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April 6, 2022

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CASE NO. ZA-2021-5050-CUB
CONDITIONAL USE – ALCOHOL
221 West 8th Street
(750-762 South Broadway,
221-227 West 8th Street)
Central City Community Plan
Zone: [Q]C5-4D-CDO-SN
C.D: 14
D.M.: 1275A209
CEQA: ENV-2021-5051-CE
Legal Description: Lot 1, Tract 62954-C

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 12.24W.1, I hereby APPROVE:

a conditional use to authorize the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting, in conjunction with an existing market in the [Q]C5-4D-CDO-SN 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. Within 30 days of the effective date 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. **Authorization.** Authorized herein is a conditional use to allow the sale of a full line of alcoholic beverages for off-site consumption and on-site consumption with instructional tasting events, in conjunction with the continued use and maintenance of an existing 859 square-foot market, upon the following:
 - a. Hours of operation are limited to 8:00 a.m. to 2:00 a.m. Monday through Saturday, and 9:00 a.m. to 2:00 a.m. on Sunday.
8. After hour use shall be prohibited, 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. **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, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or the California 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 Alcohol Beverage Control to issue a letter to the Department of City Planning referencing Case No. ZA-2021-5050-CUB and identifying which employees completed the training. STAR or LEAD training shall be conducted for all new hires within three months of their employment and all employees every 24 months thereafter.
11. An electronic age verification device shall be purchased and retained on the premises available to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
12. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation's alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.
13. Any music, sound or noise which is under control of the applicant shall not violate 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.
14. A camera surveillance system shall be installed, in consultation with the Los Angeles Police Department, 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. All data shall be made available to law enforcement agencies upon request.
15. Trash pickup at the premises will be made no earlier than 8:00 a.m. nor later than 7:00 p.m.
16. Trash shall not be emptied between the hours of 8:00 a.m. nor later than 7:00 p.m.

17. Vendor delivery of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. through 7:00 p.m. each day of the week.
18. Adequate lighting shall be installed and maintained in all areas within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.
19. The exterior windows and glass doors of the restaurant shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the restaurant by Police and private security.
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. Only the front door or entryway shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
22. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
23. 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.
24. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
25. The applicant(s) shall comply with Section 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.
26. The applicant/business operator/manager 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.
27. Conditions of this grant shall be retained at all times on the premises and shall be made immediately available upon request by the LAPD, ABC, Building and Safety, or City Planning. The manager and all employees shall be knowledgeable of the conditions herein.

28. The applicant/business operator/manager of the premise permitted by this action shall maintain on the premise, and present upon request to any law enforcement officer, a copy of the business permit and insurance information.
29. 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, including accessory parking areas, 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.
30. The applicant/business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.
31. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.
32. **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 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs 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.
33. Should there be a change in the ownership and/or the operator of the business, the new owner/operator shall make a presentation on the operation of the business to the Downtown Los Angeles Neighborhood Council's Planning and Land Use Committee (PLUC).

34. Should there be a change in the ownership and/or the operator of the business, the property owner and/or 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 Development Services Center, 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 Development Services Center, 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.
35. Should there be a change in the ownership and/or the operator of the business, 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. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of 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 a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
36. 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 their own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, 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, the Los Angeles Police Department's corresponding division, and the local Neighborhood Council. 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.
37. **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.

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 **APRIL 21, 2022**, 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	San Fernando Valley	West Los Angeles
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 <u>(213) 482-7077</u>	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 <u>(818) 374-5050</u>	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 <u>(310) 231-2598</u>

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 March 1, 2022, 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 have been established by the following facts:

BACKGROUND

The subject property is a level, rectangular-shaped site, corner, approximately 15,508 square-foot parcel of land with an approximately 154-foot frontage on the north side of 8th Street and an approximately 100-foot frontage on the east side of Broadway.

The property is improved with the 13-story Beaux Arts-style Charles C. Chapman Building, designated as City of Los Angeles Cultural Monument No. LA-899 and United States Historical Monument No. US-79000484. The property is located within the Historic Core district within heart of downtown Los Angeles. The building has been converted into a mixed-use residential/commercial building, containing 200 Joint Living and Work Quarters residential condominium units and 20 ground-level commercial/retail condominium units. The subject market is located on the ground floor, fronting on 8th Street.

The property is located within the Central City Community Plan area and the Community Plan Map designates the property for Regional Commercial land uses with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4, and Height District Nos. 3D and 4D. In addition, the project site is located within the boundaries of the Broadway Community Design Overlay District, City Center Redevelopment Project Area, Downtown Streetcar project, is within a Transit Priority Area, Greater Downtown Housing Incentive Area, and Los Angeles State Enterprise Zone.

The applicant seeks an authorization to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption with instructional on-site tasting, for off-site consumption, in conjunction with the operation of an existing 859 square-foot market, with hours of operation from 8:00 a.m. to 2:00 a.m., Monday through Saturday, and 9:00 a.m. to 2:00 a.m. on Sunday.

Pursuant to Case No. ZA-2009-0094(CUB)(CUX), dated May 5, 2009, the site was initially granted a conditional use for the sale of beer and wine for off-site consumption. The 2009 conditional use granted approvals for three venues within the site, including a 900 square-foot bar with live entertainment, a 5,980 square-foot restaurant with live entertainment, and the subject 1,565 square-foot retail shop. Under the first Plan Approval (PA1), on July 15, 2011, the restaurant and bar were combined into a single establishment, and the subject retail shop was reduced to 859 square feet in size.

On July 9, 2013, a second Plan Approval (PA2) was granted for modifications to the conditions governing the operations of the existing market and distinguished the market separately from the previously approved restaurant conditional use permit approvals. For this plan approval, the Zoning Administrator dismissed the applicant's modification requests to extend the delivery of alcoholic beverage hours for the market and did not allow beer in 24-ounce containers or less to be sold in units of less than a six-pack. The Zoning Administrator did approve the modification requests to eliminate the requirement of having state-licensed security guards on-site during operating hours and granted the availability of sales of alcoholic beverages to be extended from until 11:00 p.m. to until 2:00 a.m., daily.

