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May 25, 2018

Buzzboys, Inc. (A)
460 South Spring Street
Los Angeles, CA 90013

MSGG Rowan Realty Partners, LLC (O)
818 West 7th Street, Unit #410
Los Angeles, CA 90017

Samira Squires (R)
Elizabeth Peterson Group, Inc.
400 South Main Street
Los Angeles, CA 90013

CASE NO. ZA 2018-0099-CUB
CONDITIONAL USE
460 South Spring Street (450-460 South
Spring Street)
Central City Planning Area
Zone : [Q]C4-4D
C.D. : 14 – Huizar
D.M. : 129A211
CEQA: ENV-2018-0100-CE
Legal Description: Lot 1, TR 63018-C

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

a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption and to allow on-site beer and wine tasting in conjunction with an existing retail wine shop in the [Q]C4-4D Zone;

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning ("DEPARTMENT OF CITY PLANNING") and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
5. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for off-site consumption and for on-site beer and wine tasting in conjunction with an approximately 2,135 square-foot retail store subject to the following limitations:
 - a. The hours of operation shall be limited to 11:00 a.m. to 2:00 a.m., daily.
 - b. No after-hours use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
6. Prior to the utilization of this grant, a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days.
7. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
8. Prior to the utilization of this grant, a telephone number and an email address shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

9. Within the first six months of utilizing the grant at this establishment, all employees involved with the sale of (full line of alcohol) shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2018-0099-CUB, from the Police Department to the Department of City Planning as evidence of compliance.
10. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior

that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

11. Loitering is prohibited on or around these premises or the area under the control of the applicant.
12. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
13. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
14. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
15. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
16. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
17. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
18. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
19. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
20. The premiss shall not be sub-leased to outside promoters for any type of events.

ADMINISTRATIVE CONDITIONS

21. Within 60 days of the effective date of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction the restaurant known as Buzzboyz Inc., and agree to abide and comply with said conditions.

22. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
23. At any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the owner/operator to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.
24. MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

25. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

26. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator,

Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JUNE 11, 2018**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

<p>Downtown Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012</p>	<p>San Fernando Valley Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 (818) 374-5050</p>	<p>West Los Angeles West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 (310) 231-2598</p>
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If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on **May 1, 2018** all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Section 12.24-W,1 have been established by the following facts:

BACKGROUND

The subject property is a level, irregular-shaped corner parcel, located east of the intersection of Spring Street and 5th Street. The site is approximately 0.708 acres, and 266.42 linear feet along the West side of the 20-foot alley, and 159.44 linear feet along the North side of 5 Street. The shop is developed with the historic Rowan Building [LA-722] in downtown. The site is located within the Central Business District, West of the intersection of Spring Street and 5th Street with a mix of adaptively reused buildings comprised of a mix of commercial uses and lofts.

The Rowan building is located on South Spring Street on the northeast corner of Spring and 5th Streets. It was built in 1914 as the "Title Insurance Building" headquarters, and is a made a National Register of Historic Places in 1979 under US-79000489, and Los Historical Cultural Monument LA-722.

The applicant is requesting to obtain a new Conditional Use Permit to allow the sale of a full-line of liquor for off-site consumption with on-site beer and wine tasting, conjunction with the gourmet wine shop on the ground floor of an existing building. The retail establishment would continue to operate daily from 11 :00 a.m. to 2:00 a.m., daily.

One of the off-site licenses on the Census Tract No. 2073.02 belongs to the subject business, Buzzboyz Inc. – License No. 507096 (Type 20) and it is currently active.

The applicant has provided the following details about the existing restaurant:

- 1 There will be no minimum age requirements for entry, however the back area will be roped off with 21+ signs.
- 2 There will be signs visible on the outside advertising the availability of alcohol.
- 3 Bottled beer and wine coolers will be sold in containers less than 1 liter.
- 4 There will be no "happy hour" or discounted drinks provided.
- 5 No security guards will be provided.
- 6 Alcohol sales will exceed the gross sales of food on a quarterly basis.

