTRIDGE CA 91011
5205-005-045/ 980210	5205-005-046/ 980210	5205-006-004/ 980210
ALAZAR, ELVIRA A 5825 BENNER ST LOS ANGELES CA 90042	SPINKA, JERRY M AND MARGARET E 4640 GOULD AVE LA CANADA CA 91011	YANEZ, CARMEN 607 S CHAPEL AVE ALHAMBRA CA 91801
5205-006-005/ 980210	5205-006-006/ 980210	5205-006-007/ 980210
RAY, JAN C 2793 CRESTON DR LOS ANGELES CA 90068	ADARGAZ, JOE ET AL 1246 S LARK ELLEN AVE WEST COVINA CA 91791	XAM QUANG HAI 117 W AVENUE 31 LOS ANGELES CA 90031

5-006-008/ 980210	5205-006-009/ 980210	5205-006-010/ 980210
CHAN, PETER K AND SALINA L 770 N HILL PL LOS ANGELES CA 90012	FRANK CHU AND 127 W AVENUE 31 LOS ANGELES CA 90031	TONG, MARGURITE B 133 W AVENUE 31 LOS ANGELES CA 90031
5205-006-012/ 980210	5205-006-020/ 980210	5205-006-021/ 980210
FONG, WILSON W AND 4463 ALUMNI AVE LOS ANGELES CA 90041	MORENO, CRISOFORO AND GLORIA 3207 PASADENA AVE LOS ANGELES CA 90031	LOPEZ, JOSE P 3209 PASADENA AVE LOS ANGELES CA 90031
5205-006-022/ 980210	5205-006-024/ 980210	5205-006-025/ 980210
TA, PETER AND ANN 3217 PASADENA AVE LOS ANGELES CA 90031	KY MINH CHIEU AND 2443 SICHEL ST LOS ANGELES CA 90031	CISNEROS, FERNANDO Y 3231 PASADENA AVE LOS ANGELES CA 90031
5205-006-029/ 980210	5205-006-029/ 980210	5205-006-030/ 980210
STON RICHARD A., SR. & BARBARA A. (TR & BA RA ANN STONE LIVING TR. 3-12-97 3244 HUMBOLDT ST. LOS ANGELES CA 90031	STONE, RICHARD A. SR. & BARBARA A. (TRS) ANN STONE LIVING TRUST 3-12-97 3244 HUMBOLDT ST. LOS ANGELES CA 90031	SPARKENBACH, HECTOR R AND 214 W AVENUE 33 LOS ANGELES CA 90031
5205-006-032/ 980210	5205-006-036/ 980210	5205-006-037/ 980210
SELF-REALIZATION FELLOWSHIP 3880 SAN RAFAEL AVE LOS ANGELES CA 90065	GARCIA, MANUEL N AND GLORIA I 3112 HUMBOLDT ST LOS ANGELES CA 90031	PETERSON, ROSEMARIE 706 CALLITA ST ARCADIA CA 91007
5205-006-038/ 980210	5205-006-039/ 980210	5205-006-040/ 980210
VELASCO, EDWARD G AND EVA G TRS P O BOX 400731 HESPERIA CA 92340	PERDUE, MARY AND 147 W AVENUE 31 LOS ANGELES CA 90031	YU, WAN H AND MIAO Y 2832 1/2 SICHEL ST LOS ANGELES CA 90031
5205-006-041/ 980210	5205-006-053/ 980210	5205-006-054/ 980210
PHAN, KIET T 137 W AVENUE 31 LOS ANGELES CA 90031	KENNINGTON PROPERTIES INC 3209 HUMBOLDT ST LOS ANGELES CA 90031	SELF REALIZATION FELLOWSHIP 3880 SAN RAFAEL AVE LOS ANGELES CA 90065
5205-006-055/ 980210	5205-006-057/ 980210	5205-009-003/ 980210
SOUTHERN CALIFORNIA ASSOCIATION 1535 E CHEVY CHASE DR GLENDALE CA 91206	HUO ZAO CHEN AND 3239 PASADENA AVE LOS ANGELES CA 90031	POLGREAN, DONALD K 773 MOUNT WASHINGTON DR LOS ANGELES CA 90065
5205-009-900/ 980210	5205-010-001/ 980210	5205-010-900/ 980210
A CITY DEPT OF WATER AND POWER P O BOX 51111 LOS ANGELES CA 90051	ALPINE FOREIGN AUTO 337 W AVENUE 26 LOS ANGELES CA 90031	L A CITY DEPT OF WATER AND POWER P O BOX 51111 LOS ANGELES CA 90059
5205-011-003/ 980210	5205-011-005/ 980210	5205-011-006/ 980210
OWENTHAL, IRA L CO TR 4020 QUARTZ DR SANTA ROSA CA 95405	PRESSMAN, JERROLD S 520 BROADWAY SANTA MONICA CA 90401	JAHNS, WILLIAM H JR 520 BROADWAY SANTA MONICA CA 90401

5205-011-008/ 980210	5205-011-009/ 980210	5205-011-010/ 980210
JNM HUMBOLDT INVESTMENTS 6711 E WASHINGTON BLVD LOS ANGELES CA 90040	LOWENTHAL, IRA L CO TR 4020 QUARTZ DR SANTA ROSA CA 95405	KNIGHT, JAMES J AND HELEN E AND 2626 LACY ST LOS ANGELES CA 90031
5205-012-001/ 980210	5205-016-001/ 980210	5205-016-002/ 980210
E B MALONE CORP 330 W AVENUE 26 LOS ANGELES CA 90031	KWAN, SELINA F 1386 AVION DR MONTEREY PARK CA 91754	CHAN LY YONG AND VA LY 3003 PASADENA AVE LOS ANGELES CA 90031
5205-016-003/ 980210	5205-016-004/ 980210	5205-016-005/ 980210
MOJICA, JOE M AND GARCIELA 116 W AVENUE 31 LOS ANGELES CA 90031	GEN QIANG ZHANG AND 122 W AVENUE 31 LOS ANGELES CA 90031	KWAN, SZE C AND SHUI L 126 W AVENUE 31 LOS ANGELES CA 90031
5205-016-006/ 980210	5205-016-007/ 980210	5205-016-008/ 980210
JERL EVOLA G DECD EST OF 130 W AVENUE 31 LOS ANGELES CA 90031	LUONG TRUNG LY AND HY HUYNH AND 136 W AVENUE 31 LOS ANGELES CA 90031	RECTOR, MARY J 140 W AVENUE 31 LOS ANGELES CA 90031
5205-016-009/ 980210	5205-016-010/ 980210	5205-016-011/ 980210
LAU, OSCAR W AND ELIZA M TRS 9203 DE ADALENA ST ROSEMEAD, CA 91770	RUEDAFLORES, SARA AND GILBERT S 2247 SICHEL ST LOS ANGELES CA 90031	MORA, JUAN AND 19030 BRIDGEPORT CT WALNUT CA 91789
5205-016-012/ 980210	5205-016-013/ 980210	5205-016-014/ 980210
MARTINEZ, EVARISTO AND 123 W AVENUE 30 LOS ANGELES CA 90031	ROMAN, RODOLFO AND SILVIA 137 W AVENUE 30 LOS ANGELES CA 90031	LEOS, HELEN 141 W AVENUE 30 LOS ANGELES CA 90031
5205-016-018/ 980210	5205-016-019/ 980210	5205-016-020/ 980210
HERNANDEZ, MICHAEL P AND 3007 PASADENA AVE LOS ANGELES CA 90031	XIAO MEI LIANG AND 145 W AVENUE 30 LOS ANGELES CA 90031	CHIK, KENNETH K AND SUSIE S 149 W AVENUE 30 LOS ANGELES CA 90031
5205-016-021/ 980210	5446-017-007/ 980210	5446-017-008/ 980210
GADD, KEVIN W. ET AL (TRS) THE GADD FA 5-30-97 26652 SAND CANYON ROAD SANTA CLARITA CA 91351	SAWAYA, CONSTANTINE AND 425 S 30TH ST SAN DIEGO CA 92113	CRUZ, CARLOS B 2616 N FIGUEROA ST LOS ANGELES CA 90065
5446-017-009/ 980210	5446-017-012/ 980210	5446-017-015/ 980210
PANGBURN, VICTORIA TR 3200 FAIRESTA ST NO LA CRESCENTA CA 91214	FONG, RICHARD AND SUSAN J TRS 3900 ACKERMAN DR LOS ANGELES CA 90065	BARCENA, JOSE & HELEN 4056 GOODWIN AVE. LOS ANGELES CA 90039
5446-17-18/980210	5446-017-028/ 980210	5446-017-032/ 980210
Feldman, Leonard (tr) 451 N. Bristol St. Los Angeles, CA 90049	ROSS, WILLIAM B CO TR 1201 S OLIVE ST LOS ANGELES CA 90015	BARCENA, JOSE & HELEN 4056 GOODWIN AVE. LOS ANGELES CA 90039

546-017-033/ 980210

SAWAYA, MICHAEL TR
869 VIA LA CRESTA HEIGH
EL CAJON CA 92021

5446-018-017/ 980210

TRICHMAN ENTERPRISES INC
12444 VENTURA BLVD
STUDIO CITY CA 91604

5446-018-020/ 980210

JIR PROPERTIES
116 N MARYLAND AVE STE 1
GLENDALE CA 91206

5446-01. J35/ 980210

FONG, RICHARD AND SUSAN J TRS
3900 ACKERMAN DR
LOS ANGELES CA 90065

5446-018-018/ 980210

MANUGHIAN, EDWARD AND MAGDA TRS
3244 ARROYO SECO AVE
LOS ANGELES CA 90065

5446-018-010/ 980210

FINK, DAVID L
3238 N FIGUEROA ST
LOS ANGELES CA 90065

5446-018-019/ 980210

SULTANYAN, MKRTICH AND SVETLANA
1900 BRIGDEN RD
PASADENA CA 91104

✓
5205-001-900/980210
CITY OF LOS ANGELES
111 E. 1 ST. # 201
L.A. CA 90012

5205-003-802/980210
UNION PACIFIC R.R. CO.
BOX 2 500 B ROOMFIELD
CO 80020

5205-003-802/980210
UNION PACIFIC R.R. CO. PROPERTY
10 S. MAIN ST
SALT LAKE UT. 84101

5205-012-2/980210
THE E B MALONE CORP
3 W. AVE 26
L.A. CA 90031

✓ 5205-003-902/980210
L.A. COUNTY METROPOLITAN TRANSPORTATION
818 W. 7TH ST.
LA CA. 90017

J. MICHAEL CAREY
City Clerk

CITY OF LOS ANGELES
CALIFORNIA



Office of the
CITY CLERK
Council and Public Services
Room 615, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

When making inquiries
relative to this matter
refer to File No.

RICHARD J. RIORDAN
MAYOR

99-0235
BZA 5658
CD 1

PLUM: 4/6/99
CCL: 4/14/99

February 16, 1999

PLANNING & LAND USE MANAGEMENT COMMITTEE

In accordance with Council Rules, appeal filed by A Very Small Venture, LLC (Roger Jon Diamond) from the entire determination of the Board of Zoning Appeals regarding the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation, was referred on February 16, 1999, to the PLANNING & LAND USE MANAGEMENT COMMITTEE.

J. Michael Carey

City Clerk
amm

[Handwritten signature]
HB

*mail
3-18*



Los Angeles City Board of Zoning Appeals

Room 1540, 221 North Figueroa Street, Los Angeles, Ca 90012 (213) 580-5527

Date: February 5, 1999

Time Limit

Honorable City Council
City of Los Angeles
Room 300, City Hall East

BZA Case No: 5658
ZA Case No. 98-0210-RV
Applicant: Department of City Planning
(Office of Zoning Administration)
Address: 2662 Lacy Street
Council District : 1
Plan: Northeast Los Angeles
Environmental: CE 98-0204

*File :
4-29-99*

Honorable Members:

In accordance with Municipal Code Section 12.28, the above-captioned files, which are the subject of the attached appeal, are transmitted for your consideration.