The applicant is now requesting a conditional use for an upgrade from beer and wine to the sale and dispensing of a full line of alcoholic beverages for off-site consumption with instructional on-site tasting, in conjunction with the existing market.

According to information submitted by the applicant:

Operating since 2010, Chapman Market serves as a convenience market in the downtown area, which is underserved by grocery stores and traditional supermarkets. The market services the residents of the Chapman Building, located on the upper floors, and also services visitors and workers of Downtown Los Angeles and the surrounding community. They also provide a delivery service to customers within a certain radius of the market. In addition to the current sale of beer and wine, Chapman Market offers a variety of grab-n-go items such as prepackaged foods, protein bars, pastries, and crackers as well as cereals, canned foods, condiments, almond milk, and other types of sundry goods found in traditional grocery stores. Chapman Market enhances the built environment in the surrounding neighborhood and provides a service that is essential and beneficial to the community, city, and region functioning as a convenience market to the local community. The applicant is requesting to upgrade their license type to a full line of alcohol sales for off-site consumption in order to meet their customers' demands.

The continued availability of alcoholic beverages for off-site consumption will continue to provide a beneficial service to patrons and the surrounding community by providing an amenity as is expected in convenience markets of this nature. Chapman Market is committed to providing quality products to the Downtown Los Angeles community and will continue to responsibly sell alcoholic beverages for off-site consumption. Neither the structure nor the space will be altered or changed in any way as a result of this conditional use permit.

Operating for over 10 years, the operators of Chapman Market understand their responsibilities as an established market providing convenience items in addition to a full line of alcoholic beverages. The market is prepared to ensure that their operations continue to act as a service that benefits the community without detrimentally affecting the neighborhood.

The applicant presently maintains a Type 20 (off-sale beer and wine) California Department of Alcoholic Beverage Control license (No. 501707). The license was originally issued in December 2010 in conjunction with operating restrictions. According to the ABC license inquiry system, no disciplinary actions are associated with this license.

Surrounding properties

Surrounding properties are predominantly mid- and high-rise mixed-use commercial buildings, with several residential, office and retail spaces around. Adjacent sites to the northeast, north, and southwest are developed similarly in the [Q]R5-4D-O Zone, while the site to the south is zoned C5-4D. Immediately abutting the site to the northeast is the 13-story, Beaux Arts-style historic Garland Building; to the north across Broadway is the historic 10-story Merritt Building; immediately west of the site is the historic Tower Theater currently

used for retail, and south of the site across the alley is a recently constructed 24-story total mixed-use residential building in the C5-4D Zone.

Streets

Broadway, adjoining the property to the west, is designated as a Modified Avenue II, dedicated a width of 80 feet, and improved with asphalt roadway, concrete curb, gutter, and sidewalks. The street segment is within the Downtown Streetcar Project Area.

8th Street, adjoining the property to the south, is designated as a Modified Avenue III, dedicated a width of 60 feet, and improved with asphalt roadway, concrete curb, gutter, and sidewalks.

Alley, adjoining the property to the east, is a gated alley and dedicated to a width of approximately 20 feet and is improved with concrete paving and gutters.

Previous Cases, Affidavits, and Orders

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 600-foot radius of the subject property and found the following:

Subject Property:

ZA 2009-0094(CUB)(CUX) – On May 5, 2009, the Zoning Administrator dismissed a conditional use permit to allow dancing in conjunction with a 5,980 square-foot restaurant, insomuch as the applicant withdrew the request, and approved a conditional use permit to allow the sale and dispensing of beer and wine for off-site consumption for a 1,565 square-foot retail shop; the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 900 square-foot bar with live entertainment; and the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a 5,980 square-foot restaurant with live entertainment, for the subject project address of 752-754 South Broadway and 223 West 8th Street.

ZA 2009-0094(CUB)(PA2) – On July 9, 2013, the Zoning Administrator permitted an approval of plans for modifications related to the existing retail shop, now known as the subject project market, and was permitted the request to eliminate the requirement of a State-licensed security guard to be provided during operating hours, and to allow the sales of alcoholic beverages to be available from until 11:00 p.m. and extended be to until 2:00 a.m., daily. The Zoning Administrator also dismissed the request to allow the delivery of alcoholic beverages to be expanded from 10:00 a.m. to 1:30 a.m., daily, in lieu of the currently permitted hours of 10:00 a.m. to 7:00 p.m., daily, and dismissed the request to allow beer in 24-ounce containers or less to be sold in units of less than a six-pack, in lieu of the current restriction that no beer in a 16-ounce container or less be sold in units of less than a six-pack.

ZA 2009-0094(CUB)(CUX)(PA1) – On July 15, 2011, the Zoning Administrator permitted an approval of plans for the continued sale and dispensing of beer and wine for off-site consumption, in conjunction with an existing 1,565 square-foot retail shop and to permit the sale of a full line of alcoholic beverages in conjunction with a 6,880 square-foot restaurant, for the subject project address of 752-754 S. Broadway. A correction letter was issued shortly after on September 22, 2011, clarifying that that live entertainment had been permitted although it was initially omitted from the grant clause for the 6,880 square-foot restaurant.

ZA 95-1005(CUZ) – On April 24, 1996, the Zoning Administrator approved a conditional use to permit the use and maintenance of garment manufacturing in the C5 Zone, at 756 South Broadway and 225 West 8th Street.

ZA 90-1309(CUZ) – On October 8, 1992, the City Council's action on an appeal became effective, overturning the Board of Zoning Appeals (BZA 4384), resulting in the approval of a conditional use to authorize a garment manufacturing use at 225 West 8th Street.