There following sensitive uses were observed within a 0 to 1,000-foot radius of the subject property:

1. Cal Tot Child Care Center – 300 Spring Street Street
2. Pershing Square Park – 532 South Olive Street

The area is developed with lofts including Rosslyn Lofts to the east, New El Dorado Lofts to the east, Security Lofts and Alexandria Lofts to the south and east. Also, several commercial uses are located near the subject site. Surrounding uses consist of a mix of commercial buildings and multi-family dwellings, such as bars, restaurants, retail shops, cafes, offices, apartment buildings, residential condominiums, and parking lots are immediately adjacent

to the subject property to the north, south, east and west along Spring Street in the [Q]C4-4D Zone. There are other mixed-use (commercial-residential) buildings located further northwest in the [Q]C4-4D-CDO and further west in the [Q]C4-4D Zone. More multi-story loft buildings are located immediately to the north and east in the [Q]C4-4D; an office building with retail shops are located to the west in the [Q]C4-4D Zone; a parking area is located to the east-south in the [Q]C4-4D Zone. A 20-foot alley abuts the site to the south.

Ordinance 164,307: On December 20, 1998, the City Council adopted Ordinance 164,307 to place Q conditions and limitations on the subject site as follows: [Q]C4-4D which restricts developments on the subject site to 13:1 Floor Area Ratio (FAR).

Spring Street, is a Modified Avenue II dedicated to a variable of 80-85-foot width.

Previous Case:

ZA-2010-1568-CUB: On September 2, 2010, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of beer and wine for off-site consumption with on-site wine tasting in conjunction with a 1,722 square-foot gourmet wine shop on the ground floor of a mixed use building in the [Q]C4-4D Zone.

PUBLIC CORRESPONDENCE

No communications were received prior to the hearing.

Subsequent to the hearing, a letter dated May 8, 2018 in support of the request was received from the Downtown Los Angeles Neighborhood Council.

Subsequent to the hearing, an e-mail dated May 15, 2018 was received from Council District 14 in support of the request.

PUBLIC HEARING

The public hearing was held on Tuesday, May 1, 2018 at approximately 10:10 a.m. at City Hall located at 200 North Spring Street, Room 1070. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

The hearing was attended by the applicant, Mr. David Bakhshi and by the applicant's representative, Ms. Elizabeth Peterson. No members of the public or representatives of any public agencies attended the hearing.

Ms. Peterson testified that the subject site is located at the northeast corner of 5th and Spring Streets in the Rowan Building, a historic mixed-use development with ground floor commercial uses and residential lofts above. Ms. Peterson indicated that the applicant operates a retail beer and wine shop known as Buzz in a tenant space located at the intersection of 5th and Spring Streets. Ms. Peterson noted that the beer and wine shop is a boutique gourmet shop that was previously authorized for the off-site sale of beer and wine and for on-site wine tasting under a previous grant in 2010. She noted that the term of the

grant of the was limited to a period of seven years. Ms. Peterson indicated that the applicant has filed the instant application to renew the authorization to allow the continued on-site beer and wine tasting and to upgrade the off-site sales from beer and wine to a full line of alcoholic beverages. The request to upgrade in response to demand from patrons. Ms. Peterson stated that the current hours of operation from 11 a.m .to 2 a.m. will remain the same, no other changes are proposed to the existing operation.

Ms. Peterson stated that she conducted outreach concerning the request and has received the support of the local Business Improvement District and the request received the support of the Downtown Los Angeles Neighborhood Council's PLUM Committee was pending a vote from the full Board at their upcoming May 8 meeting. Ms. Peterson also noted that Council District 14 requested that the request be taken under advisement to allow the Council Office to review the request.