Appeal Request: The operator/appellant, A Very Small Venture, LLC (Roger Jon Diamond) is appealing the entire determination of the Board of Zoning Appeals.

Background: On October 19, 1998, Zoning Administrator Leonard Levine required, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation.

The facility operator appealed the decision.

Board Action: On December 15, 1998 (mailed January 14, 1999), the Board of Zoning Appeals denied the protestant appeal; determined, pursuant to Municipal Code Section 12.28-A.7.(b), that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different determination by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted; determined that the Zoning Administrator DID NOT ERR or abuse discretion in imposing the corrective conditions; determined, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the locus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community; required, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation and imposed corrective conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

Vote Summary: **PLAN & LAND USE MGT.**

Pak: Yes
Selter: Seconded
Kezios: Yes
Silcott: Yes
Dolle: Moved

Ellen Gabriel-Santos
Ellen Gabriel-Santos
Secretary
Board of Zoning Appeals

FEB 12 1999





Los Angeles City Planning Department

221 North Figueroa
16th Floor



June 10, 1996

TO: Public Counters
Zoning Administrators

FROM: Robert Janovici *RJ*

SUBJECT: REJECTION OF IMPROPER APPEALS

The Municipal Code provides that an appeal from a Zoning Administrator's action must "...set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the Zoning Administrator".

It has historically been the City's policy to be liberal when viewing appeals and determining whether they met the requisite minimum threshold. However, a review of the requirements seems appropriate at this time. Recently, I dismissed an appeal which by its terms clearly was based upon a personal dispute between two adjoining property owners and having nothing to do with the historic, current or prospective use of the property which was the subject of the original application.

I am requesting that all appeals be reviewed upon submittal in detail to ensure that the prospective appellants indicate clearly how they are personally aggrieved (impacted) by the underlying action and wherein the Zoning Administrator erred or abused discretion. Staff should never write out language for an individual nor give advice as to the possible outcome of an appeal or underlying action. If there is an issue in a particular case as to whether an appeal is properly filled out, contact me directly. If I am unavailable, contact the Administrator who is liaison to the counter.

Persons asking questions about appeals should be advised not to wait until the last minute to do so - in the event they are unexpectedly late due to traffic or other reasons, no exceptions will be made. Likewise, no leeway will be given due to the mail, private delivery service or other source not delivering the appeal on time. As such, prospective appellants should be strongly urged to file the appeals personally.

RJ:lmc



Los Angeles City Board of Zoning Appeals

Room 1540, 221 North Figueroa Street, Los Angeles, Ca 90012 (213) 580-5527

Mailing Date: January 14, 1999

BZA Case No. 5658
ZA Case No. 98-0210-RV
CEQA: CE 98-0204
Fish and Game: Exempt

Address: 2662 Lacy Street
Community Plan: Northeast Los Angeles
Zone: M1-1
Council District: 1
D.M.: 142.5A221/141B221
Legal: Lot 7, Arb 2 of Griffin's Arroyo
Seco Tract and Lots 1 & 2 of Victor Berri's
Subdivision of Lots 8 & 9 of Griffin's
Arroyo Seco Tract

Applicant: Chief Zoning Administrator (Office of Zoning Administration)
Operator/Appellant: Lacy Street Cabaret (Roger Jon Diamond)

BOARD OF ZONING APPEALS DETERMINATION REPORT

Meeting Date: December 15, 1998

Summary of determination action:

Appeal denied
Z.A. sustained
Conditions imposed
Prior corrective conditions unmodified
Findings of Z.A. adopted

Vote Summary:

C. Pak: Yes
M. Selter: Seconded
C. Kezios: Yes
J. Silcott: Yes
H. Dolle: Moved

Effective Date:

Effective January 30, 1999 unless appealed

Appeal Status:

Appealable on or before January 29, 1999

Christopher C. Pak, Chair

David Kuntzman, City Planner

cc: The determination notice list attached to the case file.

DO NOT file appeals with the Board. File them in accordance with the information contained in this report. Attach a copy of this report to your appeal application.

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: City Council

REGARDING CASE NO.: BZA 5658

This application is to be used for any authorized appeals of discretionary actions by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. **A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.**

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

Name A VERY SMALL VENTURE, LLC

Mailing Address 2662 Lacy Street

Los Angeles, California Zip: 90031

Work Phone: (323) 227 6829 Home Phone () _____

- a) Are you or do you represent the original applicant?
(Circle One) YES NO
- b) Are you filing to support the original applicant's position?
(Circle One) YES NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company? (Circle One) SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

REPRESENTATIVE

Name Roger Jon Diamond

Mailing Address 2115 MAIN STREET

SANTA MONICA, CALIFORNIA

Zip 90405

Work Phone: (310) 399 3259 Home Phone: () _____

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Final Date to Appeal: 1/29/99

Authorizing Legislation _____

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

Entire Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

(1) Adult theater is being ordered to alter theatrical presentations; this will impinge on First Amendment and Article 1, Section 2 rights. Also violates property rights under federal and state constitutions. Also procedural due process under federal + state constitutions violated (i.e. witnesses not under oath, no cross examination, no subpoena power) (2) No evidence to support decision. Remedy not needed. Alleged illegal conduct has no impact on zoning issues or neighborhood.

ADDITIONAL INFORMATION

- original applicants must pay mailing fees to BTC and submit copy of receipt. (BTC not required for Building and Safety Appeals)
- any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. Copy of determination/decision letter required.
- acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- if appeal is to the Board of Zoning Appeals six copies are required.

I certify that the statements contained in this application are complete and true:

Appellant *Kevin P. Walker*
GENERAL MANAGING PARTNER

OFFICIAL USE ONLY

Receipt No. 219725 Amount \$ 71 Date 1/26/99

Application Received By *P. Shibley*

Application Deemed Complete *David Detverman*

Copies provided: Determination Receipt (original applicant only)

Determination Authority Notified (if necessary)

ACTION OF THE BOARD**ACTION: BY VIRTUE OF THE AUTHORITY VESTED IN IT BY CHARTER SECTION 99 AND MUNICIPAL CODE SECTION 12.28, THE BOARD:**

1. Pursuant to Board of Zoning Appeals Case No. 5658 and Zoning Administration Case No. 98-0210-RV, **DENIED** the facility operator appeal.
2. **DETERMINED**, pursuant to Municipal Code Section 12.28-A.7.(b), that the subpoenas requested by the operator appellant would not in the Board's opinion provide evidence of such a nature as might reasonably have led to a different determination by the Zoning Administrator and that therefore a remand to the Zoning Administrator for the purpose of reopening the matter is not warranted.
3. **DETERMINED** that the Zoning Administrator **DID NOT ERR** or abuse discretion in imposing the corrective conditions.
4. **DETERMINED**, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, that the Lacy Street Cabaret has been and continues to be a nuisance insofar as the site has been the locus for public demonstrations, assaults, shootings, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages and its operation has become a nuisance to adjacent and nearby businesses in the community.
5. **REQUIRED**, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation.
6. **IMPOSED** corrective conditions as the first step in the discontinuance process and incorporating herein by the reference the unmodified corrective terms and conditions of Zoning Administration Case No. 98-0210-RV.

BOARD OF ZONING APPEALS DETERMINATION REPORT**BACKGROUND AND APPEAL REQUEST:**

1. On October 19, 1998, Zoning Administrator Leonard Levine **required**, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation.
2. The facility operator appealed the entire action.

SUMMARY OF THE HEARING:

(Staff Note: The following is a brief summary narrative of the statements made before the Board and the Board's query and deliberations during the public hearing. The narrative within this summary which is bracketed [...] is a further staff consolidation and notation of statements at that particular portion of the hearing.)

1. Daniel Green, substituting for the Zoning Administrator of record Leonard Levine summarized the action, findings and facts set forth in the determination and report to the Board. In addition, the Zoning Administrator stated that: [Detailed the site, the area, the findings of the Administrator, the issues of the appeal and the rationale of the Administrator's action; this is not an unusual case in that it follows the same procedures followed in other nuisance abatement cases.]
2. [Staff made query as to whether Spanish language translation was required; the indication from those present was that translation was not required.]
3. The Council Office representative stated: [Strongly support corrective conditions for the site; advised that the operations of the use have created a nuisance and it has not operated as a good neighbor; detailed at length its location on a children's school route and across from an Animal Regulation facility that provides training and pet adoption; the negative impacts of the use on the other business uses in the area and the business development and revitalization strategy for the area; summarized the nuisance activities and operation violations.]
4. The Congressional Office representative stated: [Support the imposition of corrective conditions on the use; the use has been a nuisance to the community- detailed negative impacts.]
5. The State Assembly Speaker's Office representative stated: [Detailed more than two years of community concerns about the problems associated with the use; have received numerous complaints about lewd public acts, drinking in public, disorderly conduct, public drug use and violence in the surrounding areas; the City's use of the revocation process to impose operational conditions is correct- urge denial of the appeal.]
6. The LAPD Officer in charge, Hollenbeck Vice Unit stated: [Detailed the investigation of the use from October, 1997 through April, 1998; summarized the violations and the validity of the arrests at the site- did not make arrests on border line situations; every arrest was filed on by the City Attorney's Office; have met with the owner regarding the violations; as an example, suggested taking down the 6-foot fence where the majority of the arrests were being made; the owner did not take the fence down because the customers wanted the privacy; responded to Board query- detailed the arrangement of the interior of the use and arrest locations.]
7. The representative of the County Supervisor's Office stated: [Support the imposition of corrective conditions and detailed the problems and violations associated with the use including lewd condition and the illegal sale of alcohol.]

8. The legal representative of the operator of the use stated: [Requested clarification of the procedures and alleged a flawed hearing process of the Zoning Administrator and the inability of the Board to consider the appeal due to a lack of an adequate record; objected to the entire proceedings; none of the arrests have resulted in conviction- detailed court rejection actions; the protestors are calling the police which has caused demand for police resources; this is an unpopular business which has activities protected by the First Amendment; this is a modern, gentlemen's club atmosphere; there are no secondary impacts from this use; this was a high crime area before the business was opened- the business with its security has helped to improve the area; the protestors of the use precipitate the altercations; there is a lack of a record and no evidence before the Board; this site meets the zoning requirements of the City- detailed efforts and investment of the operator; making the record in order to proceed to further appeal and review- there is no problem here requiring a solution; responded to Board query.]
9. Those in opposition to the appeal stated:
 - a. A resident of the area stated: [I was shot in front of the subject club and the two men were convicted; this is not a small number of people protesting this use- July 3, 1997 there were 458 people demonstrating against this use; at the Police Commission over 1,200 signatures in opposition were presented- these people were from the immediate area; the club has put up security lights but does not turn them on; the club tore up the sidewalk in front of its establishment on January 9, 1997 and left it boarded up for 18 months; the graffiti and the immediate area is not cleaned up; it is not a gentlemen's atmosphere; four times shots have been fired at the demonstrators; after dark it gets vicious in the area; there is prostitution on the street; public drinking and drugs; there has been a 35 fold increase in crime in that area in one year; detailed problems associated with the use.]
 - b. A second resident of the area stated: [Have spent several hundred hours observing the subject club; there is no sub-context here; this is a nuisance and the mitigating conditions are needed to eliminate the problems; children walk by, my wife teaches at the school just a 4 minute walk away; the animal shelter provides children vocational training with a contract with the LA School District; the concern is for the children and the interest of the community; unfortunately this is a mixed community of industrial very closely located with homes; technically, though disputed, the law does not exclude this use at this location- the use does have an impact; the results of this use have been seen- drunkenness, sexual activities within the club and outside that are a terrible model for the children; the junior high school is just across the freeway from this use and the kids walk by this use; the gang activity is in this location- the use affirms this gang activity; no one would want to put a business next to this use- the hope is to bring some of the film industry secondary and tertiary companies into this industrial park.]
 - c. An employee of the adjacent business with facilities on both sides stated: [Referenced previous testimony; all the business owners remove graffiti within 24 hours- gave example of the subject use not removing graffiti; the graffiti presents a negative impression.]

