

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
TIM FARGO
JONATHAN A. HERSHEY, AICP
PHYLLIS NATHANSON
CHARLES J. RAUSCH JR.
CHRISTINE SAPONARA
COURTNEY SHUM
CHRISTINA TOY LEE
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CITY OF LOS ANGELES
CALIFORNIA



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DEPUTY DIRECTOR
planning.lacity.org

Decision Date: August 23, 2024

Appeal Period Ends: September 9, 2024

Edy Perez (A)
1133 Mohawk Street
Los Angeles, CA 90026

Simon Neman (O)
334 South Main Street
Los Angeles, CA 90012

Melanie Perez-Baker (R)
1259 Winston Court
Upland, CA 91786

CASE NO. ZA-2024-1162-CUB
CONDITIONAL USE
811 West Olympic Boulevard (811 and
813 West Olympic Boulevard, 947, 949,
951 South Figueroa Street)
Central City Plan Area
Zone : C2-4D
C.D. : 14 – de León
D.M. : 127-5A207 6
CEQA: ENV-2024-1163-CE
Legal Description: FR LT A, TR 143

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code (LAMC) Section 13B.5.3, I hereby APPROVE:

a Class 2 Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with a new convenience store in the C2-4D 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. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale of beer and wine for off-site consumption in conjunction with a 2,700 square-foot convenience store. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., daily.
8. 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.
9. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.

10. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
11. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
12. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians.
 - b. Customer service desk, front desk or near the cash registers.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

13. 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.
14. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
15. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
16. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. 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 subject premises and the facility to discourage illegal and criminal activities 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 and truancy occur.

17. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
18. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
19. Coin operated games, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
20. The applicant shall provide the Police Department with a **security plan** to the satisfaction of the Los Angeles Police Department. The security plan shall include a delineation of the video surveillance arrangements for both the licensed premises and the adjoining areas developed or otherwise used by the applicant. A copy of the plan shall be submitted to the Planning Department as part of the case file.
21. 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.
22. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
23. 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.
24. **Private Events.** Any use of the golf course for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
25. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
26. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.

27. There shall be no outdoor speakers on the premises.
28. 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.
29. All storefront windows along the public right-of-way shall be transparent to allow for viewing into and out of the convenience store. The public right-of-way shall also remain unobstructed and free of any barricades to allow for pedestrian access and viewing into and out of the convenience store.

ADMINISTRATIVE CONDITIONS

30. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
31. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
32. 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.

33. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

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

Applicant shall do all of the following:

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

or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

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

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 June 11, 2024 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 project site is comprised of a single flat parcel encompassing a total of 30,234 square feet in the South Park neighborhood of Downtown Los Angeles. The project site fronts South Figueroa Street and West Olympic Boulevard with a frontage of approximately 70 feet and 336 feet, respectively. The project site is developed with a one-story commercial building consisting of commercial tenant spaces and a car wash service facility.

The property is zoned C2-4D with a land use designation of Regional Center Commercial within the Central City Community Plan. The subject project is also located within a Transit Priority Area, State Enterprise Zone, Greater Downtown Housing Incentive Area, City Center Redevelopment Plan Area, MTA Right-of-Way Project Area, an Urban Agriculture Incentive Zone, Fire District No. 1, Outside Flood Zone, Methane Buffer Zone, and is within 0.28 kilometers from the Puente Hills Blind Thrust.

The subject convenience store will offer local residents, workers, and visitors food, beverages, and other goods. The convenience store will occupy one of the commercial tenant spaces of the one-story commercial building with pedestrian access along West Olympic Street. The convenience store will be located near numerous residential, commercial, office, entertainment uses developed in the South Park neighborhood and the adjacent Los Angeles Sports and Entertainment District.

The applicant requests a Conditional Use to allow the sale of beer and wine for off-site in conjunction with a 2,700 square-foot convenience store with hours of operation from 9:00 a.m. to 11:00 p.m., daily.