Surrounding Properties:

Case No. ZA-2021-1985-CUB – On March 23, 2022, the Zoning Administrator approve a conditional use to permit sale and dispensing of beer and wine for off-site consumption, in conjunction with an existing 1,582 square-foot deli and market, with hours of operation from 8 a.m. to 7 p.m. Monday through Saturday, on property located within the [Q]C5-4D-CDO-SN Zone, at 659 South Broadway, Unit GL106.

Case No. ZA-2019-6155-CUB – On February 7, 2020, the Zoning Administrator approved a conditional use to authorize the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption in conjunction with a proposed bar and 4,658 square-foot convenience store, with hours of operation from 6 a.m. to 2 a.m. daily, on property located within the [Q]C5-4D Zone, at 828 South Main Street.

Case No. ZA-2019-5418-CUB – On May 29, 2020, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed restaurant/wine bar in the [Q]R5-4D Zone, at 824 South Olive Street, Unit 101B.

Case No. ZA-2019-1215-CUB – On January 15, 2020, the Zoning Administrator approved a conditional use to authorize the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed bar/lounge with live entertainment, on property located within the [Q]C5-4D-CDO-SN Zone, at 740 South Broadway, Suite B.

Case No. ZA-2019-1213-CUB – On January 15, 2020, the Zoning Administrator approved a conditional use to authorize the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed

bar/lounge with live entertainment, on property located within the [Q]C5-4D-CDO-SN Zone, at 740 South Broadway, Suite A.

Case No. ZA-2019-2554-CUB – On November 26, 2019, The Zoning Administrator approved a Conditional Use Permit to authorize the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed ground floor restaurant in the C5 Zone, at 718 - 720 South Hill Street (722 S. Hill Street).

Case No. ZA-2019-785-CUB-CUX – On September 23, 2019, the Zoning Administrator approved conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing, in conjunction with an 1,898 square-foot café located on the second floor of a proposed retail store, with 24 indoor seats, and hours of operation from 10:00 a.m. to 2:00 a.m., daily, for a project located at 806 – 808 S. Broadway.

Case No. ZA-2019-232-CUB – On August 14, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed restaurant, on property located within the C5-4D Zone, at 208 East 8th Street, Suite A.

Case No. ZA 2018-4343(MCUP) – On January 14, 2019, the Zoning Administrator approved a Main Conditional Use to authorize the sale and dispensing of a full line of alcoholic beverages for on-site consumption at a maximum of six establishments, on property located within the C5-4D Zone, at 737-755 South Spring Street.

Case No. ZA 2018-0585(CUB) – On November 16, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant, on property located within the C2-4D Zone, at 840 South Spring Street.

Case No. ZA 2017-4214(CUB) – On January 11, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine in conjunction with a new restaurant, on property located within the C5-4D Zone, at 809 South Hill Street.

Case No. ZA 2017-3062(CUB) – On August 16, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a theater, on property located within the [Q]C5-4D-CDO Zone, at 842 South Broadway.

Case No. ZA 2017-1458(CUB) – On September 25, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, on property located within the [Q]C5-4D-CDO-SN Zone, at 855 South Broadway.

Case No. ZA 2016-4298(CUB) – On August 4, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine

for on-site consumption in conjunction with a proposed restaurant, on property located within the C5-4D Zone, at 400 West 8th Street, Unit #3.

Case No. ZA 2016-2506(CUB) – On February 27, 2017, the Zoning Administrator approved a conditional use to authorize the sale and dispensing a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant with mezzanine and outdoor patio in the public right-of-way, with limited live entertainment, on property located within the C5-4D Zone, at 733 South Spring Street.

Case No. ZA 2016-0790(CUB) – On August 1, 2016, the Zoning Administrator approved a conditional use to authorize 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, at 724 South Spring Street.

Case No. ZA 2015-2958(CUB) - On January 14, 2016, The Zoning Administrator approved a Conditional Use Permit to authorize the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, on property located within the C5 Zone, at 720 South Hill Street (718 S. Hill Street).

Case No. ZA-2015-0932(MCUP)(CUX)(ZV) – On May 18, 2016, the Zoning Administrator approved a Main Conditional Use to permit: 1) the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a maximum of 13 establishments and 156 hotel guest rooms (5 restaurants, 5 bars, 1 Private Club/Restaurant, one Ground Floor Lobby Bar, one Rooftop Hotel Restaurant/Bar and guest room access cabinets); 2) the sale and dispensing of beer and wine for on-site consumption in a maximum of 21 establishments (20 restaurant stalls and one bar); and, 3) the sale of a full line of alcoholic beverages for off-site consumption in one establishment (gourmet market); and public dancing in a maximum of five establishments; and Variances to authorize the use of outdoor space in upper/rooftop levels for dining, dancing and live entertainment, a Floor Area Ratio (FAR) of 7: 1 in lieu of the maximum permitted FAR of 6:1, to allow overnight dog boarding in conjunction with a permitted dog day care/grooming facility, and to allow zero parking spaces in lieu of the 27 spaces otherwise required; all in conjunction with the renovation and adaptive reuse of a building (Broadway Trade Center) into a mixed-use development, on property located within the [Q]C5-4D-CDO Zone, at 801-835 South Broadway.

Case No. ZA 2015-0575(CUB) – On June 4, 2015, the Zoning Administrator approved a Conditional Use to allow the on-site sale and dispensing of a full line of alcoholic beverages in a new restaurant, on property located within the C5-4D Zone, at 815 South Hill Street, Suite A.

Case No. ZA 2014-4270(CUB) - On August 7, 2015, the Zoning Administrator approved a Conditional Use Permit to authorize the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing 2,307 square foot mini mart, with 24 hours daily operations and the sale of beer and wine available from

11:00 a.m. to 2:00 a.m. daily, on property located within the [Q]C5 Zone, at 219 West 7th Street, Unit 231.

Case No. ZA 2014-1507(CUB)(CUX) – On November 14, 2014, the Zoning Administrator approved a conditional use to authorize the sales and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the operation of a multi-purpose event venue and theater, on property located within the C5-4D Zone, at 740 South Broadway.

