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November 18, 2021

Mohammad Fatall (A)
DTLA Bodega, Inc.
650 S. Spring Street, R1, R2
Los Angeles, CA 90014

SB Spring, LLC (O)
312 West 5th Street
Los Angeles, CA 90013

Nikola Hlady (R)
Elizabeth Peterson Group
400 South Main Street, Unit 808
Los Angeles, CA 90013

CASE NO. ZA-2021-5039-CUB
CONDITIONAL USE
650 South Spring Street, R1, R2
Central City Planning Area
Zone : C2-4D
C.D. : 14
D.M. : 127-5A211
CEQA: ENV-2021-5041-CE
Legal Description: Lot Unnumbered LT,
Tract 7679

Pursuant to CEQA Guidelines Section 15061, 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 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 in conjunction with an existing retail food market 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 and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing 900 square-foot retail food market with take-out food service and 24 outdoor convenience seats. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 24 hours.
 - b. No indoor seats are permitted
 - c. (On-Site) Outdoor seating shall be limited to a maximum of 24 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.
8. 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.

9. **Complaint Log.** Prior to the utilization of this grant, 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 hostess station

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.

10. **STAR/LEAD Training.** Within the first six months of operation or the effectuation of the grant, 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. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training. Thereafter, STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
11. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
12. 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.
13. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
14. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
15. 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.

16. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
17. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
18. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
19. 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.
20. 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.
21. 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). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, 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.
22. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
23. There shall be no dancing on the premises.

24. The storefront shall retain transparency at all times to allow for eyes on the street and pedestrian safety. The applicant shall explore options to pull retail shelves away from windows to maintain sightlines from interior to exterior seating.
25. A minimum of one security guard shall be maintained on-site at all times of liquor sales.
26. Owner/Operator shall post and enforce notice that outside tables are for customers only.
27. Owner/Operator shall ensure outside tables are kept free and clear of litter at all hours.
28. In the event of a change of owner or operator, the new owner/operator shall meet and present to the Planning and Land Use Committee of the Downtown Los Angeles Neighborhood Council.

ADMINISTRATIVE CONDITIONS

29. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C 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.
30. 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.

31. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

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

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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).

- (iv) 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).
- (v) 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 **DECEMBER 3, 2021**, 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:

Downtown
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

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 November 16, 2021, 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 have been established by the following facts:

BACKGROUND

The subject property is a rectangular-shaped parcel consisting of one (1) lot located at the northeastern corner of Spring Street and 7th Street within the Central City Community Plan area. project site encompasses a total of 20,160 square feet of lot area.

The subject property is developed with a multi-story commercial mixed-use building. The applicant's existing ground level space is approximately 900 square feet in size fronting 7th Street .

The project site is located within the Central City Community Plan area. The Community Plan designates the subject property for Regional Center Commercial land uses,

corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4 Zones. The project site is zoned C2-4D and is thus consistent with the existing land use designation. The project is located within the City Center Redevelopment Area and Greater Downtown Housing Incentive Area.

The Applicant is requesting a Conditional Use Permit of a full line of alcoholic beverages for off-site consumption in conjunction with an existing retail food market. The existing hours of operation are 24 hours, daily with proposed alcohol sales from 6:00 a.m. to 2:00 a.m.

Previous Cases on Surrounding Properties

Staff utilized a 500-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. The following relevant cases filed within the past five years were identified:

Case No. ZA 2018-0906-CUB – On August 30, 2018, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant as part of a 7th floor addition and rooftop bar/lounge on the 8th floor high rooftop bar with rooftop dining expansion and outdoor roof within an existing building at 612-616 South Broadway.

Case No. ZA 2018-4119-CUB – On February 25, 2019, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new restaurant in the C5 Zone at 615 South Spring Street.

PUBLIC CORRESPONDENCE

Staff received over 55 letters of support for the project.

Staff received a letter dated October 12, 2021, from the Downtown Los Angeles Neighborhood Council expressing its support of the proposed project which followed its Land Use Committee's approval of the project based on several conditions contained within the letter.

PUBLIC HEARING

The public hearing was held on November 16, 2021, at approximately 10:30 a.m. Due to concerns over COVID-19, this meeting/public hearing was conducted entirely telephonically by Zoom [<https://zoom.us/>]. The hearing was attended by the applicant's representative, Nikola Hlady, and three members from the community.

Mr. Hlady made the following statements:

- The site is located at the northeast corner of Spring and 7th Street within the SP Spring

Lofts Building.

- DTLA Bodega is an existing retail food market located within the ground floor on Suites R1 and R2. It opened in 2020.
- This is a 900 s.f. take-out food service. No alcohol sales for on-site consumption are proposed.
- The operation is open 24 hours a day. Alcohol sales is proposed from 6 a.m. to 2 a.m., daily.
- The restaurant offers deli style prep food and is inspired by New York bodegas.
- Suite R1 is where alcohol sales would take place. Access would be controlled.
- There is an existing security guard, and he would also help control access and monitor the site and check IDs.
- The project was presented to DLANC, and the Full Board issued a letter supporting the request.
- There are over 50 letters of support submitted to the file.
- CD 14 has been updated.
- We were unable to reach out to LAPD.
- Justification would be that this would be a positive presence, there would be a security guard, outdoor seating is provided through the al fresco program, the project would bring eyes on the street, this is a responsible operator, and the project highlights the historic elements within the suite.

During the public comment portion of the public hearing, two members from the public provided public testimony.