10. The Board deliberated as follows:

- a. [In response to Board query the Zoning Administrator stated: the political pressure allegations made by the operator's representative do not have merit; the findings have been made in determining nuisance; there has been no request to amend conditions; the use advertises as L. A.'s only totally nude, private, full contact lap dancing.]
- b. [In response to Board query the operator's representative stated: the findings have to be made upon evidence, there is no record of evidence; have no problem in complying with the regulations of the Municipal Code; the building was renovated in accordance with the approvals of the Department of Building and Safety; responded in detail to the required corrective conditions; the problems identified such as prostitution, public urination, drunkenness are not related to this use- there have been no arrests outside the premises; this is a bogus case- willing to maintain this area; there has been a net decrease in crime since the establishment of this business.]
- c. Mr. Selter stated: [The Board takes exception to allegations that these proceedings are outside its jurisdiction and that there are politics involved; this Board has clearly demonstrated that it is not a political body- it deliberates and decides based on the testimony and objective evaluation by the Board.]
- d. Mr. Dolle advised: [This probably is one stop on a long train, if the Board decides in a particular way; the appellant's arguments are legal; the record is good; there is always a push and pull process with these type of Constitutional issues and these kinds of uses in neighborhoods where the use is not tolerated easily; it is not a use that will be easily tolerated anywhere; if it is in a place where it is not tolerated, then the issue of nuisance evolves; this is not a revocation hearing- this is a hearing to impose conditions to try to save the business and the community- and keep them operating in the same juxtaposition with one another; this is the effort being made here; in order for the Board to over turn the Administrator the Board would have to find that the Administrator, aside from the legal arguments about procedure and cross examination, had made an error or grossly abused his discretion in imposing these conditions; I can not make that finding.]
- e. Mr. Dolle moved, second by Mr. Selter, to deny the appeal, sustain the Zoning Administrator and impose corrective conditions on the subject use.
 - i. [In discussion the Board advised that subpoena and testimony under oath would unlikely provide additional information that would change the Administrator's opinion.]
 - ii. Mr. Pak advised: [The information received by the Board has gone through a series of review processes prior to this appeal level; particularly in this case, having read all the evidence- the police reports, the Administrator's determination and the operator's

response; all this material is read very objectively by the Board; if this use is not managed strictly and is more than an adult cabaret, then a sexual encounter conditional use might be required with the imposition of conditions.]

- f. The Board voted as recorded above.

FINDINGS:

1. Discontinuance or modification of a commercial or industrial use. Pursuant to Municipal Code Section 12.27.1, the Board upheld the Administrator's findings and incorporates those findings herein by reference to Zoning Administration Case No. 98-0210-RV.
2. Corrective conditions were imposed to mitigate identified impacts of the subject use on the community and to make the use more compatible with surrounding properties. The imposition of conditions represents the first step in the subject revocation/discontinuance process and provides an opportunity for the facility operator and property owner to eliminate the negative impacts of the use on the community.
3. The subject action DOES NOT impair the constitutional rights of any person insofar as the action DOES NOT take away the owner's right to equal protection and due process under the law.

APPEAL RIGHTS:

1. Appealable. The Board of Zoning Appeals' determination in this matter will become effective on the date indicated on the front page of this report unless an appeal therefrom is filed with the City Council.
2. Appeal filing requirements:
 - a. Must be filed in person by the appellant or appellant's representative on the prescribed forms.
 - b. Must be accompanied by the required fee payments.
 - c. Applicant appeal applications must be accompanied by hearing notice labels or a receipt of payment for vendor mailing services, to the satisfaction of the public counter.
 - d. Must be filed in person by the appellant or appellant's representative at any of the following public counters:

Planning Counter
Room 300, Counter 17 & 18
201 North Figueroa Street
Los Angeles, CA 90012
Hours: Monday thru Friday

Planning Counter
First Floor,
6251 Van Nuys Boulevard
Van Nuys, CA 91411
Hours: Monday thru Friday

7:30 a.m.-5:00 p.m.
(except holidays)

7:30 a.m.-12:00 p.m.
1:00 p.m.-5:00 p.m.
(except holidays)

- e. Must be filed within the time period set forth on the front of this report.
- f. No hearing notice posting is required for City Council appeals hearings.

REVOCATION/DISCONTINUANCE PROCEDURE:

The subject continuance with corrective measures is a temporary measure and the first step of the revocation/discontinuance proceedings. It allows the applicant another opportunity to comply with the City requirements and to be a good neighbor by eliminating unsafe aspects or nuisance impacts of the subject operation. If the unsafe aspects and/or nuisance impacts of the operation continue and/or the applicant does not comply with the City's requirements, the City may revoke the subject permit.

AMERICANS WITH DISABILITIES ACT (ADA) NOTICE:

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 and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

CITY OF LOS ANGELES
APPEAL OR TRANSFER OF JURISDICTION REQUEST
TO THE BOARD OF ZONING APPEALS
REQUIREMENTS AND INSTRUCTIONS FOR FILING

TRANSFER OF JURISDICTION (CONDITIONAL USE APPLICATIONS ONLY):

Pursuant to Municipal Code Section 12.24-C.3(f), an applicant may request a transfer of jurisdiction from the Zoning Administrator to the Board if the Zoning Administrator fails to make a determination on a conditional use application within the time limits specified in Section 12.24.

APPEAL. Pursuant to various sections of the Municipal Code, an applicant or any person aggrieved by a determination of a Zoning Administrator or other City official concerning a matter which is appealable to the Board of Zoning Appeals may file an appeal from the determination. The appeal must specify how the appellant believes the official erred or abused discretion in making the determination. **Once the appeal has been filed, the appellant may not unilaterally withdraw the appeal and any such request must be considered by the Board pursuant to appropriate notice and hearing.**

CHECK ONE (fill in the blanks provided):

Request for a Transfer of Jurisdiction from the Zoning Administrator concerning CASE NO. _____ (filed by applicant named _____ which was filed (accepted as a complete application by the Planning Department) on (date) _____ (copy of the original case filing application is attached). The 75-day time limit for the Zoning Administrator to process the application expired on: _____.

Appeal from the determination relative to CASE NO. ZA 98-0210 (RV) (filed by applicant named _____); a copy of the determination report or report cover sheet is attached. (This is not required but will assist in processing this appeal form).

Appeal from any requirement, decision or other determination made by a Zoning Administrator and for which no case number applies. The document was signed by the Zoning Administrator named _____ and is dated _____ (a copy is attached).

APPEAL APPLICATION ONLY (check one):

The appeal is from the entire determination.

The appeal is from conditions, elements or parts of the determination or matter being appealed.

APPEAL JUSTIFICATION: Your appeal justification must contain at least the following factual information: (1) Identification, by condition number or other citation, of each item which you are appealing and (2) a statement of how you believe the public official "erred or abused discretion" in making the determination from which you are appealing. (3) In addition, if you are appealing the entire determination, you should identify the findings required by the Municipal Code and why each finding can or cannot be made. (4) If you are appealing a requirement of the determination, you should state the requirement, any suggested modification of the language of the requirement and the reasons why the requirement, as written, is in error or creates an undue hardship. (5) If you are requesting that requirements be added to the determination, you should state your proposed new requirement and the reason why the requirement should be added. Clearly (legibly) print or type your justification in the space on the reverse of this page.

APPEAL JUSTIFICATION (see instructions on prior page). PRINT LEGIBLY OR TYPE your justification below.
Attach additional sheets if needed.

A Very Small Venture, L.P., Kevin Wasko, Stuart Cadwell, and the Lacy Street Club appeal the decision of Associate Zoning Administrator Leonard S. Levine dated October 19, 1998 which imposes certain conditions on the operation of the Lacy Street Theater at 2662 Lacy Street, Los Angeles, California. The decision is erroneous and not based upon substantial evidence. Moreover, the so called hearing presided over by Leonard S. Levine was not a hearing in the legal sense. No accusation had been filed and no proper notice had been given. Also no hearing recording was made. There was no testimony that was recorded or transcribed or reported by a court reporter. It was a sham proceeding attended by Councilman Mike Hernandez, who used his political influence to engineer a result which he needed politically.

The law requires that the Board of Zoning Appeals provide a de novo hearing and one is requested. No witness was under oath and cross examination was limited.


The decision of Leonard S. Levine is not supported by the United States Constitution, the California Constitution, the City Charter, or the Municipal Code. In fact, the decision is contrary to those provisions of the Constitution, the Charter, and the Code.

Levine has no authority and jurisdiction. There is no evidence to support the findings made by Mr. Levine. The opponents to the Club were not subjected to cross examination and not under oath and lied. There is no basis for Levine's decision.

The decision violates due process, equal protection, and fundamental notions of fair play.

The statements and information provided herein are in all respects true and correct to the best of my knowledge and belief.

Signed (person filing this appeal/request):


Roger Jon Diamond

FEE WHICH MUST ACCOMPANY THIS APPEAL/REQUEST:

1. Original applicant: The fee is 85 percent of the current filing fee, plus twelve percent surcharge.

NOTE: Anyone other than the original applicant requesting enlargement of rights granted by the Zoning Administrator, deletion of conditions imposed by the Zoning Administrator or reversal of denial of a request by a Zoning Administrator shall pay the appeal fee required of an applicant.

2. Protestant who is not the original applicant: See Sec. 19.01 for fee.

ALL ORIGINAL APPLICANTS MUST PAY MAILING FEES TO BTC AND SUBMIT COPY OF RECEIPT.

NOTICE: Your appeal or request will receive full, fair and impartial consideration, regardless of whether or not you engage any person to represent you.

This statement is furnished for your protection against any person who might indicate to you that, but for his or her services, you would not receive the same full, fair and impartial consideration.

(Below to be completed by authorized Planning Department Staff)

TO: THE CITY OF LOS ANGELES - BOARD OF ZONING APPEALS

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular.

Receipt No. 219135

Date Received 11/2/98

Applic. Fee 63

O.S.S. Fee 7

Total Fee 70

By ARAVOLES
(For the Board of Zoning Appeals)

Posting instructions were given to appellant or sent to original applicant if appeal is by an aggrieved party _____

Date/Initials _____

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

EMILY J. GABEL-LUDDY

DANIEL GREEN

LOURDES GREEN

ALBERT LANDINI

LEONARD S. LEVINE

JON PERICA

SARAH A. RODGERS

HORACE E. TRAMEL, JR.