Surrounding Properties

Properties surrounding the project site are located in the C2-4D, C2-4D-SN, and LASED Zones. These properties are developed with commercial, residential, office, and parking uses located within low-, mid-, and high-rise buildings.

Streets

South Figueroa Street, adjoining the subject property to the east, is a designated Modified Avenue I, dedicated to a Right-of-Way width of 100 feet and a Roadway width of 73 feet and is improved with asphalt roadway, concrete curb, and gutter.

West Olympic Boulevard, adjoining the subject property to the east, is a designated Boulevard II, dedicated to a Right-of-Way width of 110 feet and a Roadway width of 80 feet and is improved with asphalt roadway, concrete curb, and gutter.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Case No. ZA-2013-3696-CUB – On November 18, 2013, a Condition Use Permit was filed for the sale and consumption of a full line of alcoholic beverages in injunction with a restaurant. The case was terminated on May 24, 2016.

Case No. ZA-2002-4583-CUB – On January 22, 2003, a Conditional Use was approved by the Zoning Administrator for the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant. The restaurant encompassed 2,900 square feet with hours of operation between 10:00 a.m. to 1:00 a.m., daily and 98 seats.

Cases on Surrounding Properties:

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

Case No. ZA-2020-172-CUB – On July 30, 2020, a Conditional Use was approved by the Zoning Administrator for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant in the C2-4D Zone. The project

involves a 5,680 square-foot restaurant with a 575 square-foot covered patio and a 275 square-foot uncovered courtyard. The project will have hours of operation of 10:00 a.m. to 2:00 a.m., daily with 111 indoor seats and 60 outdoor seats. The project is located at 815 – 825 West James M. Wood Boulevard.

Case No. ZA-2018-7294-CUB – On May 14, 2019, a Conditional Use was approved by the Zoning Administrator for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction of a new restaurant and new outdoor dining area, and existing areas in conjunction with an existing hotel. with a proposed restaurant in the C2-4D Zone. The project involves a 3,167 square-foot restaurant with a new 362 square-foot outdoor dining area, and existing outdoor pool area, indoor event space and lobby lounge area. The project will have hours of operation of 6:00 a.m. to 4:00 a.m., daily with 393 indoor seats and 322 outdoor seats. The project is located at 933 – 939 South Figueroa Street.

Case No. ZA-2016-4203-TDR-CUB-SPR-PA1 – On March 12, 2018, a Plan Approval to modify the interior programming for a previously approved 247-room hotel in the C2-4D Zone. The project involves a 3,355 square-foot restaurant and bar space on the first floor and roof top, fourth floor meeting rooms and roof top pool deck. The project is located at 926 West James M. Wood Boulevard.

Case No. ZA-2016-4203-TDR-CUB-SPR – On July 3, 2017, a Conditional Use was approved by the Zoning Administrator to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 247-room hotel within the hotel lounge and bar located on the ground level open to the public and rooftop pool deck; and at various locations within the hotel programmed exclusively for hotel guests, including in-room cabinets in the 247 hotel rooms, and in the 2nd-story coffeehouse restaurant. The project was also approved of a Transfer of Floor Area of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total of 129,470 square feet, or a 4.29:1 FAR, in lieu of 103,920 square feet and a 3:1 FAR. In addition, the project was approved of a Site Plan Review for a project that exceeds 50 or more guest rooms. The project involves a 18-story hotel with 247 guest rooms and 129,470 square feet of floor area with a 1,821 square foot restaurant and hotel amenity spaces. The project is located at 926 West James M. Wood Boulevard.

Case No. ZA-2015-4020-CUB – On January 22, 2015, a Conditional Use was approved by the Zoning Administrator for the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing coffee shop in the [Q]R5-4D Zone. A Conditional Use was also approved to permit hours of operation between the hours of 5:00 a.m. and 10:00 p.m.. The project involves an existing 1,564 square-foot coffeeshop with 33 seats. The project is located at 600 West 9th Street, Unit No. 135.

