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- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
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# **SECONDARY SUBMISSIONS**

December 4, 2020

File Number: 49JZ-228503

**VIA ELECTRONIC MAIL**

Central Los Angeles Area Planning Commission  
200 North Spring Street, Room 272  
Los Angeles, CA 90012  
Attn: Cecilia Lamas, Commission Executive Asst.  
E-Mail: apcccentral@lacity.org

Re: APCC-2020-537-ZC-CUB; ENV-2014-3707-MND-REC2  
1523-1541 North Wilcox Avenue  
Revisions to "Q" Qualified Conditions and Conditions of Approval

Dear President DelGado and Honorable Commissioners:

We represent 1541 Wilcox Hotel LLC ("Applicant") in connection with the hotel project located at 1523-1541 North Wilcox Avenue ("Project"). In advance of the Project's Central Los Angeles Area Planning Commission ("APC") Hearing scheduled on December 8, 2020, on behalf of the Applicant, we request the following corrections and revisions be made to the proposed "Q" Qualified Conditions and Conditions of Approval included in the Recommendation Report for the upcoming hearing.

"Q" Qualified Conditions

We request the "Q" Qualified Conditions be updated to include the latest, minor revisions in the Project's square footage and classification of spaces based on tenant improvements, as reflected in the updated entitlement plan set dated November 17, 2020 (November 2020 Plan Set). The November 2020 Plan Set was submitted to the City on November 30, 2020, and is included in the Recommendation Report under Exhibit C. Specifically, the following revisions are requested:

3. Authorized herein is the operation of a 190-room hotel and associated restaurant and amenities, subject to the following limitations:
  - a. A ~~5,087~~ **5,125** square-foot ground floor restaurant and ~~1,020~~ **840** square-foot-outdoor eating area.
  - b. A ~~2,687~~ **4,970** square-foot **combined lobby and** lobby bar.
  - c. A 4,105 square-foot rooftop restaurant, bar, and lounge, and a 1,193 square-foot outdoor dining terrace.
  - d. A ~~3,118~~ **3,406** square-foot **combined** pool bar, **pool bar lounge** ~~terrace~~, and **pool** deck.

## Conditions of Approval

The Conditions of Approval proposed by the City in the Recommendation Report ("City's Conditions") have not been reviewed by the Los Angeles Police Department ("LAPD"). The Applicant drafted a proposed set of Conditions of Approval ("Applicant's Conditions"), which were shared with LAPD Officer Nicholas Gutierrez in October 2020 and then updated in November 2020 following comments received at the October 28, 2020 Hearing Officer Hearing. LAPD informed the Applicant that there was no opposition to the Applicant's Conditions on December 1, 2020 (attached hereto as Exhibit A). LAPD also prepared a letter of no opposition to the Project, dated December 1, 2020, which was submitted to the City on December 3, 2020.

The two sets of conditions are largely the same, but the Applicant's Conditions include a few conditions with more detailed security/safety requirements than the City's Conditions. The Applicant's Conditions also define "Special Events" slightly differently, but in a manner that LAPD reviewed and has not opposed. In particular, the language proposed will allow the Applicant to host special events in a safe and secure manner for patrons, employees, and the neighboring community. The description of special events is also consistent with other approved projects in the area, such as the Selma Wilcox Hotel project. As such, on behalf of the Applicant, we request the following revisions be made to the City's Conditions in order to incorporate language from the Applicant's Conditions that were reviewed by LAPD.

- Condition 7: Update description to incorporate square footage and space classification revisions based on tenant improvements included in the November 2020 Plan Set.

Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 190-room hotel and associated restaurant and amenities, subject to the following limitations:

- a. ~~Within controlled access cabinets in the hotel guest rooms (mini bars) where the hotel operating hours are 24 hours per day, 7 days per week;~~
- b. A ~~5,087~~ **5,125** square-foot ground floor restaurant and ~~4,020~~ **840** square-foot outdoor eating area with a maximum of ~~456~~ **201** seats and hours of operation between 6:00 a.m. and 2:00 a.m., daily. The restaurant will operate as a bona-fide restaurant with the sale of alcoholic beverages anticipated to be incidental to food service.
- c. A ~~2,687~~ **4,970** square-foot **combined lobby and** lobby bar with a maximum of ~~74~~ **68** seats and hours of operation between 6:00 a.m. and 2:00 a.m., daily.
- d. A 4,105 square-foot rooftop restaurant, bar, and lounge, and a 1,193 square-foot outdoor dining terrace with a maximum of ~~435~~ **138** seats, including eight (8) outdoor seats, and hours of operation between 7:00 a.m. to 1:00 a.m., daily for the interior restaurant space and between 7:00 a.m. to 12:00 a.m., daily for the outdoor restaurant space. The restaurant will operate as a bona-fide restaurant with the sale of alcoholic beverages anticipated to be incidental to food service.
- e. A ~~3,118~~ **3,406** square-foot **combined** pool bar, **pool bar lounge terrace**, and **pool** deck with a maximum of ~~72~~ **83** seats and hours of operations between 7:00 a.m. and 12:00 a.m., daily.