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

221 NORTH FIGUEROA STREET
ROOM 1500
LOS ANGELES, CA 90012-2601
(213) 580-5495
FAX: (213) 580-5569

October 19, 1998

Department of City Planning (A)
Office of Zoning Administration
221 North Figueroa Street, #1500
Los Angeles, CA 90012-2601

JNM Humbolt Investment (O)
6711 East Washington Boulevard
Los Angeles, CA 90040

Industrial Strip Los Angeles (L)
aka Lacy Street Cabaret
2662 Lacy Street
Los Angeles, CA 90031

J. Bennett Friedman
Levinson, Miller, Jacobs & Phillips
1875 Century Park East, #2000
Los Angeles, CA 90067

Roger Jon Diamond
2115 Main Street
Santa Monica, CA 90405

Department of Building and Safety

Pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, I hereby **REQUIRE**:

the modification of the operation of the Lacy Street Cabaret located at 2662 Lacy Street in order to mitigate impacts caused by its operation to residential and commercial uses adjacent to and nearby its operation,

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. Within 30 days of the effective date of this determination the owner shall submit a plot plan showing the exterior layout of the premises including all buildings and parking areas together with a floor plan showing all interior areas of the cabaret. All interior partitions shall be shown in compliance with Condition No. 10 below.
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 in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. A copy of this action and all conditions shall be maintained on the premises along with other permits and shall be made available to all enforcement personnel upon demand.
6. The hours of operation are limited to 6 p.m. to 2 a.m. seven days a week.
7. Pursuant to LAMC Section 19.01-P, the business owner shall reimburse the City for costs required to conduct and process the subject nuisance abatement action. A check in the amount of \$2,000 shall be made payable to the City of Los Angeles and shall be paid no later than 30 days from the effective date of this action.
8. No sooner than 90 days and no later than 120 days from the effective date of this action the owner of the Lacy Street Cabaret shall file a Plan Approval application with the Office of Zoning Administration and pay the applicable fee of \$523 and provide a mailing list of owners and occupants within a 500 foot radius of the facility. A public hearing shall be held pursuant to this application to determine the degree of compliance with the conditions contained herein and the effectiveness of the conditions, and whether additional more restrictive conditions, or fewer conditions need to be considered for the cabaret or whether the use should be revoked.
9. Within 30 days of the effective date of this determination the owner of the Lacy Street Cabaret shall file and record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

10. Except for offices, employee dressing areas and restroom facilities, no partitions or room dividers shall be installed within the premises which serve to limit or obstruct the observation of occupants or patrons by law enforcement personnel. Any existing partitions or dividers not otherwise excepted by this condition shall be removed from the premises within 14 days of the effective date of this determination. An inspection by either the Department of Building and Safety or officers from the Hollenbeck Vice Unit shall be required to verify that all of the screening and partitions have been removed dismantled and taken away from the premises. Evidence of such inspection shall be provided to the Zoning Administrator by operator or by LAPD. Under no circumstances shall these partitions other partitions designed to screen any of the public areas be reinstalled within the premises.
11. There shall be no booths or enclosed areas with dividers or partitions separating interior areas that are more than 48 inches in height. No partitions, fences or dividers shall be allowed to remain (beyond the effective date of this action) inside the premises that restrict the observation of patrons by law enforcement personnel.
12. The premises shall not be rented, leased, contracted for or otherwise used for private parties which exclude the general public. Private parties where admittance is allowed only from a list or similar screening system shall not be permitted on the premises.
13. There shall be no sale or dispensing of alcoholic beverages for consumption on the premises permitted at any time.
14. The owner/operator of the premises shall maintain a current record of all employees on the premises including hourly or salaried employees and all persons who work in any capacity on the premises. These records shall contain the employees name and address and length of employment. This information shall be made available to any law enforcement officer upon demand.
15. A copy of these conditions shall be maintained on the premises at all times and shall be made available to any law enforcement officer upon demand. All employees shall read these conditions and shall be made familiar with these requirements upon being employed.
16. At least once a day the parking lot area and the public right-of-way adjacent to the property shall be cleaned and all trash, cans, bottles and the like shall be collected and disposed of in a trash receptacle provided for that purpose on the subject property.
17. Within 30 days of the effective date of this determination the owner shall complete any uncompleted sidewalk repairs adjacent to the subject property.
18. The exterior of the premises shall be illuminated sufficiently so that law enforcement personnel shall be able to clearly see the exterior of the premises

and any persons congregating on the exterior. The sufficiency of the lighting in meeting this condition shall be subject to the review of the Los Angeles Police Department and approval by the Zoning Administrator.

19. Within 30 days of the effective date of this determination the owner of the premises shall obtain the services of a bona fide, uniformed, state licensed security service to patrol the exterior of the premises during the hours that the premises is open for business. A minimum of two security guards shall be present around the exterior of the premises at all times that the Lacy Street Cabaret is open for business. Evidence of compliance with this condition shall be provided to the Los Angeles Police Department and to the Zoning Administrator.
20. There shall be no consumption of alcoholic beverages permitted within the premises or in the parking lot area adjacent to the building. A sign indicating that the consumption of alcoholic beverages is not permitted shall be posted both in English and Spanish on the exterior of the building in the parking lot and within the interior of the premises. The signs shall be a minimum of 24 X 24 inches in size and printed so as to be legible from a reasonable distance within the building or within the parking area.

TRANSFERABILITY

This determination 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 that you advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.24-J,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 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 ZONING ADMINISTRATOR'S DETERMINATION IN THIS MATTER WILL BECOME EFFECTIVE AFTER NOVEMBER 3, 1998, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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 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. SUCH OFFICES ARE LOCATED AT:

Figueroa Plaza
201 North Figueroa Street, #300
Los Angeles, CA 90012
(213) 977-6083

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

NOTICE

THE APPLICANT IS FURTHER ADVISED THAT ALL SUBSEQUENT CONTACT WITH THIS OFFICE REGARDING THIS DETERMINATION MUST BE WITH THE ZONING ADMINISTRATOR WHO ACTED ON THE 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 file, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on May 14, 1998, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find as follows:

BACKGROUND

The subject property is a level, rectangular-shaped, interior, parcel of land, consisting of approximately 0.95 acres, having a frontage of approximately 200 feet on the east side of Lacy Street and a uniform depth of 206 feet.

The subject site is developed with a one-story renovated industrial building with yellow awning along the south and west perimeters and blue print announcing "Lacy Street Cabaret". The building has a color scheme of dark blue, gray and yellow on the exterior. The 7,000 square-foot building's business hours are: Monday - Thursday 11 a.m. to 2 a.m., Friday 11 a.m. to 4 a.m., Saturday 6 p.m. to 4 a.m., and Sunday 4 p.m. to 2 a.m. The subject site has 34 parking spaces. There is also a wireless telecommunications facility on a monopole and equipment cabinets located on the eastern portion of the site. Surrounding properties are within the MR1-1 and M1-1 Zones and are characterized by level topography and semi-improved streets. The surrounding properties are vacant and developed with one- and two-story industrial buildings and parking lots. Adjoining properties to the north of Lacy Street are zoned MR1-1 and are developed with one-story industrial buildings and a parking lot occupied

by the Department of Animal Regulation. Adjoining properties to the south of the subject site are zoned M1-1 and are developed with two-story office buildings and industrial buildings, and parking lots occupied by a Los Angeles Department of Water and Power Distribution Center. Adjoining properties to the east of the subject site are zoned M1-1 and are developed with one- and two-story industrial buildings and a parking lot occupied by fire equipment service facility. Adjoining properties to the west of the subject site are zoned M1-1 and are developed with one- and two-story industrial and a parking lot occupied by Lacy Street Production Studios and fire extinguisher restoration business.

Lacy Street, adjoining the subject property to the northwest, is a Local Street dedicated a width of 57 feet and improved with curb, gutter and partial sidewalk.

Previous zoning related actions on the site/in the area include:

Subject Property:

There are no relevant ZA or CPC cases on the subject property.

Permit No. 96VN01942 - Issued on June 17, 1996, for Certificate of Occupancy for Adult Cabaret. No liquor to be served, add toilet rooms and platforms and stage. Restripe parking for 34 stalls.

Order to Comply No. H1239N - Issued on March 27, 1997, requiring removal of illegal roof banner.

Surrounding Properties:

No similar or relevant cases were found on surrounding properties in the immediate neighborhood.

FIELD INSPECTION

THE SITE

A field inspection of the premises was undertaken by a Planning Department Staff Analyst for the purpose of reviewing the physical plant, including both the interior and the exterior of the site and determining, visually, those elements of the allegations that could be corroborated through a physical inspection of the site. The analyst reported a number of observations including the following:

"The site is occupied by a 7,000 square-foot one-story plus mezzanine building. The perimeter of the site is enclosed by a 7-foot wrought iron and chain link gate and fence. The gate and fence are covered with an opaque, dark, canvas cloth. There is a 34 space parking lot forming an L-shaped area around the south and east sides of the site. A parking attendant parks customer cars for a \$2.00 fee once the patrons have driven onto the site. In the evenings and on weekends, an armed security officer parks a patrol car in front of the gate to denote that the

premises is guarded. The entrance to the facility is at the southwest corner of the building. Customers proceed along a hallway to a cashier's booth to gain admission. This area is posted with a number of warning signs concerning the nature of the activities taking place on the premises.

The interior of the building has a counter for customers to sit and view the raised stage. There are several areas with stalls that apparently serve to provide private performances known as lap dancing that can be purchased by customers. The west wall is the area from which the stage projects out to near the center of the room. To the side of the stage there is a door providing access to the dressing rooms and other offices. In front, on the wall there are five additional stalls behind a chain link fence which is screened from view. It is this area where police claim that lewd conduct has occurred, screened from public view. Police investigations of this area have uncovered samples of semen on the walls which seem to corroborate the lewd activity."

SURROUNDING AREA

There are three schools in the immediate area all outside of a 500 foot radius of the premises. These schools are Florence Nightingale Middle School, Hillside Elementary School, and Loreto Street Elementary School. The Zoning Analyst spoke to the Principals of these schools regarding the effect, if any, of the Lacy Street Cabaret on these schools and the students. The Principal of Hillside Elementary did not feel that the schools students were directly affected since their walk routes are not past the Cabaret. However, she felt that the facility is not a good element in the neighborhood. The Principal of Loreto Street School discussed walk routes for his students indicating that they start at a pedestrian bridge adjacent to the school. The other end of the bridge opens onto Lacy Street. Those who go south from there have to walk by the Cabaret. To avoid the Cabaret they would have to take a longer, more circuitous route. He felt that the children should not have to take a longer route home in order to avoid a place like the Lacy Street Cabaret. He also indicated that some of the children like to go to the animal shelter (across from the Cabaret) to pet the animals after school and the Cabaret is too close to a site that children frequent. The Assistant Principal at the Middle School indicated he felt the above-noted bridge is a dangerous place and the school places monitors there to patrol the area. He was unsure as to the impact of the Cabaret on the students.

HISTORY

Prior to the public hearing the Office of Zoning Administration was the recipient of correspondence from the office of the Councilman of the District expressing concern over the activities and police problems that had been occurring at the Lacy Street Cabaret. He was particularly concerned about the impacts of the Cabaret on children who have to walk through the area on the way to school and on the future economic development of the area which he felt was adversely affected by the Cabaret's presence in the community. In June of 1997 the Chief Zoning Administrator also received a letter from the Ad Hoc Committee For Safe Children asking that a public hearing be held regarding alleged nuisance activities occurring at the Lacy Street

Cabaret (Industrial Strip). The Committee presented eight months of documentation of the types of activities going on at the Cabaret encompassing the period from November of 1996 soon after the Cabaret opened, until July of 1997.

On August 1, 1997, the Office of Zoning Administration requested the commanding officer of the LAPD's Hollenbeck Division to provide a Police Arrest Crime Management Information System (PACMIS) report on the Business then known as the Industrial Strip located at 2662 Lacy Street. It was requested that the PACMIS run cover the last year or more in order to provide the Office of Zoning Administration with data upon which to base its determination. On October 23, 1997 the commanding officer of the Hollenbeck Division responded with a PACMIS report covering the period from January 29, 1997 to January 31, 1998 that described incidents occurring at the Cabaret as requiring quite a bit of Police attention but also as being primarily associated with confrontations between employees or patrons and demonstrators outside the Cabaret who were protesting its operation. A total of 16 incidents were reported:

- 2 - misdemeanor battery reports;
- 3 - café entertainment violations;
- 11 - violations resulting from confrontations between strip employees or patrons with protestors.

During the period covered by the PACMIS report there had been no undercover investigations conducted by vice officers and no problems related to alcohol violations or lewd conduct were uncovered. More recently, however, on February 5, 1998, a letter from Captain Voge of the Hollenbeck Division reported that while the Police Department did not previously consider the Lacy Street Cabaret a crime problem, incidents have occurred which have made the Police Department reconsider its position and the premises is now considered a crime problem, a nuisance and a drain on police resources. He cited 9 arrests that had been made by the police on the premises for lewd acts by Lacy Street Cabaret employees and one incidence of the facility, which is not licensed to sell alcohol, engaging in the sale of alcoholic beverages. He noted that Vice Officers operating under cover had been solicited to commit lewd acts which resulted in arrests and citations of Cabaret employees.