Case No. ZA-2015-3169-CUB – On April 1, 2016, a Conditional Use was approved by the Zoning Administrator for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a new hotel and ancillary uses in the C2-4D Zone. The project involves a 254,532 square-foot hotel with 350 hotel rooms. The project is located at 899 South Francisco Street.

PUBLIC CORRESPONDENCE

No written comments were received prior to the public hearing.

On August 13, 2024, the Downtown Los Angeles Neighborhood Council submitted a draft letter expressing support for the project.

PUBLIC HEARING

A public hearing was held virtually over Zoom Webinar on Tuesday, June 11, 2024 at 9:30 a.m. The hearing was attended by the applicant's representative, Melanie Perez-Baker.

Ms. Perez-Baker made the following statements:

- The project is shown as a 2,700 square-foot convenient store.
- The area is in downtown and in an area with commercial uses surrounding the site.
- It is surrounded by hotels and restaurants. There is the Marriott Hotel, Courtyard Residence, City Center, Regal Cinemas, and Hotel Indigo.
- The only sensitive use is the Grammy Museum located at 80 W. Olympic Boulevard.
- The owner is a leader and supporter of downtown LA.
- The market will help support downtown. There is a lack of family-owned markets in the area.
- The market will offer essential good to residents, travelers and commuters on the Metro bus.
- The project will be consistent with the general plan and zoning, and will offer new jobs.
- The market will offer convenience and support residents' quality of life.
- During hours of operation, employees will ensure to exercise proper sales of beer and wine.
- The owners will be responsible and ensure training is completed by all employees.
- My father is an immigrant chasing the American dream. He saw so much opportunity in the downtown Los Angeles area and still believes in this city having opportunities to thrive.
- Since my father immigrated here, he has opened other stores that are thriving today.
- He's a passionate, creative business owner who always pays attention to trends. He is able to adapt to new situations and circumstances that arise.

No members of the public provided testimony during the hearing.

The Zoning Administrator closed the public hearing and stated he would allow for the applicant to meet with the Downtown Los Angeles Neighborhood Council. He did state he was inclined to grant 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.

- The sale and dispensing of alcoholic beverages for consumption on the premises is prohibited.
- Owner /Operator shall not sell wine coolers, malt beverages or pre-mixed distilled spirit cocktail beverages in single containers of 16 oz. or less and must be sold in manufacturer prepackaged multi-unit quantities.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the sale of beer and wine for off-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.

CONDITIONAL USE FINDINGS

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

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

The proposed establishment is a new convenience store that will occupy an existing tenant space within a one-story commercial building. The convenience store will provide food, beverage, and other goods. The convenience store will maintain 2,700 square feet with hours of operation of 9:00 a.m. to 11:00 p.m., daily. The Conditional Use allows the sale of beer and wine for off-site in conjunction with the proposed convenience store.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The

subject establishment is located in the South Park neighborhood of Downtown Los Angeles, a highly-urbanized community comprised of mixed use, commercial, office, residential, light manufacturing, and parking uses. In addition, the project is located adjacent to the Los Angeles Sports and Entertainment District which is development with mixed commercial and entertainment uses including the L.A. Live entertainment complex, Crypto.com Sports Arena, and the Los Angeles Convention Center. Alcohol sales is commonly provided by convenient stores and grocery markets in the community. The grant to allow the sale of beer and wine for off-site consumption will complement the sale of groceries, snacks, and other goods, thereby supporting the vibrancy and longevity of the surrounding neighborhood. The convenience store will provide residents and visitors essential goods and one-stop shopping, and will bolster economic vitality. Convenient stores offer an amenity in mixed-use neighborhoods that provide more diverse entertainment venues, commercial, and residential living options. In addition, the project will provide new opportunities for employment within the community, as well as provide tax revenue to the City.

In addition, the project is does not propose the expansion of the existing commercial building. The grant to allow the alcohol sales has been well conditioned to ensure that that use will not adversely impact neighboring residents or other sensitive uses. As such, the project will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city and region.