The first speaker, Omar A., stated he has been in in Downtown LA since 2000. He is a store owner near the project site and supports the alcohol sales. The project will help bring back normalcy to the area. There are lots of tourists from out of the country. Businesses are not doing as well since Covid hit, and this project will help bring back the area.

The second speaker, Mez of Lux Security Services, stated he is one of the owners of Lux, which services luxury buildings in the area. DTLA Bodega has been a beacon of light. This is definitely a place to bring family to the area. The owner helps keep the streets and his store clean. Adding a liquor license for this operation will help expand the horizon for the block. The business handles itself well, and with this liquor license, I don't feel anything bad will happen.

At the conclusion of the public hearing, the Zoning Administrator stated he could make the appropriate findings and would approve the CUB 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.

- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- Alcohol sales shall be from 6 a.m. to 2 a.m., daily.

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 and dispensing of beer and wine 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.

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 Conditional Use allows the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 900 square-foot retail food market with take-out food service and 24-outdoor convenience seats. Existing hours of operation are 24 hours, daily with proposed alcohol sales between the hours of 6:00 a.m. to 2:00 a.m.

Availability of a full line of alcoholic beverages is a desired amenity and one that is expected by the general public. Granting an alcoholic beverage license for this existing retail food market will provide public convenience in terms of an enhanced food and beverage service program. Thus, it can be determined that the proposed location will be desirable to the public convenience or welfare.

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 existing retail food market use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will assure that the service of alcohol will not be disruptive to the community. The availability of alcohol for off-site consumption in conjunction with an existing retail food market will continue to offer an amenity that caters to the local community, local employees, patrons of adjacent commercial uses, and the residents in the neighborhood.

Moreover, the subject site and surrounding properties were planned, zoned, and subsequently developed for commercial uses. Said use will continue to be a convenience to the general public, including offices, housing, and other restaurants in the surrounding area. The subject property is also developed in a manner similar to surrounding properties – with retail and restaurant uses that serve a diverse population within the City of Los Angeles. As such, the alcohol service will offer a convenient location and amenity for local residents and visitors and will perform a function and provide a service that is beneficial to the surrounding community.

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 Conditional Use allows the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 900 square-foot retail food market with take-out food service and 24 outdoor convenience seats. Existing hours of operation are 24 hours, daily, with proposed alcohol sales between the hours of 6:00 a.m. to 2:00 a.m.

The project does not propose any changes to the exterior of the building, so it is physically compatible with its surroundings and the existing retail food market has offered its services to the community since opening in 2020.

Conditions have been imposed to encourage responsible management and deter criminal activity. In addition, DTLA Bodega utilizes a security guard to help control the flow, and monitor the site. The security guard will help check IDs, continue to control the flow, and continue to monitor the site to ensure the project will not be detrimental to its patrons and to surrounding uses. As conditioned, the continued

operation of the existing retail food market with the sale of a full line of alcoholic beverages for off-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development 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 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 Central City Plan Map designates the property for Regional Center Commercial land uses with corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4 Zones. This site is within the City Center Redevelopment Project area and the Greater Downtown Housing Incentive Area. The property is not within a Specific Plan area. The Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages.

The project is consistent with the following goal, objective, and policy of the Community Plan:

Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.

Policy 2-4.1: Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

The subject retail food market is a desirable use in an area designated for commercial uses, and is a continuation of an established use. In this case, the project will continue to provide a convenience to workers, visitors, and residents in the immediate neighborhood with its proposed alcohol sales for off-site consumption and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. As such, the project substantially conforms with the purpose, intent and provisions of the General Plan and applicable community plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the proposed conditional use.

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. The operations of the existing restaurant will be managed by compliance with imposed conditions and City requirements regarding noise, including the City's noise ordinance. There is no dancing and no live entertainment. Additionally, other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community. Therefore, with the imposition of such conditions, the sale and dispensing of a full line of alcoholic beverages at this location will not adversely affect the welfare of the surrounding 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 State Department of Alcoholic Beverage Control (ABC), there are two on-site licenses and one off-site license allocated to Census Tract No. 2073.03. There are 16 existing on-site license and four off-site licenses.

The subject location is within a developed commercial corridor which has a variety of commercial uses resulting in the on-site alcohol licenses to exceed the number allocated. 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 benefits the public welfare and convenience.

According to statistics provided by the Los Angeles Police Department's Central Los Angeles Area Vice Unit, within Crime Reporting District No. 164, which has jurisdiction over the subject property, a total of 197 crimes were reported in 2020 (135

Part I and 62 Part II crimes), compared to the Citywide average of 141 crimes and the High Crime Reporting District average of 169 crimes. Alcohol related Part II Crimes reported include Narcotics (17), Liquor Laws (6), Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (2), Moving Traffic Violations (1), and other offenses (11). 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.

No evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site. No complaints were submitted for the record concerning any criminal or nuisance activity associated with the subject site. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area, including restrictions on noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. As such, approval of the request will not result in an undue concentration of licensed premises.

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 continue to be utilized as such with the proposed restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

- Fearless LA Church, 618 South Spring Street
- New City Church of LA, Security Building, Los Angeles Theater, South Spring Street
- Spring Street Park, 428 South Spring Street
- Residential Uses

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned to 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. The project will contribute to the neighborhood and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect nearby residentially zoned communities 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 in Zone C, areas determined to be outside the flood zone

Inquiries regarding this matter shall be directed to Alex Truong, Planning Staff for the Department of City Planning at (213) 978-3308 or by email at alexander.truong@lacity.org.



HENRY CHU
Associate Zoning Administrator

HC:AT:bk

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