Excerpts from the letter described repeated citizen complaints about the Cabaret. Based on continued investigation of the premises the Police Department has changed its stance on the Cabaret and feels that its continued operation represents a nuisance to the community. The letter cited the above-noted arrest of 6 employees in October of 1997 for the illegal sale of alcoholic beverages and 9 arrests and one Complaint Application on the premises for solicitation of lewd acts. In every case, the letter noted, the arrestee was an employee of the business. The business owner was present at the time of the first arrests and was advised of all subsequent arrests. The letter also states that, notwithstanding these arrests, the interior of the premises was redesigned apparently after building permits and a Certificate of Occupancy were issued, to facilitate the commission of these unlawful acts and to hinder law enforcement's ability to monitor the business (by enclosing areas where lewd acts are solicited and screening them from view). The letter further states that Hollenbeck Vice is routinely making arrests at this location. Moreover, after having become aware of the ongoing

problems, the business management has failed to cooperate in the Police Department's efforts to solve these problems. It is the belief of the Police that this business is failing to be a responsible neighbor, contributing to the decline of the quality of life in the community and should be declared a nuisance.

The Planning Department staff Analyst also spoke with Sargent Shoop of the Hollenbeck Vice Unit who discussed the interior of the club. He said that many of the lewd acts are generated on the west wall where the booths are screened from view. It is in this area that dancers negotiate with patrons to perform extra activities for money. For example, lap dancing topless costs \$20 and totally nude \$40. He said that LAPD laboratory specialists have obtained scrapings from the walls of these screened booths and have found semen on the walls. The Sargent believes that if the screened area is removed, it would permit the police to better monitor the premises and would discourage and reduce the incidence of lewd conduct at the club.

According to the Sargent, the conflicts that have occurred between the above noted Ad Hoc Committee and employees and patrons were the result of the demonstrators shouting out the license plate number of patrons to other committee members for notation. Patrons objected to this and to being video taped by the demonstrators. There was one instance of attempted murder against one of the demonstrators, apparently by young gang members who objected to their pictures being taken. When they sought to take the camera from the demonstrators and they refused, they shot one of the demonstrators. The perpetrators were subsequently tried as adults and sentenced to jail terms.

CORRESPONDENCE

There have been 10 other letters received by the Office of Zoning Administration from concerned citizens and business owners in the area. The following denotes the organization and the general tenor of the comments:

July 30, 1997 - Ad Hoc Committee for Safe Children-documentation of incidents at the Cabaret and a request for nuisance abatement.

March 13, 1998 - Councilman Hernandez-concerned over detriment of Lacy Street Cabaret on quality of life for those who work and live in the area.

April 16, 1998 - BROMACK- nearby business requesting abatement of blight caused by Cabaret.

May 11, 1998 - Marco Group economic development-property owners expressing adverse sentiments to the strip club.

May 14, 1998 - Ad Hoc Committee for Safe Children-complaining of club owners use of harassment and intimidation tactics on protesters.

May 14, 1998 - Florence Crittenton Center caring for at risk adolescent girls-concerned with continued operation of Lacy Street Cabaret.

May 14, 1998 - L.A. Chapter of the Sierra Club- concerned with impact of Lacy Street Cabaret on school children, particularly public urination and public drunkenness.

May 14, 1998 - Friends of Debs Park-have protested and want nuisance abated.

May 14, 1998 - Assemblyman Antonio Villaraigosa-concerned for safety of children.

May 14, 1998 - Self Realization Fellowship-opposed to effect of cabaret on neighborhood Concerned about negative moral effect on the organization and considering leaving area.

PUBLIC HEARING

In response to the police reports, the letters and the allegations of the Ad Hoc Committee the Office of Zoning Administration initiated a public review process to more fully investigate and assess these allegations regarding the Lacy Street Cabaret. A notice of public hearing was prepared by the Office of Zoning Administration and mailed to the property owner, business operator, the Councilman of the District, the Los Angeles Police Department, the applicant's representative and property owners and occupants within a 500-foot radius of the premises. On May 14, 1998 a public hearing was held at the Department of City Planning hearing room located at 221 North Figueroa Street. Approximately 75 persons attended the hearing and 13 spoke in opposition to the Cabaret.

The Councilman of the District testified that the Cabaret adversely impacts children who walk by the facility on the way to and from school. Additionally, there is a City Animal Shelter across from the club where youngsters are given a course by the Department of Animal Regulation. There is a pedestrian bridge in the area crossing over the freeway which is utilized by families and children in the area. Families also come to the spay and neuter clinic at the animal shelter which is across the street from the Cabaret.

According to the Councilman, this area of the city has no buffer zone, and no green areas. His office is trying to improve the area by establishing a green belt along the adjacent freeway to beautify and improve the areas for children, families and residents. The Cabaret is in the wrong location with respect to attempts to upgrade the area. There is also an ongoing effort in the Lincoln Heights Industrial area to create a business park and the existence of the Cabaret is a negative influence on businesses who would locate in this area. He concluded by noting that the cabaret has been the cause of an inordinate expenditure of public funds associated with policing and maintaining the area.

Sargent Shoop of the LAPD Hollenbeck Vice Unit testified that there had been two separate investigations conducted, one in November of 1997 and another from October of 1997 through March of 1998. These were initiated in response to a request to the Police Commission to cite the location and to monitor both the inside and the outside of the premises. Approximately 97 man hours were expended by the Vice Unit in this

effort. He estimated that approximately 500 man hours overall had been expended on policing the Lacy Street Cabaret. He also testified that he could get no cooperation by the owner to take action against activities that had been cited by the police at the premises. It was during this time the Police observed that an approximate 6-foot in height fence was installed within the premises surrounding the area where lap dancing has been observed to occur.

Officer Barbosa testified that the premises had been cited for serving alcoholic beverages without a license. He contacted the Alcoholic Beverage Commission about an advertisement by the Cabaret which had been placed in the L. A. Times promoting a private party with alcohol. He said he obtained passes to the premises, and observed alcohol being served. He also testified that a juvenile female had been permitted to dance nude on the premises around Christmas time. He stated that club owners knew the female was a juvenile. Lastly, he testified that the resources of the Vice unit are strained in the Hollenbeck area. There are over 300 licensed ABC locations in the area. Police reserves have been used to help out but more officers are needed. They can ill afford to spend the inordinate amount of time it takes to police the Lacy Street Cabaret.

Others from the community and the nearby schools testified that there is great concern for the children going to school who have to pass the Cabaret, observing public drunkenness, drinking in public, solicitation of prostitution and urinating in public. These persons testified that these conditions arose only after the opening of the Lacy Street Cabaret. A representative from the State Department of Alcoholic Beverage Control (ABC) testified about the alcohol sales that had occurred on the property. An owner of an adjacent business testified that he has found used condoms on his property and there has been vehicle damage to some of his employee's cars. He had become so concerned that he looked into relocation of his business but has decided to remain. Meanwhile, he has been unsuccessful in getting the management of the club to work with him in improving conditions.

Persons representing elected officials from State and County government including Supervisor Molina and Assemblyman Villaraigosa testified that their offices would continue to investigate and monitor the operations of the Lacy Street Cabaret and its impacts on the community and the children in the area. They strongly stated a desire to require the maximum of restrictive conditions on the premises in order to change its operation for the better and to reduce or eliminate the expenditure of public resources on policing this business at the expense of residents of the Lincoln Heights community.

DISCUSSION OF TESTIMONY

There was testimony by residents that the Police Commission should not have issued a Café Entertainment Permit to the Cabaret since classes are conducted at the animal shelter across the street and children come from there the local schools for educational purposes. There was also testimony that the community has picketed this facility for a long period of time harassing and being harassed and requiring police presence to monitor these demonstrations. There was testimony by the police that there have been arrests for the commission of lewd acts on the premises. There was testimony from

business owners in the area who have been negatively affected by the presence of the Cabaret and whose employees have been similarly affected. There was substantial testimony that the Cabaret is serving to degrade the neighborhood and hamper efforts to enhance the economic viability of the area.

Under the City of Los Angeles Municipal Code provisions for Adult Entertainment, specified types of adult entertainment are permitted in certain locations. An Adult Cabaret (which the Lacy Street Cabaret is supposed to be) is permitted on industrially zoned property when not located within 500 feet of an A or R Zone or within 1,000 feet of another adult entertainment business, or within 500 feet of any religious institution, school or public park. Should all of these qualifications not be met, a Conditional Use Permit must be obtained. Furthermore, should the activities engaged in on the premises violate the definition of an Adult Cabaret, and become a Sexual Encounter Establishment, a Conditional Use permit is also required.

An Adult Cabaret is defined as:

"A nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

A Sexual Encounter Establishment is defined as:

"An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas". This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy."

Specified Anatomical Areas is defined as:

As used herein, "specified anatomical area" shall mean and include any of the following:

"(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the areolae; or

"(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered."

Specified Sexual Activities is defined as:

As used herein, "specified sexual activities" shall mean and include any of the following:

"(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

"(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

"(c) Masturbation, actual or simulated; or

"(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above."

Based on these LAMC definitions and according to police testimony and evidence obtained from undercover vice officers, it is clear that the actions and activities observed and reported, including arrests for lewd conduct, are those of persons who are consorting (behind enclosed areas) for the purpose of exposure of specified anatomical areas. This is borne out by the presence of semen stains on the walls of these enclosed areas. These activities must cease or a conditional use must be obtained.

Discussion with Animal Regulation personnel revealed that there were classes taught at the Lacy Street animal shelter for LAUSD students. In addition, school age children tour the animal shelter.

The depth and breadth of the community's concern for the safety of its children, its residents, and the viable growth and development of the area was evident throughout the testimony. So compelling was the testimony that the Zoning Administrator is clearly convinced that strong corrective measures are immediately required to correct the conditions that exist at the Lacy Street Cabaret.

SECTION 12.27.1 OF THE LOS ANGELES MUNICIPAL CODE ESTABLISHED BY ORDINANCE NO. 171,740

On October 27, 1997, Ordinance No. 171,740 became effective replacing Section 12.21-A,15 of the Municipal Code and establishing procedures for the modification, discontinuance or removal of a use, building or structure that constitutes a public nuisance or endangers the public health or safety or violates any provision of City, State or Federal statutes or ordinance. That ordinance became Section 12.27.1 of the Los Angeles Municipal Code. This section consolidates existing code provisions relating to the administrative abatement of public nuisances and sets the procedures for the modification or removal of conditions imposed as part of any discretionary zoning approval and establishes the requirement for cost reimbursement to the City to be paid by those responsible for the maintenance of the subject site.

FINDINGS

The operation of the Lacy Street Cabaret has been and continues to be a troublesome location and nuisance insofar as the site has been the locus for public demonstrations, assaults, a shooting, and arrests by the police for activities including lewd conduct and the illegal sale of alcoholic beverages. In addition, the operation of the Lacy Street Cabaret has become a nuisance to adjacent and nearby businesses in the community. The Zoning Administrator finds that the use as operated has and continues to:

1. Adversely impact nearby residents and commercial uses.

Nearby businesses have been impacted by having their employees feel intimidated walking to their cars from work. Some employees have had their cars damaged. All these activities have occurred since the opening of the Lacy Street Cabaret. One of the businesses in the area, the Self Realization Fellowship, a religious, non-profit operating churches, centers and meditation groups all over the world, has a publication facility nearby the cabaret and is morally offended by the activities taking place therein. They have approximately 60 employees at the facility who are impacted daily by the Lacy Street Cabaret. The Councilman of the District noted that there are ongoing efforts to organize a Lincoln Heights Industrial Zone (Business Improvement District). to promote the economic revitalization of the area which is being hampered by the presence of a negative influence such as the Lacy Street Cabaret. The revitalization efforts are also being directed towards enhancing the safety and security of the residents of the area which is again negatively affected by exposure to the Lacy Street Cabaret.