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

The project site is comprised of a single parcel encompassing a total of 30,223 square feet in in Downtown Los Angeles. The project site fronts South Figueroa Street and West Olympic Boulevard with a frontage of approximately 70 feet and 336 feet, respectively. The project site is developed with a one-story commercial building consisting of commercial tenant spaces and a car wash service facility.

Properties surrounding the project site are located in the C2-4D, C2-4D-SN, and LASED Zones. These properties are developed with commercial, residential, office, and parking uses located within low-, mid-, and high-rise buildings.

The proposed operation will be compatible with the surrounding properties as it will enhance economic activity within Downtown Los Angeles with a new convenience store offering food, beverages, and other household goods with ancillary alcohol sales for off-site consumption. The sale of alcohol for off-site consumption is a desired service commonly offered by similar establishments in the neighborhood. The convenience store will occupy one of several tenant spaces within the commercial building with pedestrian access along West Olympic Street. The project will utilize 2,700 square feet of retail space with hours of operation of 9:00 a.m. to 11:00 p.m., daily. The project site is not located adjacent to any sensitive residential uses, and therefore, the project will not result in any significant noise impacts. As

such, the convenience store's location, size, and height will conform with the design and layout of the subject tenant space of the one-story commercial building and will be compatible with the adjacent tenants and properties.

Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address responsible management, mode and character, addressing of nuisance, and surveillance and training. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to. A security plan as well as transparency of storefront windows will promote good linkages of the subject alcohol use and the public right-of-way. Therefore, 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 of the community.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Central City Community Plan Area and designates the land use as Regional Center Commercial with the corresponding zones CR, C1.5, C2, C4, C4, R3, R4, R5, RAS3, and RAS4. The subject site is zoned C2-4D and is thus in conformance with the land use designation. The "D" Limitation limits the total floor area contained in all buildings to six (6) times the buildable area of the lot. The "D" Limitation will not have an effect on the request to permit the sale and dispensing of alcohol.

The Central City Community Plan acknowledges the substantial amount of commercial, office, and residential development in the Downtown Los Angeles. Economic and revitalization efforts continue to promote Downtown Los Angeles as the economic center for the region and California, with numerous projects promoting new residential development and business investments in commercial, office, retail, manufacturing, and tourism that expand employment opportunities. One of the Visions outlined in the Central City Community Plan encourages the preservation and enhancement of the positive characteristics of existing uses which provide the foundation for community identity. In regard to the Commercial land uses, the Plan acknowledges the lack of the necessary mix of retail to attract a variety of users to the downtown area in the evenings and on weekends and identifies vacant office and

retail spaces as opportunities for revitalizing the commercial, night life, and entertainment character of the neighborhood. The proposed request addresses these challenges by providing a beneficial service for local residents, workers, and visitors. The instant Conditional Use authorizes the sale of beer and wine for off-site consumption in conjunction with a convenience store. The sale of alcohol will complement commercial activities surrounding the project site and the adjacent Los Angeles Sports and Entertainment District Specific Plan Area which envisions mixed-use/entertainment development, takes advantage of the investment made in the area and its potential to evolve into an economically and physically prominent area based on the cumulative impact of existing assets such as the Convention Center and the Staples Arena (Staples Arena has been renamed Crypto.com Arena).

The Community Plan text is silent with regards to alcohol sales, therefore in such cases the Zoning Administrator must interpret the intent of the Plan. Approval of the applicant's request is consistent with the Plan's objectives and policies, including:

- *Objective 2-1: To improve Central City's competitiveness as a location for offices, business, retail, and industry.*
 - *Policy 2-1.2: To maintain a safe, clean, attractive, and lively environment.*
- *Objective 2-2: To retain the existing retail base in Central City;*
 - *Policy 2-2.1: Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.*
- *Objective 2-3: To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.*

The project supports the Community Plan's Commercial Goals, Objectives and Policies by providing a desirable and beneficial service to the community. It will contribute to the commercial vibrancy and economic investment of Downtown Los Angeles while offering the sale of food, beverages, and other household goods at the subject convenience store. Furthermore, the project will increase pedestrian activity and employment opportunities in the area by bringing in a use that serves the immediate area. The ancillary sale of alcoholic beverages will augment the desirability of the subject establishment which will likely attract visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