Case No. CPC-2013-4134-TDR-MCUP-ZV-SPR – On October 17, 2014, the City Planning Commission approved a Transfer of Floor Area Rights permitting an FAR of 10.6:1 and 529,083 square feet of floor area in lieu of a 6:1 FAR which permits 239,526 square feet of floor area; a Master Conditional Use Permit for the sale of a full-line of alcoholic beverages for on-site consumption within up to three premises for approximately 4,500 square feet; a Director's Decision per Section 12.21 G.3 of the LAMC to permit a nine (9) percent reduction to the required open space (53,986 square feet in lieu of 59,325 square feet); and Variances to provide one tree per 11.1 dwelling units in lieu of one tree per four dwelling units (47 trees in lieu of 131 trees), to permit compact stalls to be utilized as all required parking in lieu of a maximum of 40% of compact stalls for non-residential uses and in lieu of a minimum of one standard space for each residential unit, to deviate from the location and access requirements for long-term bicycle parking which requires specific locations for long-term bicycle parking in parking garages; and a Site Plan Review for a project that creates a maximum 529,083 square feet of development on a 39,921 square-foot site including 522 residential units and 4,500 square feet of retail/commercial uses; all on property located within the [Q]R5-4D Zone, at 820-826 South Olive Street and 817-825 South Hill Street.

Case No. ZA 2013-3234(CUB) - On April 22, 2014, the Zoning Administrator approved a Conditional Use Permit to authorize the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, on property located within the C5 Zone, at 322 West 7th Street.

Case No. ZA-2013-3011(CUB) – On August 8, 2014, The Zoning Administrator approved a Conditional Use Permit to authorize the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 13,794 square foot pharmacy and drug store, with 24 hour daily operations and the sale of alcohol available from 6:00 a.m. to 2:00 a.m. daily, on property located within the C5 Zone, at 210 West 7th Street (1st floor).

Case No. ZA 2013-2765(CUB) – On February 27, 2014, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a hotel restaurant, on property located within the C2-4D Zone, at 820 South Spring Street.

Case No. ZA 2013-2111(CUB)(CUX) – On December 13, 2013, the Zoning Administrator approved a conditional use to authorize the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing, in

conjunction with a restaurant also having live entertainment, on property located within the C2-4D Zone, at 712-724 South Spring Street and 713-717 South Main Street.

Case No. ZA 2012-2509(MCUP)(CUX) – On August 6, 2013, the Zoning Administrator approved conditional uses to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing, in conjunction with a theater and lobby, restaurant, and two bar/lounge uses, on property located within the [Q]C5-4D-CDO Zone, at 707 South Broadway.

Case No. ZA 2012-2489(CUB)(CUX) – On August, 6, 2013, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing, in conjunction with a theater and lobby and two bars/lounges, on property located within the [Q]C5-4D-CDO Zone, at 802 South Broadway.

Case No. ZA 2011-2610(CUB) – On March 6, 2012, the Zoning Administrator approved a Conditional use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant, on property located within the C2-4D Zone, at 840 South Spring Street.

Case No. ZA 2011-1314(CUB) – On October 7, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the sale of full line of alcoholic beverages for on-site consumption, in conjunction with a restaurant, on property located within the [Q]C5-4D-CDO Zone, at 826-860 South Broadway and 119-129 West 9th Street.

Case No. DIR-2009-0004(RV) – On July 23, 2009, the Director of Planning imposed conditions on the operation of a nightclub known as the “740 Club” in order to address nuisance activity associated with the operation of the nightclub, located at 740 South Broadway.

In addition, the following alcohol-related cases were also found within a 600-foot radius of the project property:

ZA-2010-2511-CUB
ZA-2009-2976-CUB
ZA-2009-1141-CUB-CUX
ZA-2009-937-CUB-CUX
ZA-2009-467-CUB-CUX
ZA-2008-4621-CUB
ZA-2008-2430-CUB-CUX
ZA-2007-4208-CUB

ZA-2006-5827-CUB
ZA-2005-6199-CUB-CUX
ZA-2004-5791-CUB
ZA-2002-50-CUB-ZV
ZA-2001-1544-CUB
ZA-1995-203-CUE
ZA-1988-916-E
ZA-1987-1296-CUB

ZA-1987-636-CUB
ZA-1986-132-PAB
ZA-1985-1354-CUB
ZA-1984-947-E
ZAI-1981-23-E
ZAI-1977-89-B

Correspondence

Emma Howard, Planning Director, Council District 14 – In an email dated January 4, 2022, the Council Office expressed non-opposition to the project.

Claudia Oliveira, President, Downtown Los Angeles Neighborhood Council – In a letter dated November 9, 2021, the Neighborhood Council expressed their support for the project, and recommended three conditions: that Owner/Operator will come back and present to the Planning and Land Use Committee (PLUC) should the ownership and/or operator change; that storefronts of ground floor retail retain their transparency at all times to allow for eyes on the street and to ensure pedestrian safety; and that an additional security guard be maintained onsite at all times for liquor sales, including during any tastings.

Petition – An undated petition, containing the names of 264 individuals indicating that they support the project request, and support the request to not provide an additional security guard.

PUBLIC HEARING

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site for which an application was filed with the Department of City Planning. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. A public hearing was held before the Zoning Administrator on March 1, 2022 at 10:32 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. One individual participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Thuan Chi, representative for the applicant, summarized the project and request as follows:

- A presentation was shown, a copy of which has been included in the administrative record.
- The applicant seeks a upgrade from the beer and wine license they possess to a full line of alcoholic beverages.
- The market is 859 square feet.
- Hours are from 8 a.m. to 2 a.m. Monday through Saturday, and from 9 a.m. to 2 a.m. on Sunday.
- We want to expand the selection of alcoholic beverages offered to our customers.
- The market has been in operation for many years.
- The store is smaller than originally approved in 2013.
- This is an established business, with an experienced and responsible operator.