Residents of the community are concerned that the Lacy Street Cabaret is located in the neighborhood where they live, worship and raise their children. Residents in the community have been harassed by cabaret employees while demonstrating against the facility. There have been threats, assaults, and an attempted murder against these residents. Their protests have had to be curtailed to those times when police are available to monitor these activities in order to prevent violence and assaults on the residents. Residents have been affected in other ways including having concerns for the safety of their children who must walk to and from school near the cabaret.

2. Jeopardize and endanger the public health and safety of persons residing in the surrounding area.

Residents at the public hearing reported being harassed by employees and patrons of the Lacy Street Cabaret during public demonstrations in the public right of way adjacent to the cabaret. There have been assaults and threats made against these protesters who are residents of the area and concerned about the quality of life in their community. Nearby businesses have reported safety concerns for their employees who feel endangered by the cabaret. One nearby care facility reported that the safety and security of their at risk teenagers, who reside at the facility, was of great concern. The facility has some of their

charges volunteer their services at the adjacent animal shelter and these teens are exposed to the persons and activities associated with the facility. Others testified at the public hearing that they have observed public drunkenness and drug abuse, public urination and other unlawful acts committed on the subject premises.

3. Constitute a public nuisance.

For the past two years, since the Lacy Street Cabaret opened for business, the residents of this area have been concerned with its location in their neighborhood. They have complained about numerous problems associated with the cabaret including drinking in public, drug use, disorderly conduct, lewd acts and violence surrounding the business. The residents of the community surrounding the facility strongly consider the Lacy Street Cabaret a public nuisance based on these activities. Residents of the community believe the cabaret is a nuisance affecting the rights and protection of their children. Furthermore, the facility has become a public nuisance by acting to discourage businesses from locating in the area and by forcing other businesses to consider leaving the area.

4. Result in repeated nuisance activities including, but not limited to adversely affecting adjacent or nearby businesses, disturbances of the peace, loitering assaults, fear and intimidation, shootings, and lewd conduct.

The record indicates that the police have had to devote substantial resources to the premises for a number of crimes stemming from confrontations with demonstrators who have attempted to get the cabaret to close by marching in front of the premises. Additionally, the police have on several occasions observed lewd behavior within the premises by cabaret employees, including propositioning undercover officers to commit lewd acts and have made arrests in this regard. Residents of the area have testified of being fearful of the effects of the premises and having been verbally and physically intimidated by customers, employees and the ownership of the cabaret. Business owners adjacent to and nearby the premises have complained of the adverse economic impact such a place as the cabaret has on their businesses. Adjacent businesses have complained that their employees are fearful and intimidated by the existence of the Lacy Street Cabaret.

5. Violate provisions of this chapter, or any other City State or Federal regulation, ordinance or statute.

As discussed above, violations include Alcoholic Beverage Control violations, lewd conduct and arrests of employees for lewd conduct.

In order to preclude the occurrence of any such problems in the future and to protect the residential neighborhood and commercial uses, the Zoning

Administrator has imposed conditions upon the site which are intended to steer the operation of the cabaret in a satisfactory manner so that it may function as a viable commercial enterprise but within the parameters permitted for the operation of and Adult Cabaret in the M1-1 Zone.

RELATIONSHIP OF CONDITIONS TO FINDINGS

Condition No. 1 is a standard condition normally made a part of all Zoning Administrator determinations requiring that the use operate in compliance with all Municipal Code regulations. It is restated in these determinations to put the applicant on notice that the grant, unless otherwise stated, does not eliminate the requirement for other necessary compliance.

Condition No. 2 is typical of a standard condition normally made a part of all Zoning Administrator determinations requiring that the property be developed in accordance with a plot plan. In the case of the subject premises the plot plan can then be used as a template against which to measure the actual development of the premises. In the instant case it also requires that all interior partitions, which have been reported by the police as serving to disguise and promote lewd conduct, be removed.

Condition No. 3 is standard requiring that the use be conducted at all times with due regard for the character of the surrounding district and reserves the right to the Zoning Administrator to impose additional conditions as may prove necessary. This condition is particularly applicable to the Lacy Street Cabaret in that residents have complained that the cabaret is not suitable to the neighborhood and is of concern with regard to negative impacts the cabaret may have on children at the nearby animal shelter or on their way to the various schools in the neighborhood.

Condition No 4 requires all graffiti to be removed or painted over within 24 hours. This is a standard Zoning Administrator condition designed to keep a premises neat, free of graffiti, including gang related graffiti, and to promote and maintain a clean, neat business like appearance to the property.

Condition No 5 requires a copy of this action to be maintained on the premises at all times. This is intended to serve two purposes, to make the owner and all of the employees aware of the conditions under which the premises is obligated to operate, and to provide the police and other law enforcement individuals with a copy of the conditions upon request in order that they may determine that the premises is operating in conformance with these conditions.

Condition No. 6 limits the hours of operation of the Lacy Street Cabaret to 6 p.m. to 2 a.m. seven days a week. This condition is imposed in order to lessen the cabaret's impact on children who may be going to or returning from school, and to reduce the cabaret's impact on local businesses by limiting the hours the cabaret will open to times when the majority of school age children are no longer traveling home from school and when most businesses in the area are closed. By reducing the operating hours, confrontations with residents in the neighborhood may also be reduced if the threat to children is reduced or eliminated. In addition, police resources will be likely to be more

readily available in other areas of the district if the operating hours of the cabaret are reduced, lessening the potential for police response to the premises.

Condition No. 7 as authorized under the Municipal Code, requires the business owner to reimburse the City for the costs incurred in the revocations proceedings. This condition is intended to have the business owner pay for these costs which the City Council has determined are attributable to such revocation proceedings rather than placing the burden of paying for revocations on the taxpayers of the City of Los Angeles.

The dollar amount stated in Condition No. 7 of this action is the sum of: a) actual labor costs, based on reported hours of work on the case and the per-hour salary rates of the specific employees so reporting; and b) hearing notice preparation/ mailing costs, based upon the actual number of "ownership" and "occupant" mailing labels in the case, at \$1.70 per label (BTC's present charge rate).

This yields a figure which undoubtedly understates true total costs to the City because it does not include time spent on appeals; time spent by the Chief Zoning Administrator and others in individual quantities too small to charge to the specific case; and standard overhead costs.

Condition No. 8 requires the business owner to file a Plan Approval with the Office of Zoning Administration within 90 days of the effective date of this action. The purpose of the filing is to hold another public hearing to determine the effectiveness of these conditions in abating the nuisance activities of the Lacy Street Cabaret and to determine whether fewer conditions are necessary or if additional corrective conditions are necessary, or whether the use should be revoked.

Condition No. 9 requires the owner of the cabaret to record a covenant and agreement with the County Recorder acknowledging and agreeing to comply with these conditions. The purpose of this covenant is to provide notice to any subsequent owners or persons who may become associated with the ownership and operation of the cabaret that there are corrective conditions that have been imposed on the cabaret and that these run with the land and encumber future owners of the premises.

Condition No. 10 requires all unnecessary interior partitions to be removed from the club. The purpose of this condition is to eliminate all of those areas that have been constructed behind fencing and similar enclosures within the cabaret so as to provide privacy and to hide and encourage potentially lewd conduct. When such partitions have been removed, an open area, with a stage will remain, where performances typical of an adult cabaret may be held, and where unlawful activity will be discouraged by not being able to be conducted behind artificial enclosures. Requires the owner to remove all interior partitions and booths and open up all screened or fenced off areas which police have charged promote lewd conduct by creating areas of artificial privacy. They have observed lewd behavior in these cordoned off areas which is not in keeping with the activities legally permitted in an adult cabaret. Removal of these partitions will promote the lawful use of the premises as an adult cabaret and facilitate the enforcement of the rules and regulations.

Condition No. 11 limits booths and enclosures to a height of no more than 48 inches. If private areas are desired within the cabaret, they may be allowed but only if the areas within are visible to law enforcement officers and others who are responsible for insuring that the cabaret is operating in a lawful manner. This condition will contribute to removing the ability of club employees and patrons to engage in activities that are illegal and may have been heretofore hidden from general view.

Condition No 12 prohibits the premises from being rented leased or otherwise used for private parties which exclude the general public. This condition is designed to prevent a recurrence of the event at which alcoholic beverages were served on the premises and which caused unnecessary Police and ABC problems. This condition is intended to limit the premises to that which it is designated as, an adult cabaret.

Condition No. 13 prohibits the sale or dispensing or consumption of alcoholic beverages on the premises. It is clear to the Administrator that alcoholic beverages are precluded from said adult cabaret by State Law. It is the intent of this condition, in concert with condition no 12 above, to remove the potential for all alcoholic beverages being on the premises at any time under any circumstances. By imposing this condition it is intended that there be no future mistake that alcoholic beverages may be permitted on the premises under certain circumstances and not others. This condition prohibits alcoholic beverages on the premises under all conditions, as not being legal with respect to the adult cabaret use, and as not being desirable to or compatible with the neighborhood, the community or nearby businesses.

Condition No. 14 requires that the owner maintain a record of all employees who work on the premises. This information shall be provided to any law enforcement officer upon request. There has been some allegation by the Police that security personnel employed by the owners are not qualified and may have criminal backgrounds. In order to ensure that those who are working on the premises are not likely to add to or promote unlawful activity on the premises, law enforcement personnel ought to be able to have access to employee records so that, should the occasion arise, these records can be inspected to assist police in their law enforcement responsibilities.

Condition No. 15 requires that a copy of these conditions be maintained on the premises at all times. This condition is included in order to assist the owners in remembering to inform employees of the conditions and restrictions that have been imposed on the operation of the cabaret and to provide law enforcement personnel with a copy of the conditions, should circumstances warrant, in order to determine if the premises is in full compliance with the conditions.

Condition No. 16 requires that the parking lot and the adjacent public sidewalk area be kept clean and free of debris on a regular basis. Cleaning this area twice a day should promote the maintenance of a premises that is clean and free of debris such as glass and other trash items. It will cause the improvement of the look of the premises and contribute to the overall improvement of the neighborhood.

Condition No. 17 requires the property owner to complete sidewalk repairs in front of the premises. The sidewalk area in front of the premises has been torn up and

barricaded for some time. There have been allegations that this condition has been maintained in order to discourage demonstrators who have been marching in opposition to the cabaret. Notwithstanding this, the repair of the sidewalk area has, in the opinion of the Administrator, taken an unnecessarily long time to complete and, in the interest of public safety ought to be completed in an expeditious and timely manner.

Condition No. 18 requires that the exterior of the premises be sufficiently illuminated. This requirement is intended to assist law enforcement personnel in their duties. Sufficient exterior lighting will make the premises readily visible to police and assist them in determining whether loitering or other types of criminal activity are taking place on the premises. The applicant must submit a lighting plan to the Police Department in order to implement this condition to their satisfaction.

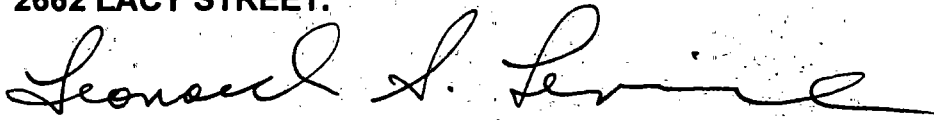
Condition No. 19 requires the owner to hire a bonafide state licensed security service to provide security for the premises. This condition is established in order to ensure that adequate security is provided for the premises and that said security be provided by a professional, state licensed service trained for that purpose. This condition is also established to prevent the owner of the premises from hiring security people who are not professionals and who are not state licensed or who may not be sufficiently trained to provide the level of security necessary for this type of premises.

Condition No. 20 is imposed in order to ensure that alcoholic beverages are not consumed on the premises. By requiring that the owner post signs on the exterior and within the interior of the premises, in both English and Spanish, the patrons of the cabaret will be put on notice that there is no availability of alcoholic beverages and that there are to be no alcoholic beverages brought onto the premises.

