

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 are located within Section 12.24-W of the Los Angeles Municipal Code. In order for sale of a full line of alcoholic beverages for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

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

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

The applicant is seeking a master conditional use permit to allow the sale of alcoholic beverages for on-site consumption in conjunction with the operation of the proposed Academy Museum of Motion Pictures. The museum will renovate the historic May Company Building and construct a New Wing to accommodate a 1,000 seat theater and Event Deck to support the museum's operations. The museum would be dedicated to the exhibition and showcasing of films and filmmaking, including permanent and changing exhibition space, theaters with a combined seating capacity of up to approximately 1,350, banquet and conference space with a maximum occupancy of approximately 1,200, a Museum Café with seating for up to approximately 150 patrons, an approximately 5,000-square-foot Museum Store, and ancillary spaces including administrative offices, educational spaces, open Museum collection storage, exhibit preparation, a conservation laboratory, and maintenance and receiving areas. As part of the Master Conditional Use Permit request, the museum proposes the sale of alcoholic beverages at four locations as follows:

- The Museum Café on the ground level would offer a variety of food and beverages options, including alcoholic beverages;
- The Tearoom located on fifth floor of the Original Building would contain a special event dining room and a rooftop terrace, along with space for catering and other supportive services. Alcoholic beverages may be provided during the use of the Tearoom and Rooftop Terrace;
- The Event Deck located within the New Wing (Sphere) atop the Main Theater may offer alcoholic beverages during events;
- A mobile kiosk within the outdoor Piazza would offer alcoholic beverages during special events.

The sale of alcoholic beverages at institutional venues such as museums is a common amenity as demonstrated by the number of establishments that currently offer alcohol for on-site consumption, including the C&M Café, the Plaza Café, and Ray's Restaurant and Stark Bar at LACMA. The provision of food service, entertainment and the selling of alcoholic beverages provide a desired amenity for patrons. Moreover, the sale alcoholic beverages in the museum will be a part of a carefully controlled first-class development and appropriate security measures have been included in the conditions of approval to ensure the safety of patrons at the site.

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.**

There will be no public dancing and live entertainment at the proposed venues, and no exterior advertising of the availability of alcoholic beverages.

The grant requires a plan approval for the individual venues, which will allow the City to address operational issues associated with the individual establishments, including size and occupancy, hours of operation, and hours of alcohol sales to reflect the operation of the museum. As conditioned the sale of alcoholic beverages for on-site consumption at the museum is not anticipated to adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public's 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 Wilshire Community Plan Map designates the property for Regional Center Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5. The project is located within an area of Miracle Mile designated as a Regional Center, characterized as focal points of regional commerce, identity, and activity which are expected to contain a diversity of uses, including major cultural facilities. The museum is consistent with the underlying zone and land use designation and would enliven the western end of the LACMA Campus and Museum Row and contribute to the Regional Center's identity by adding diversity to the existing concentration of museum uses along Museum Row that serve nearby residents, the larger metropolitan region, and tourists. Moreover, the museum, theaters, Museum Store and Museum Café, and publicly accessible Piazza, which would augment the availability of neighborhood-serving uses in an area that is well-served by existing public transit and would be served by the future Wilshire Bus Rapid Transit Project and Metro Westside Purple Line Extension.

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

The subject location is within the Regional Center land use designation, which is intended to serve as the focal point for regional commerce, identity, and activity. Given the diversity of uses permitted and encouraged within the Regional Center, a high concentration of alcohol licenses can be anticipated. There are a variety of establishments which have both on- and off-site alcohol sales in the area, particularly concentrated along Wilshire Boulevard and Fairfax Avenue. There is a daytime population which includes local employees and visitors as well as residential population. The request involves a number of establishments which will be monitored as part of the museum's operational oversight as well as by specific conditions imposed under each subsequent Approval of Plans determination for each establishment.

As reported by ABC from statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 733, which has jurisdiction over the subject property, a total of 50 crimes were reported in 2014, compared to the citywide average of 163 crimes and the high crime reporting district average of 196 crimes for the same period. In 2014, there was only one Narcotics and only four DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year, but nevertheless characterizes the community is not a high crime

reporting district. Arrests for this calendar year may reflect crimes reported in previous years.

ADDITIONAL FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES:

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 State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 2 on-site sale and 1 off-site sale licenses are allocated to subject Census Tract No. 2151.01. There are currently 7 on-site and 3 off-site licenses in this Census Tract.

Within a 1,000-foot radius of the subject property, the following establishments sell alcohol:

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|---------------------------|--------------------------|
| Tom Bergin's) | 840 South Fairfax Avenue |
| C+M Bar (LACMA) | 5905 Wilshire Boulevard |
| Ray's & Stark Bar (LACMA) | 5905 Wilshire Boulevard |
| Molly Malone's Irish Pub | 575 South Fairfax Avenue |

While the number of establishments selling alcohol is higher than what has been allocated for the census tract, the subject grant will not result in an undue concentration of on-site alcoholic beverage licenses in the community. Moreover, the geography of the census tract does not recognize the Regional Center land use designation of the area, which is intended to support high intensity uses, including entertainment and cultural institutions and related commercial uses. The number of allocated licenses is primarily calculated based upon resident population and that employment and visitor populations are comparable to that of the resident population of this census tract. The subject site is located in a commercial corridor with a concentration of restaurants, museums, office, retail and other commercial uses, and the higher number of the alcoholic beverages licenses is anticipated. And, as was previously mentioned, the crime rate numbers in this community are lower than the citywide average for the City.

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

Single-family residences
La Brea Tar Pits

The project site is primarily surrounded by commercial and other museum uses, with multi-family and single-family residences located further to the northwest and southwest. As was previously noted, since the site is located in a prime commercial corridor, a designated Regional Center Commercial area, the diversity amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project. Such imposition of conditions, as well as the imposition of an plan approval process, will help ensure that the individual establishments associated with the museum remain compatible to the community and the surrounding uses than would otherwise be the case.