In response to questions posed by the Zoning Administrator, the applicant's representative clarified that there is no proposed increase in the amount of space utilized for alcoholic beverage sales.

There were no other individuals present at the hearing to offer any testimony concerning the operation of the establishment or the request.

At the conclusion of the hearing, the Zoning Administrator announced that he had reviewed the administrative record concerning the request and given the applicant's history of

responsible operation of the market with a beer and wine license, the matter would be approved.

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 following conditions are submitted for consideration:

- 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.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- Delivery of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. through 7:00 p.m. each day of the week.
- The single unit sales of malt liquors and/or malt-based products shall be prohibited.
- No wine shall be sold in bottles or containers smaller than 750ml.
- Beer in containers of 16 ounces or less shall not be sold in units of less than a six-pack.
- Wine coolers shall not be sold in units of less than four-packs.

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 of the Los Angeles Municipal Code. In order for the sale and dispensing

of a full line of alcoholic beverages for on-site and 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.

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 subject property is a level, rectangular-shaped site, corner, approximately 15,508 square-foot parcel of land with an approximately 154-foot frontage on the north side of 8th Street and an approximately 100-foot frontage on the east side of Broadway.

The property is improved with the 13-story Beaux Arts-style Charles C. Chapman Building, designated as City of Los Angeles Cultural Monument No. LA-899 and United States Historical Monument No. US-79000484. The property is located within the Historic Core district within heart of downtown Los Angeles. The building has been converted into a mixed-use residential/commercial building, containing 200 Joint Living and Work Quarters residential condominium units and 20 ground-level commercial/retail condominium units. The subject market is located on the ground floor, fronting on 8th Street.

The applicant seeks an authorization to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption with on-site instructional tasting, for off-site consumption, in conjunction with the operation of an existing 859 square-foot market, with hours of operation from 8:00 a.m. to 2:00 a.m., Monday through Saturday, and 9:00 a.m. to 2:00 a.m. on Sunday.

The market was originally authorized for the sale of beer and wine for off-site consumption in conjunction with a proposed market, pursuant to Case No. ZA-2009-0094(CUB)(CUX), dated May 5, 2009. In subsequent Plan Approval applications, slight modifications to the conditions of the grant have been made.

The applicant is now requesting a conditional use for an upgrade from beer and wine to the sale and dispensing of a full line of alcoholic beverages for off-site consumption with instructional on-site tasting, in conjunction with the existing market.

According to information submitted by the applicant:

Operating since 2010, Chapman Market serves as a convenience market in the downtown area, which is underserved by grocery stores and traditional supermarkets. The market services the residents of the Chapman Building, located on the upper floors, and also services visitors and workers of Downtown Los Angeles and the surrounding community. They also provide a delivery service to customers within a certain radius of the market. In addition to the current sale of beer and wine, Chapman Market offers a variety of grab-n-go items such as prepackaged foods, protein bars, pastries, and crackers as well as cereals, canned foods, condiments, almond milk, and other types of sundry goods found in traditional grocery stores ... The applicant is

requesting to upgrade their license type to a full line of alcohol sales for off-site consumption in order to meet their customers' demands.

The continued availability of alcoholic beverages for off-site consumption will continue to provide a beneficial service to patrons and the surrounding community by providing an amenity as is expected in convenience markets of this nature. Chapman Market is committed to providing quality products to the Downtown Los Angeles community and will continue to responsibly sell alcoholic beverages for off-site consumption. Neither the structure nor the space will be altered or changed in any way as a result of this conditional use permit.

Operating for over 10 years, the operators of Chapman Market understand their responsibilities as an established market providing convenience items in addition to a full line of alcoholic beverages. The market is prepared to ensure that their operations continue to act as a service that benefits the community without detrimentally affecting the neighborhood.

The applicant presently maintains a Type 20 (off-sale beer and wine) California Department of Alcoholic Beverage Control license (No. 501707). The license was originally issued in December 2010 in conjunction with operating restrictions. According to the ABC license inquiry system, no disciplinary actions are associated with this license.

The project request enjoys the support of the local Neighborhood Council, and no opposition to the request has been voiced.

Since the market's beginning operation in 2010, the applicant has provided a variety of goods and services including, but not limited to dry goods, basic grocery items, and household goods, along with beer and wine for off-site consumption. The existing market offers a beneficial "one-stop" shopping experience in which nearby residents can purchase a variety of "grab-n-go" items such as prepackaged foods, protein bars, pastries, and crackers, as well as cereals, canned foods, condiments, almond milk, and other types of sundry goods found in traditional stores. The request will allow the applicant to continue to offer a beneficial service to the surrounding and regional community by offering its patrons a full line of alcoholic beverages for off-site consumption, in addition to on-site consumption of alcoholic beverages in conjunction with instructional tasting events.

The market is located in a dense community of downtown Los Angeles and serves residents, workers, and visitors to this area, with several mixed-use residential buildings in close proximity. The market is also within close proximity to the Jewelry District and adjacent to the Broadway Theater and Entertainment District. Many of the surrounding businesses provide alcoholic beverages to capture its high demand here. The sale and dispensing of a full line of alcohol is an upgrade to its previous approval for the sales and dispensing of beer and wine and will provide an ongoing service in order to operate competitively within the cluster of existing restaurants, bars, and other businesses that cater to the public. Thus, the addition of a full line of

alcoholic beverages sales for off-site consumption with instructional on-site instructional tasting will provide a service that is beneficial to the workforce and residential populations and is appropriate for the area.