It is further determined that the instant action by the Zoning Administrator is in compliance with Section 12.27.1 of the Municipal Code and **has been conducted so as not to impair the constitutional right of any person.** All of the procedures followed as a part of this action conform to the Municipal Code. The owner and the operator of the premises have been provided notice of these proceedings and have been afforded the opportunity to testify and respond to the allegations concerning the impacts of the operation of the Lacy Street Cabaret. Further, the conditions imposed are not so onerous as to prevent the viable operation of the business.

IT IS THE PURPOSE OF THESE PROCEEDINGS UNDER ORDINANCE 171,740 TO PROVIDE A JUST AND EQUITABLE METHOD TO BE CUMULATIVE AND IN ADDITION TO ANY OTHER REMEDY AVAILABLE FOR THE ABATEMENT OF CERTAIN PUBLIC NUISANCES. THIS ACTION IS, THEREFORE, TO ADVISE THE OWNER AND ANY FUTURE OWNER, LESSEE, OR ASSIGN THAT THE DETERMINATION CONSTITUTES THE FIRST GOVERNMENTAL ACTION PROVIDED FOR BY THE ABOVE CITED ORDINANCE AND TO MAKE THE HEREIN CITED CORRECTIONS AND CHANGES. FAILURE TO COMPLY WILL PUT YOU AT RISK OF REVOCATION. FAILURE TO COMPLY WITH THE CONDITIONS CITED

HEREIN ABOVE SHALL PUT YOU AT RISK OF REVOCATION AND THE ABILITY TO CONDUCT THIS ADULT CABARET USE AT THE PROPERTY LOCATED AT 2662 LACY STREET.



LEONARD S. LEVINE
Associate Zoning Administrator
Direct Telephone No. (213) 580-5490

LSL:lmc

cc: Councilmember Mike Hernandez
- First District
Adjoining Property Owners
County Assessor

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

STAFF REPORT

May 13, 1998

City of Los Angeles (A)
Department of City Planning
Office of Zoning Administration
221 North Figueroa Street, #1500
Los Angeles, CA 90012-2601

JNM Humbolt Investment (O)
6711 East Washington Boulevard
Los Angeles, CA 90040

Industrial Strip Los Angeles (L)
aka Lacy Street Cabaret
2662 Lacy Street
Los Angeles, CA 90031

CASE NO. ZA 98-0210(RV)
POSSIBLE IMPOSITION OF
CONDITIONS TO ABATE
NUISANCES
2662 Lacy Street
Northeast Los Angeles Planning Area
Zone : M1-1
D. M. : 142.5A221/141B221
C. D. : 1
CEQA : CE 98-0204-RV
Fish and Game: Exempt
Legal Description: Lot 7, Arb 2 of
Griffin's Arroyo Seco Tract and
Lots 1 and 2 of Victor Berri's
Subdivision of Lots 8 and 9 of
Griffin's Arroyo Seco Tract

ZONING ANALYST: STERLING J. BARNES

REQUEST

The purpose of the hearing is to obtain testimony of the owner of the subject property and business plus affected and/or interested persons regarding the operation of the Lacy Street Cabaret (formerly doing business as the Industrial Strip). Following the hearing the Zoning Administrator may impose conditions regarding the use of the existing business as an adult cabaret in order to mitigate any land use impacts caused by the use.

ISSUES

There have been allegations that the activities of the Lacy Street Cabaret (formerly doing business as the Industrial Strip) have adversely impacted nearby residential and

commercial uses jeopardizing and/or endangering the public health and safety of persons residing or working on the premises or in the surrounding area, thereby constituting a public nuisance. The location has generated police response on numerous occasions for repeated nuisance activities including disorderly conduct, solicitation of lewd acts, indecent exposure, assault with a deadly weapon, misdemeanor batteries and the sale of alcoholic beverages without a license.

On July 30, 1997, this Office received a written complaint regarding the location from an Ad Hoc committee of local residents, alleging numerous incidents of nuisance activities observed during a period from November 22, 1996 through July 1, 1997, reflecting, "...a continuing pattern of assault on public health and safety including lewd public acts, public drunkenness, drinking in public, public drug use, street sex, general litter, alcohol litter, sexually-oriented trash, public urination, assault, theft, attempted murder as well as specific acts by club management to intimidate and terrorize community members as well as acts, practices and policies calculated to inflame employees and patrons to further as of intimidation, violence and lewd abuse..."

In written correspondence from the Police Department dated February 5, 1998, it is indicated that the Police Department has received repeated citizen complaints regarding the business and has continued to monitor the location, and based on their investigation they feel that the continued operation of this business represents a nuisance to the surrounding community. Further, in October, 1997, six employees of the business were arrested for the sale of alcoholic beverages without a license. Additionally, nine arrests have been made at the location for committing and soliciting lewd acts and in every case the arrestee was an employee of the business. It is further indicated that the owner of the business was present at the time of the first arrest and was aware of the subsequent arrests. The operator has failed to control the conduct of his employees and has redesigned the interior of the business to facilitate the committing of unlawful acts hindering law enforcement's ability to monitor the business. Moreover, that after becoming aware of ongoing problems, the management has failed to cooperate in efforts to solve the problems, and that the nuisance and criminal activities associated with the business have contributed to the social and physical deterioration of the adjacent community.

SUBJECT PROPERTY

The subject property is a level, rectangular-shaped, interior, parcel of land, consisting of approximately 0.95 acres, having a frontage of approximately 200 feet on the east side of Lacy Street and a uniform depth of 206 feet.

The subject site is developed with a one-story renovated industrial building with yellow awning along the south and west perimeters and blue print announcing "Lacy Street Cabaret". The building has a color scheme of dark blue, gray and yellow on the exterior. The 7,000 square-foot building's hours of operation are: Monday - Thursday 11 a.m. to 2 a.m., Friday 11 a.m. to 4 a.m., Saturday 6 p.m. to 4 a.m., and Sunday 4 p.m. to 2 a.m. The subject site has 34 parking spaces. There is also a wireless

telecommunications facility on a monopole and equipment cabinets located on the eastern portion of the site.

SURROUNDING PROPERTY

Surrounding properties are within the MR1-1 and M1-1 Zones and are characterized by level topography and semi-improved streets. The surrounding properties are vacant and developed with one- and two-story industrial buildings and parking lots.

North

Adjoining properties to the north of Lacy Street are zoned MR1-1 and are developed with one-story industrial buildings and a parking lot occupied by an animal care and control center.

South

Adjoining properties to the south of the subject site are zoned M1-1 and are developed with two-story office buildings and industrial buildings, and parking lots occupied by a Los Angeles Department of Water and Power Distribution Center.

East

Adjoining properties to the east of the subject site are zoned M1-1 and are developed with one- and two-story industrial buildings and a parking lot occupied by fire equipment service facility.

West

Adjoining properties to the west of the subject site are zoned M1-1 and are developed with one- and two-story industrial and a parking lot occupied by Lacy Street Production Studios and fire extinguisher restoration business.

STREETS AND CIRCULATION

Lacy Street, adjoining the subject property to the northwest, is a Local Street dedicated a width of 57 feet and improved with curb, gutter and partial sidewalk.

PREVIOUS CASES, AFFIDAVITS, PERMITS, ETC.

Subject Property:

There are no relevant ZA or CPC cases on the subject property.

Permit No. 96VN01942 - Issued on June 17, 1996, for Certificate of Occupancy for Adult Cabaret. No liquor to be served, add toilet rooms and platforms and stage. Restripe parking for 34 stalls.

Order to Comply No. H1239N - Issued on March 27, 1997, requiring removal of illegal roof banner.

Surrounding Properties:

No similar or relevant cases were found on surrounding properties in the immediate neighborhood.

GENERAL PLAN, SPECIFIC PLANS AND INTERIM CONTROL ORDINANCES

Community Plan:

The Northeast Los Angeles District Plan designates the subject property for Limited Industrial with corresponding zones of M1, MR1 and P and Height District No. 1.5:1.

Specific Plans and Interim Control Ordinances:

The subject property is within the area of the Northeast District Plan Interim Control Ordinance (Ordinance No. 170,089). The subject property is not affected.

Flood Hazard Management Specific Plan:

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. 154,405, have been reviewed and it has been determined that the subject property is not located in an area for which a flood insurance rate map has been prepared.

Environmental:

On March 11, 1998, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference CE 98-0204-RV, for a Categorical Exemption, Class 21, Category 2, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100.

RESPONSES/COMMENTS FROM OTHER DEPARTMENTS

As of the writing of this report, no other department or division has responded.

GENERAL COMMENTS

The applicants, Office of Zoning Administration, Los Angeles Police Department and the Ad Hoc Committee for Safe Children, are seeking to have conditions imposed on the Lacy Street Cabaret (formerly doing business as the Industrial Strip) for a variety of allegations including: disorderly conduct, solicitation of lewd acts, indecent exposure, assault with a deadly weapon, misdemeanor batteries and the sale of alcoholic beverages without a license in an industrially developed area at 2662 Lacy Street, Lincoln Height community of the Northeast Los Angeles District Plan area.

Description of Cabaret

The subject property is a level, rectangular-shaped, interior parcel of land, consisting of approximately 0.95 acres (41,200 square-feet), having a frontage of 200 feet on the east side of Lacy Street and a uniform depth of 206 feet. An approximately 7,000 square-foot, one-story industrial building with mezzanine sits in the front (west) central portion of the site. The perimeter of the site is enclosed by an approximately seven-foot in height wrought iron and chain link gate and fence. The gate and fencing at the front of the site are made opaque with a black canvas cloth to screen exterior views of the parking and customers within the subject site.

A 34-space parking lot forms an L-shape around the south to east sides of the subject site. A parking attendant parks the customers cars for a fee of \$2.00 once the patrons have driven onto the site. The attendant also patrols the parking lot as well. In the evenings and on weekends, an armed security officer parks a patrol car in front of the gate to alert customers and passerby that the subject site is guarded.

The cabaret is entered at the subject building southwest corner. Customers proceed east along an approximate 15-foot hallway adjoining the building's south exterior wall to a cashier's booth (see photos). The booth is enclosed by a plexi-glass window and a slot for paying an entry fee. The window is lined with several notices and announcements, see attached to file. Other signs are posted in this foyer area for customers (see photos in file):

"WARNING -- Live sexually explicit performances will be conducted on these premises. If you might be offended by such conduct, do not enter or remain. You are not allowed to be here if you might be offended." Management.

WARNING -- The premises are monitored by officers of the L.A.P.D. Activities such as masturbation is prohibited. Individuals engaged in such conduct are subject to arrest. This facility permits the use of tobacco which is known to the State of California to pose a serious health risk."

After an entry fee is paid, the customers proceed easterly through a gate and metal door into the main room of the cabaret. The main room is opened and permitted a maximum capacity of 149 persons.

East Portion of Interior

Beginning with the east wall of the room, this wall is at the rear of the room, the floor is raised. In this area, there is a long table counter which runs along the western end of the raised floor, for setting drinks and ashtrays for smoking. Chairs are located behind the counter for customer sitting and viewing the stage above the persons seated on the main floor. Also, located on the eastern wall of the room behind the long counter table are 12 stalls or booths with one chair in each. It is in these stalls that the lap dancing services occur.

North Portion of Interior

On the north wall, there are 2 to 3 additional stalls for lap dancing, a kitchen with refrigerator for keeping drinks chilled (i.e. soft drinks, juices, drinking and sparking water, and Sharp's and O'Dulls). In an area beyond the north wall is are two restrooms: one for men and one for women. Also, on this wall is an Automated Teller Machine (ATM). There is also a room that looks like a sound booth, but know music emanates from it. The owner of the subject business, indicates that it is only decor for the building's interior and nothing more.