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

The subject property is located in the C2-4D Zone where conditional authorization for the sale of alcoholic beverages is allowed through the approval of the Zoning

Administrator subject to certain findings. The convenient store use is permitted by-right and is appropriate given the surrounding context and General Plan land use designation. The convenient store will occupy one of several tenant spaces within a commercial building and will contribute to the commercial character of the community. The project proposes the sale of beer and wine for off-site consumption. Alcohol service will be an ancillary use to the sale of other food, beverage, and household goods offered by the convenience store.

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 responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program.

In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. The applicant is proposing a convenient store that is modest in nature with minimal potential for noise impacts and other nuisance-type activity. Alcohol sales will be ancillary to the convenience store. All activity occurring on the subject premises will be required to adhere to the imposed conditions. Additional conditions have been included to ensure the operation provides adequate security measures, including a surveillance system, adherence to the City's Noise Ordinance, and responsible management practices. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale of beer and wine for off-site consumption in conjunction with the proposed convenience store will not adversely affect the welfare of the pertinent community.

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two (2) on-sale and one (1) off-sale are allocated to the subject census tract (Census Tract 2077.11). Currently there are 67 active on-site alcohol licenses and five active off-sales licenses held in the census tract.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license does not negatively impact an area, but rather provides a public service and benefits the community. Although the number of existing on-site licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial services and amenities. In active commercial areas such as downtown, where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. The project will provide a valuable amenity and desirable service that will support the vibrancy and longevity of Downtown Los Angeles's South Park neighborhood and the adjacent Sports and Entertainment District. The proposed convenience store will offer a beneficial service that will cater to the local community and increase employment opportunities, business growth, and tax revenue.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 171, which has jurisdiction over the subject property, a total of 200 crimes and arrests were reported in 2023 (144 Part I - Crimes and 56 Part II - Arrests), compared to the total area average of 162 offenses, and a High Crime Reporting District of 194 offenses, for the same reporting period. In 2023, alcohol-related Part II crimes reported include Narcotics (1), Liquor Laws (11), Public Drunkenness (0), Disturbing the Peace (2), Disorderly Conduct (0), Gambling (0), DUI related (7), Moving Traffic Violations (1), Miscellaneous Other Violations (16) and other offenses (0). Of the 200 total crimes and arrests reported for the Reporting District, 18 arrests were made involving liquor laws, public drunkenness, and driving under the influence. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average, however, there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it proposes a desirable use that will promote commercial and pedestrian activity in the neighborhood. Conditions, such as those related to the STAR/LEAD/RBS Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to minimize nuisance and criminal activities have been incorporated into the grant to assure better oversight. Further conditions may be imposed by the California Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcoholic beverages.

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

The project site is zoned for commercial uses and will be utilized as such with the operation of a convenience store. The following sensitive uses and alcohol-serving establishments are located within a 1,000-foot radius of the site:

- Multi-Family Residential Uses
- Grammy Museum at 800 W. Olympic Boulevard

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

FLOOD HAZARD FINDING

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 outside a flood zone.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.gov/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning’s DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.gov/development-services/forms>. Public offices are located at:

| Metro DSC | Van Nuys DSC |
|---|---|
| 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077 | 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050 |
| South LA DSC | West LA DSC |
| (In person appointments available on Tuesdays and Thursdays 8am-4pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 planning.southla@lacity.org | (CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901 |

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual

appointment for Condition Clearance can be made through the City's [BuildLA](#) portal (appointments.lacity.gov). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal
Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA Appointment
Portal for Condition Clearance

Inquiries regarding this matter shall be directed to David Woon, Planning Staff for the Department of City Planning at (213) 978-1368.


HENRY CHU
Associate Zoning Administrator

HC:EA:DW:nm

cc: Councilmember Kevin de León
Fourteenth Council District
Adjoining Property Owners

SITE PLAN

811W Olympic Blvd
Los Angeles, CA 90015
Parcel ID: 5138-003-014
Lot area: 0.83 Acres
Paper Size: 11"x17"



scale 1"=40'



ZA-2024-1162-UB

EXHIBIT "A"
Page No. 2 of 2
Case No. ZA-2024-1162-UB
[Signature]

FLOOR PLAN

811 W Olympic Blvd
Los Angeles, CA 90015

Lot:FRLTATR: 143

Parcel number: 5138003014

Total lot area: 30,233.8 sq ft

Paper Size: 11"x17"



scale 1"=10'

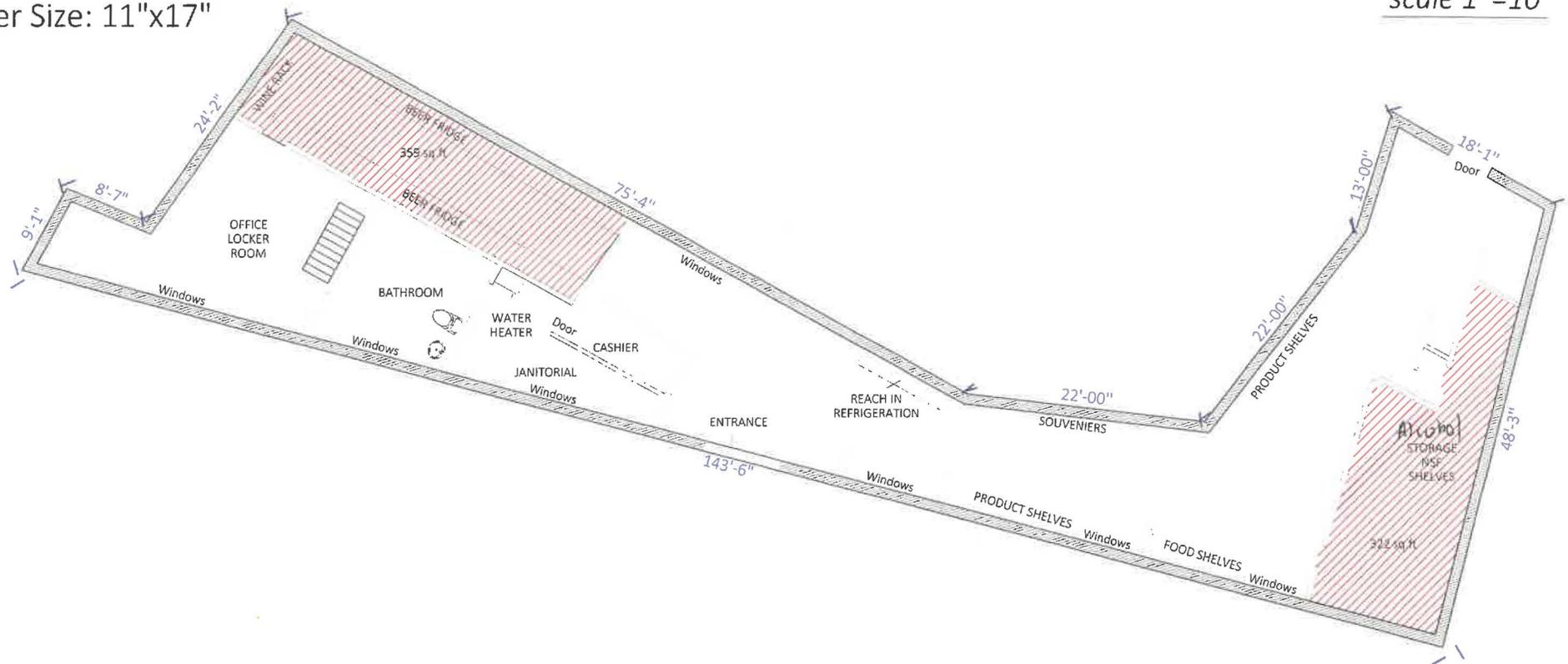


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(Signature)