A variety of commercial uses, including markets, are an intrinsic part of the diversity of commercial uses necessary for the conservation, development, and success of a vibrant commercial area. A continuation of the authorization, along with the conditions addressing operational issues, will assure that the sale of a full line of alcoholic beverages for off-site consumption and on-site instructional tasting events, in conjunction with the continued operation of the market, will not be disruptive to the community. The market has a history of being a good operator with no violations cited. The market contributes to the economic welfare of the community and adds economic vigor by drawing more customers to the area. The sale of alcoholic beverages at this market will allow it to remain competitive with other establishments in the area. The market can continue to be a viable shopping option for residents and employees of the immediate area as well as visitors looking for shopping options.

As such, the Zoning Administrator finds that the continuation of the operation, with the requested upgrade to a full line of alcoholic beverage and the addition of instructional tasting events, and with strict adherence to the imposed conditions and under proper management and supervision, will continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community, and the project will continue to provide a service that is beneficial to the community, city or 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 subject property is a level, rectangular-shaped site, corner, approximately 15,508 square-foot parcel of land with an approximately 154-foot frontage on the north side of 8th Street and an approximately 100-foot frontage on the east side of Broadway.

The property is improved with the 13-story Beaux Arts-style Charles C. Chapman Building, designated as City of Los Angeles Cultural Monument No. LA-899 and United States Historical Monument No. US-79000484. The property is located within the Historic Core district within heart of downtown Los Angeles. The building has been converted into a mixed-use residential/commercial building, containing 200 Joint Living and Work Quarters residential condominium units and 20 ground-level commercial/retail condominium units. The subject market is located on the ground floor, fronting on 8th Street.

Surrounding properties are predominantly mid- and high-rise mixed-use commercial buildings, with several residential, office and retail spaces around. Adjacent sites to the northeast, north, and southwest are developed similarly. Immediately abutting the site to the northeast is the 13-story, Beaux Arts-style historic Garland Building; to the north across Broadway is the historic 10-story Merritt Building; immediately west of

the site is the historic Tower Theater currently used for retail, and south of the site across the alley is a recently constructed 24-story total mixed-use residential building.

The applicant seeks an authorization to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption with on-site instructional tasting, for off-site consumption, in conjunction with the operation of an existing 859 square-foot market, with hours of operation from 8:00 a.m. to 2:00 a.m., Monday through Saturday, and 9:00 a.m. to 2:00 a.m. on Sunday.

The market was originally authorized for the sale of beer and wine for off-site consumption in conjunction with a proposed market, pursuant to Case No. ZA-2009-0094(CUB)(CUX), dated May 5, 2009. In subsequent Plan Approval applications, slight modifications to the conditions of the grant have been made.

The applicant is now requesting a conditional use for an upgrade from beer and wine to the sale and dispensing of a full line of alcoholic beverages for off-site consumption with instructional on-site tasting, in conjunction with the existing market.

According to information submitted by the applicant:

Operating since 2010, Chapman Market serves as a convenience market in the downtown area, which is underserved by grocery stores and traditional supermarkets. The market services the residents of the Chapman Building, located on the upper floors, and also services visitors and workers of Downtown Los Angeles and the surrounding community. They also provide a delivery service to customers within a certain radius of the market. In addition to the current sale of beer and wine, Chapman Market offers a variety of grab-go items such as prepackaged foods, protein bars, pastries, and crackers as well as cereals, canned foods, condiments, almond milk, and other types of sundry goods found in traditional grocery stores ... The applicant is requesting to upgrade their license type to a full line of alcohol sales for off-site consumption in order to meet their customers' demands.

The continued availability of alcoholic beverages for off-site consumption will continue to provide a beneficial service to patrons and the surrounding community by providing an amenity as is expected in convenience markets of this nature. Chapman Market is committed to providing quality products to the Downtown Los Angeles community and will continue to responsibly sell alcoholic beverages for off-site consumption. Neither the structure nor the space will be altered or changed in any way as a result of this conditional use permit.

Operating for over 10 years, the operators of Chapman Market understand their responsibilities as an established market providing convenience items in addition to a full line of alcoholic beverages. The market is prepared to ensure that their operations continue to act as a service that benefits the community without detrimentally affecting the neighborhood.

The applicant presently maintains a Type 20 (off-sale beer and wine) California Department of Alcoholic Beverage Control license (No. 501707). The license was originally issued in December 2010 in conjunction with operating restrictions. According to the ABC license inquiry system, no disciplinary actions are associated with this license.

According to the California Department of Alcoholic Beverage Control, “[t]he Instructional Tasting License allows the tasting of beer, wine and/or distilled spirits at off-sale licensed premises. The quantity and number of tastings that may be offered to consumers is limited. This license can only be held in conjunction with a qualified off-sale license.

State law requires that:

“qualified suppliers (i.e.; “authorized licensees”) or their designated agents to conduct “instructional tasting events” at off-sale retail locations holding the instructional tasting licenses, and to provide tastes of alcoholic beverages to consumers under very specific conditions, restrictions and limitations.

“A unique aspect of the instructional tasting license is that, while it will be applied for and held by a retail licensee, its core privileges require the involvement or participation of a qualified supplier. With that in mind, suppliers and retailers alike should be fully aware of existing tied-house laws that otherwise restrict or limit business relationships between the supply and retail tiers. A supplier shall in no way, directly or indirectly, pay, reimburse, or assist a retail licensee with any efforts associated with obtaining a type 86 license, nor shall instructional tasting events be used to, in any way, circumvent existing tied-house laws. Any payment made by a supplier to or on behalf of a retailer, directly or indirectly, in connection with an instructional tasting event, except as authorized or required for alcoholic beverage products to be used during the tasting event, shall be considered a violation of tied-house laws.”

The project request enjoys the conditional support of the local Neighborhood Council, and no opposition to the request has been voiced. Two of the three conditions recommended by the Neighborhood Council have been incorporated into the conditions of the grant. The recommended condition to require a security guard be present at all times that alcoholic beverages are sold, with an emphasis during times that instruction tasting events, has been declined. When the establishment was originally granted a conditional use approval of beer and wine sales, a security guard was required; however, over time, it was shown that having the applicant provide such service was unnecessary, and the condition was subsequently removed. The addition of security during instructional tasting events presumes a heightened opportunity for patrons to engage in undesirable behavior as a result of these events, but no evidence has been submitted to substantiate this conclusion.