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

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

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

No recommended conditions were submitted for consideration:

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within *Section 12.24-W, 1* of the Los Angeles Municipal Code. In order for the sale of *a full line of alcoholic beverages for off-site consumption and on-site alcohol tasting* to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

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

The existing shop occupies retail space in the adaptive reuse building known as the "Rowan" and has provided a convenient and beneficial service and continues to serve the residents on the site and the surrounding downtown neighborhood. The shop is proper in relation to the adjacent uses and the development of the community, as it complements the current surrounding commercial, retail and residential uses. This shop will continue to provide a much-desired amenity of a neighborhood gourmet shop with off-site sales of a selection of beer, wine, and distilled spirits that will attract patrons from the adjacent downtown community and beyond.

Additionally, the project will bring new businesses to the area by continuing to revive the commercial portion of Spring Street and the Historic Core of Downtown Los Angeles in conjunction with projects like LA Live, the Bringing Back Broadway initiative, and similar mixed-use properties in downtown such as the Eastern Columbia Building and Santee Court. Additionally, the existing shop is located within a Los Angeles State Enterprise Zone, the Greater Downtown Housing Incentive Area, and the Central Business District Redevelopment Project.

Buzz Beer Wine Shop is fitting with the surrounding historic properties from the same era and retains its association with the commercial and retail uses now coming to life along Spring St. Its current renovation has sensitively adapted the building to accommodate the growing, diverse downtown population. The 12 stories of live/work loft units above will complement the ground floor commercial space and will service both neighborhood residents and visitors to downtown alike. The use will serve as a public convenience and welfare and as sited, the location is compatible with the character of the surrounding uses.

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

The subject site is located in the city's historic core in the Central City at the northeast corner of 5th and Spring Streets. The site is improved with the historic Rowan Building, a mixed-use development with ground floor commercial uses and lofts above. The area surrounding the site is developed with high density office buildings and residential lofts including Rosslyn Lofts to the east, New El Dorado Lofts to the east, Security Lofts and Alexandria Lofts to the south and east. Also, several commercial uses are located near the subject site. Surrounding uses consist of a mix of commercial buildings and multi-family dwellings, such as bars, restaurants, retail shops, cafes, offices, apartment buildings, residential condominiums, and parking lots are immediately adjacent to the subject property to the north, south, east and west along Spring Street in the [Q]C4-4D Zone. There are other mixed-use (commercial-residential) buildings located further northwest in the [Q]C4-4D-CDO and further west in the [Q]C4-4D Zone. More multi-story loft buildings are located immediately to the north and east in the [Q]C4-4D; an office building with retail shops are located to the west in the [Q]C4-4D Zone; a parking area is located to the east-south in the [Q]C4-4D Zone. A 20-foot alley abuts the site to the south.

The applicant operates a boutique beer and wine shop that has served the neighborhood well. The shop was previously authorized for the off-site sale of beer

and wine and on-site wine tasting. The applicant seeks to renew the grant and to upgrade the off-site sales from beer and wine to a full line of alcoholic beverages. The retail shop has a good record and has been compatible with surrounding uses. Current hours of operation are from 11 a.m. to 2 a.m. and no complaints were received for the record concerning the shop's operations. The use will continue to operate to provide a service to the community. The shop contains approximately 2,135 square feet and provides a quaint and desirable amenity for the local community. The upgrade to allow a full line of alcoholic beverages for off-site consumption will not significantly change the mode and character of the business or its operation.

The existing space is compatible with the adjacent properties and will not have an adverse impact on the surrounding neighborhood. The location would be desirable to the public convenience and welfare. The subject area has experienced growth, and the project would bring a viable option to residents to purchase wine and beer. It will allow for residents to conveniently walk to the wine shop rather than drive to another destination to make such purchases. Furthermore, it would expand the mix of neighborhood-serving commercial uses that are needed in the area. The operators will take measures to ensure that no adverse impacts are felt by the surrounding neighborhood, particularly adjacent residential uses, and any foreseeable adverse impacts will be mitigated by conditions set forth by the Zoning Administrator. In this way, the project will be compatible with the surrounding neighborhood and support public health, welfare, and safety.