- Condition 8: *Revise condition to match definition of “special events”, which allows for events that occur outside the regular hours of operation.*

After hour use shall be prohibited, except routine clean-up. This ~~includes but is not limited to private or promotional events,~~ **excludes** special events, **as defined herein, and excluding** any activities which are issued film permits by the City.

- Condition 9: *Revise condition to match language previously reviewed and supported by LAPD.*

~~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.~~ **Applicant shall install and maintain security cameras and a three-month video library that covers all common areas of the subject premises, high-risk areas, sidewalk areas, and entrances or exits. The videotapes or digital recordings shall be made available to the Los Angeles Police Department upon request. The exterior windows and glass doors of the subject premises shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by police and private security.**

- Condition 10: *Revise condition to match language previously reviewed and supported by LAPD.*

~~The security plan must be reviewed and approved by the Police Department. The approved security plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.~~ **Applicant shall be required to provide the Police Department with a security plan that satisfactorily conforms to Police Department and City Planning standards. The security plan shall include a delineation of the video surveillance arrangements for both the subject premises and the adjoining areas developed or otherwise used by the applicant. The security plan shall also include a delineation of the security personnel scheme including specifications pertaining to staffing, structure, and arrangement of security guards for both the subject premises and the adjoining areas developed or used by the applicant. A written/stamped Police Department approved copy of the applicant security plan will be submitted to the Zoning Administrator prior to the exercise of this grant. If the membership of the Hollywood Vice Office becomes aware that the concerned security plan is ineffective or that the agreed upon plan has otherwise been proven to be inadequate as it pertains to the enhancement of safety for both the patrons, residents, and/or the employees of the subject premises, the Hollywood Vice Office reserves the capability to revise the existing security plan and modify the parameters of it to maximize safety while reducing nuisance and criminal activity.**

- Condition 24: *Revise condition to match language previously reviewed and supported by LAPD.*

~~State licensed security guards shall be provided. There shall be at least one security guard on duty at any one shift during operating hours. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guard must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services.~~ Applicant and/or the business operators of the restaurants, bars, and lounges shall be required to employ a minimum of one (1) security guard at each facility, from 8:00 p.m. until thirty (30) minutes following the closure of the facilities, from Sunday to Thursday, weekly. The applicant(s) and/or the business operators of the restaurants, bars, and lounges shall be required to employ a minimum of two (2) security guards at each facility, from 8:00 p.m. until thirty (30) minutes following the closure of the facilities, on Fridays and Saturdays, weekly. The security guards fulfilling the security staffing requirements shall not have any other activities other than those that are security related. Security personnel shall be licensed in accordance with State Law and Police Commission standards and maintain valid Bureau of Security and Investigative Services Guard Credentials along with active first-aid credentials. Security personnel shall be dressed in such a manner as to be readily identifiable as facility security guards to patrons and law enforcement personnel.

- Condition 34: *Revise condition to permit speakers on the rooftop, as Project only calls for ambient music on the rooftop until midnight daily, which would be played through speakers.*

There shall be no ~~speakers or~~ amplified sound permitted round the pool deck area.

- *Request that Conditions 35-38 be removed, as they relate to operation of the hotel, which is already an approved project and no changes to the project have effected transportation/traffic findings and impacts. Instead, the Applicant proposes that the following conditions that LAPD reviewed and approved be added here:*
  - Condition 35: No employee or agent of any of the hotel, restaurant, bar, and lounge uses shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the subject premises, nor shall the applicant or business operators provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
  - Condition 36: At no time shall any form of membership card or compensation be a pre-requisite for admission to the subject premises at large, or to any sub-portion of the building.
  - Condition 37: The applicant and/or individual business operators shall at times maintain the abutting public access ways free of obstruction.

- Condition 38: Line-queuing arrangements for restaurant, bar, and lounge patrons within the abutting public right-of-way is strictly prohibited.
- Condition 40: *Revise condition to match language previously reviewed and supported by LAPD.*

~~Special Events. The restaurant may host a maximum of 24 special events per calendar year such as New Year's Eve, Valentine's Day, special holidays, private parties or fundraisers. The applicant/operator and restaurant management/staff shall be present and in control of any special events or private parties. These events shall not exceed the maximum seating capacity or occupancy limits of the restaurant and shall be conducted consistent with the mode and character of the existing restaurant during normal business hours. All operating conditions of this grant (regarding noise, hours, live entertainment, etc.) shall be applicable to special events.~~ The number of special events permitted on the property shall be limited to a maximum of 24 events per year. A special event is any event which is held weekly, monthly, or annually or that includes outside advertisement demonstrating a change in the mode and character of the normal hotel operations, including but not limited to hours of operation, or any significant live entertainment features that would stipulate an ABC one-day permit application or some other special endorsement. Operational occurrences or arrangements wherein the applicant demands or requests an admission fee from hotel patrons will be considered special events as will any events that involve the exclusion of the general public from gaining admission to the hotel premises or public portion thereof. The applicant shall seek approval from the Hollywood Vice Unit for all special events 14 days in advance of the date of each special event, in writing. LAPD shall respond to request for special events in writing. Outside advertisement as it pertains to this provision shall include any promotional material or notification commissioned by any entity that is not directly associated with the operation or under the direct employ of the applicant. The applicant shall at all times remain in operational control of the subject premises.

- *Request the following additional conditions be added to the City's conditions of approval:*

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

- There shall be no service, sales, or possession of an alcoholic beverage on any sidewalk area with the exception of the approved outdoor dining areas. There shall not be off-site sales of alcoholic beverages.
- Bottle and/or table service involving the distribution of distilled spirits shall be prohibited. "Buckets" of beer are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be no sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- "Happy Hour" is permitted between the hours of 4:00 pm and 8:00 pm, daily. There may be no more than a fifty percent discount on alcoholic beverages.

- No signs are permitted on the outside of the building or patio enclosure or directed from inside to the outside which display or advertise the availability of alcoholic beverages.

We are happy to further discuss the requested revisions at the APC Hearing on December 8. In the meantime, if there are any questions, please let me know.

Very truly yours,



Alfred Fraijo Jr.  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Exhibit A: LAPD Letter of Non-Opposition (December 1, 2020)



## Exhibit A

# LOS ANGELES POLICE DEPARTMENT

**MICHEL R. MOORE**  
Chief of Police



**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, Calif. 90030  
Telephone: (213) 972-2996  
TDD: (877) 275-5273  
Ref #: 6.1

December 1, 2020

Ms. Estineh Mailian  
Interim Chief Zoning Administrator  
200 North Spring Street, 7<sup>th</sup> Floor  
Los Angeles, California 90012

CASE NO. ZA-2020-537-CUB-ZC

Dear Ms. Mailian:

The Los Angeles Police Department (LAPD), Hollywood Area, received written correspondence from the Department of City Planning; Applicant Thompson Hotel 1541 N. Wilcox LLC, doing business at 1523-1541 N. Wilcox Avenue, Los Angeles, has petitioned for a Conditional Use Permit (CUP) to allow the sale and dispensing of a full line of alcohol for or on-site sale and consumption in conjunction with a hotel/restaurant and bar uses.

After reviewing the Land Use Permit Application, meeting with the Applicant, and conducting an on-site inspection of the property, the LAPD has developed a set of recommended conditions which will help to ensure public safety and limit exposure to nuisance activity while at the same time allow the Applicant to successfully operate a viable business.

The LAPD is therefore currently NOT OPPOSED to the issuance of a CUP for the applicant, and respectfully request the pre-submitted conditions be considered when devising the CUP.

Thank you for your cooperation in this matter. If you have any questions or concerns, please contact Officer Nicholas Gutierrez [38237@lapd.online](mailto:38237@lapd.online) or Officer Brian White [38074@lapd.online](mailto:38074@lapd.online), Hollywood Vice, at (213) 972-2996.

Respectfully,

**MICHEL R. MOORE**  
Chief of Police

A handwritten signature in dark ink, appearing to read "STEVEN D. LURIE", is written over a horizontal line.

**STEVEN D. LURIE**, Captain  
Commanding Officer  
Hollywood Area