Western Portion of Interior

The west wall is the area from which the stage projects out to approximately the center of the room. To the right of the stage (facing it), is a door the cabaret's dancers enter which staff believes leads to a dressing room and a staging area before entering the stage through another door. Behind the west wall of the main room are the cabaret offices, dressing rooms, showers, and other ancillary facilities. A sign on the door indicates "Notice-Employees Only" and staff did not go into this area, believing that the area is used for administrative and ancillary club purposes. In front on the wall also are five additional stalls behind a chain link fence which is screened from view, see photo in file. It is in this area where the police claim they have their most lewd conduct arrests. Apparently, the difference between these stalls and the other more open ones around the room is: it is in this area that the dancers will dance nude and get more money for doing other things. The police have indicated that their lab investigations in this area have turned up samples of semen on the walls.

The rest of the room is fairly opened with the tables and stools, and chairs around the perimeter of the stage. See photographs in the file of the interior of the cabaret.

The Ad Hoc Committee for Safe Children

The Ad Hoc Committee for Safe Children (hereinafter referred to as the Committee) initially began at the same time the Lacy Street Cabaret opened on November 22,

1996. The purpose of the Committee is to find solutions to the Club's operation due to its proximity to schools and children and to report and document the illegal activities the Club generates. The Club is located across the street from a city facility (animal shelter) where classes are held, children do community service and where school children take field trips.

Staff phoned Ernie Sanchez, Chair, Ad Hoc Committee for Safe Children, to determine in summation what the general feeling of the Committee was at the time the instant report was being prepared. Mr. Sanchez indicated that their concern is focused on mitigating the impact the Club was having on the children in the community and the other types of incidents the Club has generated in the neighborhood. He cited one incident in which a 16 year old girl was solicited by the Club's security guard while passing. He told the girl that one day she could work in the Club.

When asked by staff what could be done to mitigate the impact the Club was having on the children in the surrounding area, he stated:

- Fix sidewalk in front of Club (adding the Club tore it up back in January 1997).
- Need for more lighting on street.
- Provide a licensed uniformed security guard, not a person in dark pants and white shirt.
- Limit hours of the Club.
- Club policy re: management's ability to allow patrons to re-enter club when they have gone out, should require a determination that the patron is not inebriated before allowing re-entrance.

Mr. Sanchez also mentioned that the night shift staff in the Animal Shelter across the street have also experienced problems from Club patrons such as, fornication in the rear seat of cars in their parking lot, public urination, littering and parking in their parking lot late at night.

Nearest Schools

There are three schools in the vicinity of the subject site, however, none of them are within a 500-foot radius of the site. The school's names, addresses and administrators are listed below:

1. Florence Nightingale Middle School, 3311 North Figueroa Street, Los Angeles 90065, Marylou Amato, Principal; Byron Maltez, Assistant Principal
2. Hillside Elementary School, 120 East Avenue 35, Los Angeles, 90031, Dr. Mariam J. Rumjahn, Principal

3. Loretto Street Elementary School, 3408 Arroyo Seco Avenue, Los Angeles 90065, Nancy Parachini, Principal; Miguel Mendivil, School Coordinator

Staff spoke to the principals, assistant principals or coordinators at each of the schools and began with one basic question, "how is the Lacy Street Cabaret having an affect upon your students?"

Hillside Elementary

Dr. Mariam J. Rumjahn, Principal, Hillside Elementary School, indicated that her children (students) were being affected indirectly. They generally do not have a reason to walk past the Lacy Street Cabaret, but their older brothers and sisters do as they pass the site in the mornings and in the afternoons in school busses. Dr. Rumjahn indicated that her school, Loretto Street Elementary School, Florence Nightingale Middle School and Divine Savior (parochial) school, west of Nightingale, are probably more affected by the site than her school is. Adding, known gangs, such as the 18th Street and Clover gangs and a new gang (she could not recall the name) are known to frequent the site. They shoot guns outside and cause a great deal of commotion.

Dr. Rumjahn indicated that she is an active participant of the Committee and that she and the parents from her school protest with the Committee against the site every Friday night. She indicated, the largest turnout to protest the Lacy Street Cabaret's operation has been over 500 people at one time. There have also been several times when she knew there were in excess of 200 people as well. Dr. Rumjahn stated that while her authority is within the boundaries of her school site, her students' parents expect and request that she take part in activities like the Committee's, on behalf of the students and their immigrant parents who do not care to interface with the police or other authorities. So, she feels compelled to participate.

Dr. Rumjahn mentioned that there is not one park within a mile of her school. A Boy's and Girl's Club is located within that radius, however, the program costs to participate and many of her parents cannot afford it. She also mentioned that the School District has given her school extra money to fund an After School Program, where the students can make use of the playground facilities after school. This has helped a lot, but the community could use a park in the area, instead of a strip joint such as the Lacy Street Cabaret.

Loretto Street Elementary School

Miguel Mendivil, School Coordinator, Loretto Street Elementary School, indicated that he also is an active member of the Committee and hoped that this would not bias his concern about the business. He is concerned that due to the types of criminal activities taking place around the site that it will eventually affect or endanger a child that lives on the east side of the subject business, in Lincoln Heights or Boyle Heights. He discussed the childrens walking routes home, stating that they start at a pedestrian

bridge which is located adjacent to his school on the south. He described the bridge as a very dangerous place the children have to cross to go home from school (with several blind spots, trash, derelicts, and graffiti). As they arrived at the other end of the bridge they are on Lacy Street. Students can either go south on Lacy Street which would take them passed the subject site or north, where their walk home may be a slight bit longer. Mr. Mendivil believes the children should have a choice in the route they take rather than having to worry about a business like the subject site. Mr. Mendivil also indicated that some of the children like to go by the animal shelter after the school to pet the small animals. Due to the fact that the shelter is directly across from the subject business, there is a concern that the subject business is too close to a site the children frequent.

Florence Nightingale Middle School

Byron Maltez, Assistant Principal, Florence Nightingale Middle School, stated that their does not appear to be a significant problem with the subject business as it relates to the students, but the Principal—Marylou Amato would probably be better informed about this issue. Mr. Maltez discussed about the pedestrian bridge that crosses the Pasadena Freeway and the Los Angeles River. He added, "it is a very dangerous place." The schools try to have monitors in various places to keep things from happening. "And, so far we haven't had any problems," he added.

Office of Zoning Administration

On August 1, 1997, the Office of Zoning Administration sent a letter to Captain Richard Gonzales, Area Commander, LAPD Hollenbeck Area, subject: Request for PACMIS Run. In brief and taking excerpts from the letter, the following was communicated:

With this communication we request that your Department provide information which will assist in an official investigation this Office is conducting regarding allegations of nuisance in connection with a business known as the Industrial Strip and located at 2662 Lacy Street. The Police Arrest Crime Management Information System should cover the last year or more. I want to conclude the investigation as soon as possible and request that you reply within three weeks from your receipt of this letter."

Los Angeles Police Department Hollenbeck Station

The LAPD has also sent Intra-departmental Correspondence, Arrest and PACMIS reports and copies of the Notices to Appear regarding management and employees of the subject Club to the Office of Zoning Administration, which are all attached to the file.

On October 23, 1997, the LAPD Hollenbeck Community Police Station sent a letter over the signature of Richard O. Gonzales, Captain, Area Commanding Officer to

Robert Janovici, Chief Zoning Administrator. Excerpts of the letter explained the following:

"Attached is the information that was requested by your office regarding the Industrial Strip located at 2662 Lacy Street. The Industrial Strip opened on November 22, 1996. It has necessitated quite a bit of attention from law enforcement, however, the majority of the incidents were generated by confrontations between protesters and patrons or employees of the Strip...

The Police Arrest Crime Management Information System itemizes 18 different incidents at the Strip which lead to arrest or crime reports. Two misdemeanor battery reports, three Cafe entertainment violations, 11 were the direct result of confrontations with protestors and Strip employees and patrons, in one case, a gang member. The remaining four reports include littering by patrons (which could have been to provoke the protestor present at the time), an assault with a deadly weapon of a Strip security guard, a spousal abuse report and lastly, a petty theft."

"Hollenbeck Vice has thoroughly investigated the Industrial Strip in an undercover capacity. The Strip has been checked numerous times for any crimes or problems related to Alcohol Beverage Control (ABC), prostitution, lewd conduct and juvenile activity and found none."

On February 5, 1998, the LAPD Hollenbeck Community Police Station sent a letter over the signature of James F. Voge, Captain, Operations Support Division Commanding Officer to Robert Janovici, Chief Zoning Administrator. Excerpts of the letter explained the following:

"This week four members of the Hollenbeck Vice Detail met with representatives of your office. Their meeting was regarding the continued operation of the Lacy Street Cabaret (formerly D.B.A. The Industrial Strip), located at 2662 Lacy Street. In August of 1997, your office requested background on this location. A letter was forwarded to you that reflected the results of our investigations to that date. At that time, the business did not represent a crime problem. Since that date, we have received repeated citizen complaints about this business and have continued to monitor the location. Based on the results our investigations, our stance on this matter has changed. We feel that the continued operation of this business represents a nuisance to the surrounding community."

"In October of 1997, six employees of the business were arrested when the business sold liquor to the public. The Lacy Street Cabaret did not possess and has failed to obtain a license to sell alcoholic beverages. Additionally, nine arrests and one Complaint Application have been made at the location, for committing and soliciting lewd acts. In every case the arrestee has been an employee of the business. The business' owner was present at the time of the first arrests and has been advised of all subsequent arrests. Conversely he (manager) has

redesigned the interior of his business to facilitate the committing of unlawful acts and hindering law enforcement's ability to monitor the business."

"Hollenbeck Vice is routinely making arrests at the location. After becoming aware of ongoing problems, the business' management has failed to cooperate in our effort to solve these problems. It is our belief that this business is failing to be a responsible neighbor, contributing to the decline of the quality of life of the community, and should be declared a nuisance."

Staff talked with the Hollenbeck Vice Unit Sergeant Ron Shoop, May 5, 1998 by phone, to determine the legality of the camera used by the Committee to film private citizens visiting the club. Sergeant Shoop indicated that they had the same concern and sought counsel from the City Attorney's office on the matter. They found the camera is legal as long as the Committee takes pictures on public property of people on public property.

On the matters involving the lewd conduct per Section 647A of the Penal Code and the Alcoholic Beverage Control violations, Sgt. Shoop indicated the following.

"There have been 19 arrest within the Club since it opened: six for alcohol violations and 13 for lewd conduct. He added that the Judge threw out the alcohol arrest and that the lewd arrests cases were currently in court".

Discussing the interior of the Club, Sgt. Shoop said that many of the lewd conduct arrests are generated from the area on the west wall where the booths are screened from view. In this area, the dancers negotiate with the patrons to do extra things for more money. For example, lap dancing topless is \$20, totally nude is \$40. The dancers will negotiate more money from the patrons for other things in this screened booth area. LAPD laboratory specialists have scraped the walls of these screen booths and found semen. As a result, Sgt. Shoop believes if the fence in the Club is removed, it would afford better monitoring and reduce the lewd conduct activity in the Club.


Sgt. Shoop believes that some the conflicts identified in the Committee's Report (attached to the file) were precipitated when the Committee participants (demonstrators) would stand in the street or on the side walk and shout out the patrons license plate number to other members for documentation. This has evolved into confrontations in certain instances. However, the incident involving attempted murder was not Club related. This apparently involved two teenage gang members, who objected to their pictures being taken by the Committee's video camera. When they sought to take the camera from the demonstrators and they refused, they shot them.

Mr. Sanchez gave staff an update on the status of the incident and indicated that the two young men "were tried as adults, convicted and sentenced from nine to 15 years."

When staff asked Sgt. Shoop if their was any noticeable affect the Club was having on the children in the community, he said "none that I know of." However, "the community would probably be better off if the Club wasn't here."

No letters in support and one letter and a document of approximately 165 accusations in opposition to the subject project are attached to the file. The document of accusations is from the Ad Hoc Committee for Safe Children with eight signatures of the members.

Photographs of the exterior and interior of the subject business, as well as, adjoining businesses, the schools in the area and the pedestrian bridge the students cross on their way home and places them on Lacy Street are attached to the file.



STERLING J. BARNES
Zoning Analyst

SJB:erz