Given the compatible way in which the operator has conducted business in close proximity to their residential neighbors and the longevity of their operation, the request is appropriate. So long as the operator is mindful of and sensitive to their

residential neighbors, the upgrade from beer and wine to a full line of alcoholic beverages for off-site consumption, and on-site consumption in conjunction with instructional tasting events should pose little disruption in the community.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the restaurant is found to be noncompliant with these conditions. Conditions have also been recommended to the Department of Alcoholic Beverages Control for consideration as part of their license issuing process, which the applicant may also be subject to. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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.

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 property is located within the Central City Community Plan area. The Community Plan Area Map designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4 and Height District Nos. 3D and 4D. The property is zoned [Q]C5-4D-CDO-SN. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Central City Community Plan text is silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

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 2-2.3 *Support the growth of neighborhoods with small, local retail services.*

The market has been located here for 10 years and has operated responsibly, offering the sale of beer and wine for off-site consumption. Granting the request to authorize the sale of a full line of alcoholic beverages for off-site consumption will allow this business to expand their product offerings, appeal to a growing and evolving customer base, and support its continuing successful operations, in conformity with Policy 2-2.3. In addition, the applicant has helped to maintain a clean, safe, and attractive commercial environment along 8th Street, and granting this approval, along with the expanded customer base that it will appeal to, will continue to incentivize the applicant to maintain the area kept in this fashion, in conformity with Policy 2-1.2. Therefore, for these reasons, the Zoning Administrator finds that the project substantially conforms with the purpose, intent and provisions of the General Plan and the applicable community plan.

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

The applicant seeks an authorization to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption with on-site instructional tasting, for off-site consumption, in conjunction with the operation of an existing 859 square-foot market, with hours of operation from 8:00 a.m. to 2:00 a.m., Monday through Saturday, and 9:00 a.m. to 2:00 a.m. on Sunday.

The market was originally authorized for the sale of beer and wine for off-site consumption in conjunction with a proposed market, pursuant to Case No. ZA-2009-0094(CUB)(CUX), dated May 5, 2009. In subsequent Plan Approval applications, slight modifications to the conditions of the grant have been made.

The applicant is now requesting a conditional use for an upgrade from beer and wine to the sale and dispensing of a full line of alcoholic beverages for off-site consumption with instructional on-site tasting, in conjunction with the existing market.

Surrounding properties are predominantly mid- and high-rise mixed-use commercial buildings, with several residential, office and retail spaces around. Adjacent sites to the northeast, north, and southwest are developed similarly. Immediately abutting the site to the northeast is the 13-story, Beaux Arts-style historic Garland Building; to the north across Broadway is the historic 10-story Merritt Building; immediately west of the site is the historic Tower Theater currently used for retail, and south of the site across the alley is a recently constructed 24-story total mixed-use residential building.

The project request enjoys the conditional support of the local Neighborhood Council, and no opposition to the request has been voiced.

Approval of the conditional use request for the an upgrade from the sale of beer and wine to a full line of alcoholic beverages for off-site consumption and the addition of on-site consumption in conjunction with instructional tasting events, in conjunction with the continued operation of the market will not adversely affect the welfare of the community. The market has operated at the site for over ten years offering a variety of food offerings and sundries, including alcohol. For as long as the market has held an alcohol license with the ABC, there has been no record indicating that it has adversely impacted the surrounding community. With no proposed change in use or operations to the existing market, the sale of a full line of alcoholic beverages for off-site consumption and the addition of on-site consumption in conjunction with instructional tasting events will continue to contribute to the collection of tax revenue, increased employment opportunities, and the cultural and commercial vibrancy of the neighborhood.

In conjunction with the approval of the request to authorize the sale of a full line of alcoholic beverages for off-site consumption and the addition of on-site consumption in conjunction with instructional tasting events, within the market, the Zoning Administrator has imposed numerous conditions of approval that the owner/operator/manager is required to comply with. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the market is found to be noncompliant with these conditions. Additional conditions have been recommended for consideration by the Department of Alcoholic Beverage Control (ABC) in conjunction with their approval process. Conditions are intended to ensure that the continued use and operation of the market is well integrated into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain the order and ensure cleanliness of the project and its surroundings. Adherence to and compliance with these conditions of approval will minimize the potential for adverse impacts on the surrounding community, and as a result, granting the request will not adversely affect the welfare of the pertinent community. Thus, as conditioned, it can be found that the proposed use, including the sale, dispensing, and off- and on-site consumption of alcoholic beverages 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 on-site consumption license and one off-site consumption licenses are allocated to the subject Census Tract 2073.03. Currently, there are 20 active on-site and four active off-site license in this 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 provides a public service and benefits the community.

According to statistics provided by the Los Angeles Police Department's Central Area Vice Unit, within Crime Reporting District No. 163 which has jurisdiction over the subject property, a total of 217 crimes (161 Part I Crimes and 56 Part II Arrests) were reported in 2021, as compared to the Citywide average of 149 crimes and the High Crime Reporting District average of 179 crimes for the same reporting period. Alcohol-related Part II arrests reported include: (2) Narcotic Drug Laws, (19) Liquor Laws, (1) Drunkenness, (0) Disorderly Conduct, (0) Gambling, (0) Driving Under Influence, (3) Moving Traffic Violations, and (17) Miscellaneous Other Violations. 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 number of active on-site ABC licenses within the census tract where the subject site is exceeds the ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide and citywide High Crime averages. Despite this, no evidence has been submitted to the record linking the subject site or use to the crime rates in the area. No comments from the community at-large were received concerning the concentration of alcoholic-beverage establishments in the area.

Though the number of existing licenses exceeds the number allocated to the subject census tract, the high number of alcohol-serving establishments is to be expected in an area which functions as a major economic hub and destination with a variety of commercial and entertainment establishments. In active commercial areas 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.