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

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

The project is located in the [Q]C4-4D Zone, in the Central City Community Plan. The subject use is located in an established commercial corridor along Spring Street. The property is not subject to any specific plans or overlays that would otherwise impact the requested action. The Central City Community Plan Map designates the property as a [Q]C4-4D Zone for "Regional Center Commercial" land uses and the Q condition restricts developments on the subject site to a 13:1 FAR. The subject property is planned and zoned for commercial uses. The gourmet wine store will continue to serve the local community and provide consumer goods in a manner consistent with the laws, regulations and conditions of approval pertaining to the sales of alcohol and wine tasting. The conditional authorization for the sale of alcoholic beverages off-site and tastings are allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein.

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

The predominant immediately surrounding land use pattern within the Central City Community Plan Area is mainly strip commercial uses. The Community Plan lists

issues expressed from the community such as the desire for quality and vitality of commercial area as well as planned land use and zoning that permits the appropriate type of development and mix of uses desirable for and characteristic of the Plan area's urban neighborhoods. Maintaining and expanding existing commercial amenities is intrinsic to the conservation, development, and success of a vibrant neighborhood. As conditioned, the continued sale of alcoholic beverages for off-site sale and consumption as well as tasting on the premises will not adversely affect the welfare of the pertinent community since the use has been established on the subject site since 2010. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. The zone is designated for various commercial uses, and no significant problems or negative impacts have been caused by similar uses in the area or their patrons. The project is in harmony with the goals and the intents of the General Plan Elements adopted for this geographical area, as it will allow for optimum use of this commercial property without being detrimental to adjacent or nearby properties

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, *three on-site and two off-site* consumption licenses are allocated to the subject census tract (Census Tract 2073.02). Currently there are 23 on-site licenses and two off-site licenses in this census tract. One of the off-site licenses on the census tract belongs to the subject business, Buzzboyz Inc. – License No. 507096 (Type 20) and it is currently active.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 144, which has jurisdiction over the subject property, a total of 72 crimes were reported in 2017 (46 Part I and 26 Part II crimes), compared to the total area average of 191 offenses for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Manslaughter (0), Rape (4), Robbery (1), Aggravated Assault (13), Burglary (7), Auto Theft (2), Larceny (19). Part II Crimes reported include, Other Assault (8), Forgery/Counterfeit (0) Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (0), Prostitution Related (0), Sex Offenses (0), Offenses Against Family (1), Narcotics (3), Liquor Laws (3), Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (0), Moving Traffic Violations (1), and other offenses (5). Of the 72 total crimes reported for the census tract, zero (0) arrest were made for driving under the influence and two (2) for public drunkenness.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The premises has an active ABC license and the applicant only seeks to upgrade the existing off-site license from beer and wine to a full line of alcoholic beverages. Therefore, approval of the request will not result in an increase in overall license counts as it involves an active ABC license. The above statistics indicate that the crime rate in the census tract where the subject site is located is significantly lower than the area average and no evidence was submitted for the record, by the LAPD or by adjacent residents, indicating or suggesting any link between the subject site and neighborhood crime. No complaints were received concerning the existing operation and the existing ABC license has no disciplinary history. As conditioned, allowing the sale of alcoholic beverages for off-site consumption and on-site tasting at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences and would not contribute to the area's crime rate.

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

The subject site is not immediately adjacent to a single-family neighborhood. There following sensitive uses were observed within a 0 to 1,000-foot radius of the subject property:

1. Cal Tot Child Care Center – 300 Spring Street Street
2. Pershing Square Park – 532 South Olive Street

These uses are bufferd from the location of the instant request. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

- 7 The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas outside of a flood zone.
8. DETERMINED based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 1, Category 22,

and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter shall be directed to Lilian Rubio, Planning Staff for the Department of City Planning at (213) 978-1840.



FERNANDO TOVAR
Associate Zoning Administrator

FT:LR:BK

cc: Councilmember Jose Huizar
Forteenth Council District
Adjoining Property Owners