In this case, the granting of the application will not result in undue concentration as the establishment already possesses a license, and approval of the request will merely exchange it for another type. The use will continue operating as a market, much like it has for the past decade, now offering on-site instructional tasting events and a full line of alcohol beverages for off-site consumption.

A closer examination of the reported crimes in the area point to Larceny (89) and Aggravated Assaults (34) as significant contributors to the Crime Rate.

The Zoning Administrator has imposed conditions of approval to minimize alcohol-related impacts on the surrounding community and recommended others to the Department of Alcoholic Beverage Control for consideration when they issue a license for this restaurant. The compliance with the conditions will help to safeguard the welfare of the community. As conditioned, allowing the sale of alcoholic beverages for on-site consumption at the subject location will benefit the public welfare and convenience because a successful restaurant business supports and economic vitality of the area.

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 applicant seeks an authorization to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption with on-site instructional tasting, for off-site consumption, in conjunction with the operation of an existing 859 square-foot market, with hours of operation from 8:00 a.m. to 2:00 a.m., Monday through Saturday, and 9:00 a.m. to 2:00 a.m. on Sunday.

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Surrounding properties are predominantly mid- and high-rise mixed-use commercial buildings, with several residential, office and retail spaces around. Adjacent sites to the northeast, north, and southwest are developed similarly. Immediately abutting the site to the northeast is the 13-story, Beaux Arts-style historic Garland Building; to the north across Broadway is the historic 10-story Merritt Building; immediately west of the site is the historic Tower Theater currently used for retail, and south of the site across the alley is a recently constructed 24-story total mixed-use residential building.

The project request enjoys the conditional support of the local Neighborhood Council, and no opposition to the request has been voiced.

In addition to the numerous residential dwellings in the surrounding buildings, according to information submitted by the applicant, the following sensitive uses are located within a 1,000-foot radius of the site:

Sensitive Uses

UNAM LA (National Autonomous University of Mexico (School),
634 S. Spring Street, #910 (0.4 miles)

FCI (Fashion Careers International) (School), 112 W. 9th Street (0.2 miles)

Further, according to additional information submitted by the applicant, the following establishments possess an ABC license for the sale of alcoholic beverages within a 1,000-foot radius of the project property:

ABC Licenses:

CLIFTON'S REPUBLIC	648 S. BROADWAY	TYPE 47
GLOBE THEATER	740 S. BROADWAY	TYPE 47
OS ANGELES BIERGARTEN	752 S. BROADWAY	TYPE 47, 58
BROADWAY BAR	830 S. BROADWAY	TYPE 48, 58
THE ORPHEUM THEATRE	842 S. BROADWAY	TYPE 47, 68, 77
THE RESERVE NIGHT CLUB	650 S. SPRING ST	TYPE 47
THE FOUNTAIN	724 S. SPRING ST	TYPE 47
TERRONI ITALIAN REST'N	802 S. SPRING ST	TYPE 47
PEKING TAVERN	806 S. SPRING ST	TYPE 47
CRANES DOWNTOWN	810 S. SPRING ST	TYPE 48
BAR GARCIA	820 S. SPRING ST	TYPE 47
PREUX & PROPER	840 S. SPRING ST	TYPE 47
SHIBUMI JAPANESE REST'N	815 S. HILL ST	TYPE 47
CVS PHARMACY	210 W. 7TH ST #1	TYPE 20
WEIRD BEERS	213 W. 7TH ST	TYPE 20
BANG BANG ROOM	221 W. 7TH ST	TYPE 48
CHAPMAN MARKET	221 W. 8TH ST	TYPE 20
SHAKE SHACK REST'N	400 W. 8TH ST	TYPE 47
MAIN MARKET	105 E 7TH ST	TYPE 20
BRAAZO PIZZA	1001 ½ W. 7TH ST	TYPE 41
7 ELEVEN	500 W. 7TH ST	TYPE 20
LOS ANGELES ATHLETIC CLUB	431 W. 7TH ST	TYPE 21, 57
THE EXCHANGE	416 W. 8TH ST	TYPE 48
GOLDEN GOPHER	417 W. 8TH ST	TYPE 21, 48, 58
HAM & EGGS TAVERN	433 W. 8TH ST	TYPE 42
PATTERN BAR	100 W. 9TH ST	TYPE 48, 58
WOODSPOON REST'N	107 W. 9TH ST	TYPE 41
JASON'S WINE & SPIRIT	110 E. 9TH ST. #A2	TYPE 21
AMANTE ITALIAN REST'N	123 E. 9TH ST.	TYPE 47
THE PALACE THEATER	630 S. BROADWAY	TYPE 48
UMAMIBURGER	852 S. BROADWAY	TYPE 47, 58
THE EXCHANGE REST'N	416 W. 8TH ST	TYPE 48
THE FALLS	626 S. SPRING ST #A	TYPE 48, 58

SPRING STREET BAR
THE MAJESTIC DOWNTOWN

626 S. SPRING ST #B TYPE 47
650 S. SPRING ST TYPE 47

No negative comments or communications have been received pertaining to the operation of the market. The request enjoys the conditional support of the local Neighborhood Council.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The market has existed at this location for over 10 years and has maintained a license to sell beer and wine for off-site consumption the whole time, without negative effect. 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. Numerous conditions, several of which have been recommended to ABC, have been incorporated into this grant to minimize the potential for adverse effects on the community. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will continue to contribute to the neighborhood and will serve the neighboring residents and the local employees. Therefore, for the reasons given, 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 full line of alcoholic beverages.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.

Inquiries regarding the matter shall be directed to Osvaldo Garcia, Planning Staff for the Department of City Planning at (213) 978-1218 or Osvaldo.garcia@lacity.org.


JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH:DL:OG

cc: Councilmember Kevin de León
Fourteenth City Council District
Adjacent Property Owners

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment