



## CENTRAL AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination mailing date: FEB 20 2014

Case No. ZA-2012-3185-VCU-ZV-ZAA-TDR-1A  
CEQA: ENV-2012-3186-MND

Location: 1130 S. Hope Street  
Council District: 14 – Huizar  
Plan Area: Central City  
Zone: [Q]R5-4D-O

Applicant: Rick Son, BIMHF, LLC  
Appellant #1: Frances Langlois, Charles M. Shumaker – LUMA Homemakers Assoc.  
Appellant #2: Gerry Suenram, Clare Bronowski – EVO Homeowners Assoc.  
Appellant #3: Rachel Torres – UNITE Here Local 11

At its meeting on January 28, 2014, the following action was taken by the Central Area Planning Commission:

1. **Granted the appeals in part.**
2. **Sustained** the Zoning Administrator's decision to **approve** the following:
  1. Pursuant to L.A.M.C. Section 12.24-W,24, a Conditional Use to permit a 44-room guest hotel within 500 feet of residential uses.
  2. Pursuant to L.A.M.C. Section 12.24-W,1, a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages within the hotel's restaurant, bars, lounges, roof deck pool area and within the guest rooms.
  3. Pursuant to L.A.M.C. Section 12.27, a Variance to permit zero off-street parking in lieu of the four spaces required pursuant to L.A.M.C. Section 12.21-A,4(i).
  4. Pursuant to L.A.M.C. Section 12.27, a Variance to allow no loading space in lieu of the requirement for a loading space for a hotel pursuant to L.A.M.C. Section 12.21-C,6.
  5. Pursuant to L.A.M.C. Section 12.27, a Variance to permit an open air pool deck as a bar area in lieu of the requirement that such an area be within a completely enclosed building, pursuant to L.A.M.C. Section 12.14-A,1(b)(3).
  6. Pursuant to L.A.M.C. Section 12.28, a Zoning Administrator's Adjustment to allow zero feet along the front, rear and side yards in the lieu of the minimum setbacks required pursuant to L.A.M.C. Sections 12.12-C1,2, and 3, respectively.
  7. Pursuant to L.A.M.C. Section 14.5.7, a Director's Determination to allow a Floor Area Deviation to permit an additional 13,000 square feet of floor area in lieu of the maximum permitted.
3. **Adopted** the attached **modified Conditions of Approval**.
4. **Adopted** the attached **Findings**.
5. **Adopted** Mitigated Negative Declaration No. **ENV-2012-3186-MND**.

Fiscal Impact Statement: There is no General Fund Impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Motion: Millman  
Seconded: Brown  
Ayes: Martorell  
Absent: Acevedo, Kim

Vote: 3 - 0

  
James K. Williams, Commission Executive Assistant II  
Central Area Planning Commission

**Effective Date/Appeals:** The Central Area Planning Commission's determination regarding the *Zone Variance* is further appealable if approved. Any aggrieved party may file an appeal within 15-days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE: MAR 07 2014

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 90<sup>th</sup> day following the date on which the City's decision became final pursuant to the California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions, Findings  
Zoning Administrator: Fernando Tovar

## 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 submitted with the application and marked Exhibit "A", subject to the floor area limitations contained in Condition No. 7.a, b, c and e.
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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Approved herein is a hotel within 500 feet of residential uses and the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an accessory restaurant, cocktail basement lounge, roof top bar and within the guest room mini-bars, subject to the following limitations;
  - a. A maximum of 44 guest rooms shall be permitted.

- b. A 13,000 square-foot floor area deviation is permitted on the site in addition to the maximum allowable 6:1 FAR otherwise permitted on the site. Total allowable maximum floor area for the entire hotel and accessory uses shall be determined by the Department of Building and Safety.
- c. Restaurant/event space uses shall not exceed a combined total of 1,550 square feet on the first and second floor.
- d. There shall be no take-out order window for food service permitted on the premises.
- e. The cocktail lounge in the lower level basement shall not exceed 1,850 square feet and shall not exceed a maximum of 116 seats.
- f. Hours of operation for the basement cocktail lounge shall be limited from 6 p.m. to 2 a.m. daily. Live entertainment and amplified music is permitted within the basement cocktail lounge subject to compliance with the city's noise ordinance and shall not be audible on the exterior of the premises. No dance floor is permitted in the cocktail lounge.
- g. The roof top bar and pool deck shall be restricted to hotel guests only. Hours of operation for the roof top bar/pool deck shall be limited from 6 a.m. to 11 p.m. Sunday through Thursday and from 6 a.m. to 12 midnight on Friday and Saturday. No live entertainment or amplified music shall be permitted on the roof top bar/pool deck.

A sign shall be posted in a conspicuous location indicating that "Pool deck is restricted to hotel guests only" and hotel staff shall monitor access to the pool deck to enforce this condition.

- h. No lobby bar shall be permitted.
  - i. The hotel conference room on the third level shall not exceed 700 square feet.
  - j. No dancing shall be permitted on the premises at any time.
8. ~~DELETED: The hotel structure shall not cast shadows on any shadow sensitive uses (such as the pool deck) of the adjoining residential condominiums in any manner that would exceed established thresholds of significance pursuant to the City CEQA Guidelines (more than three hours between the hours of 9 a.m. and 3 p.m. during the winter solstice, December 22, or more than four hours between the hours of 9 a.m. and 5 p.m. during the winter solstice, June 21).~~
9. ~~DELETED: Prior to issuance of a building permit, the applicant shall obtain certification from a qualified professional that the submitted shade/shadow analysis is accurate and will not exceed the City CEQA Guidelines threshold. This~~

~~condition shall be cleared by a City Planner or above at the Development Services Center in consultation with the Zoning Administrator prior to clearing the condition.~~

~~In the event the proposed structure exceeds the threshold, the structure shall be redesigned and/or lowered in height to avoid exceeding the threshold to the satisfaction of the Zoning Administrator. Condition Nos. 8 and 9 may not be deleted or modified without further environmental analysis and may require a public hearing to consider any such request.~~

10. A 24-hour "hot line" phone number shall, be provided for the receipt of complaints from the community regarding the subject facility and shall be:
  - a. Posted at the entry.
  - b. Posted at the front desk.
  - c. Provided to the immediate neighbors/homeowner associations of the adjoining residential condominiums.
11. The grant authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption shall have a life of **seven (7) years** after which the applicant shall file for and win an authorization from the Office of Zoning Administration in order to continue the sale of a full line of alcoholic beverages.
12. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
13. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response. This shall be available for inspection by the Police, Building and Safety and Planning Departments.
14. Signs shall be posted in English and Spanish within all areas serving alcoholic beverages stating that California State Law prohibits the sale of alcoholic beverages to people who are under 21 years of ages.
15. The applicant shall comply with the City's noise ordinance. Any sound or noise generated by the hotel and its accessory uses shall not be audible beyond the area under control of the applicant.
16. The north and east elevation of the 9<sup>th</sup> floor roof top deck shall be fully enclosed as depicted on approved Exhibit A. The glass façade on the north elevation enclosing

the roof deck shall be sound proof and designed of dual pane glass or equivalent to reduce noise on adjacent residential uses.

17. The establishment shall make an effort to control any unnecessary noise made by hotel, restaurant and bar patrons, staff or any employees contracted by the hotel, or any noise associated with the operation of the establishment.
18. Within six months of the effective date of this determination, all personnel acting in the capacity of a manager, bartender, and/or server of the premises shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. The applicant shall contact the Central Area Vice Unit of the Los Angeles Police Department and make arrangements for such training.
19. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department and City Planning.
20. There shall be no karaoke, disk jockey, topless entertainment, male or female performers or fashion shows.
21. There shall be no pool tables, coin-operated games, or video machines permitted on the premises at any time.
22. Loitering is prohibited on or around these premises or the area under control of the applicant. "No loitering" and "No Public Drinking of Alcoholic Beverages" signs shall be posted at the front, side, and rear of the site.
23. Signs shall be posted in English and the predominant language of the facility's clientele if different, stating that California state law prohibits the sale of alcoholic beverages to people who are under 21 years of age.
24. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
25. The business operator shall install and maintain at each point-of-sale an age-verification device to preclude sales to minors.
26. No cover charge or admission shall be required for entry into the hotel restaurant or cocktail lounge nor shall any portion of the premises be used in any way that would characterize the use as a nightclub.
27. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
28. Only the front door 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 be solid.

29. Prior to issuance of a Certificate of Occupancy, the applicant shall install and maintain security cameras and a two-week DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
30. Prior to issuance of a Certificate of Occupancy, a security plan shall be submitted for review and approval by the Los Angeles Police Department. The security plan shall be prepared and evaluated by a bona-fide security consultant or agency capable of evaluating and making recommendations on security deployment, enforcement and proper pre-emptive tactics and techniques meant to discourage over-consumption of alcohol as well as control hostile or combative patrons. The security evaluator shall meet with L.A.P.D. personnel in order to help draft proper security plans. At minimum, the security plan shall address the following:
  - Selection criteria of qualified and experienced security personnel.
  - Type of guard uniform and identification.
  - Review and approval of individual security guard's names, if requested by the L.A.P.D.
  - Proof of active American Red Cross first-aid card.
  - Location and deployment of security guards.
  - Criteria for hiring security guard supervisor(s).
  - Training required for security guards and additional hours of security patrol as requested by the L.A.P.D.
  - Drug awareness policy to follow when drug use is detected and patrons detained.
  - Effective and non-disruptive manner to move patrons out from the establishment and disperse them without blocking streets or loitering next to the facility before and after closing.
  - Development of management plan to preclude public drinking by patrons and to prevent criminal or nuisance activity on the premises and adjacent to the premises and the alleys adjoining the hotel.
31. All security personnel shall be licensed consistent with State law and Los Angeles Police Commission Standards and maintain an active American Red Cross first aid card.
32. The security plan shall also detail the hotel's policies, procedures, and training for hotel staff and employees serving alcohol to ensure the hotel operation, its restaurant and cocktail lounge(s) and the sale of alcoholic beverages are managed and conducted responsibly and with due regard for surrounding sensitive uses.
33. The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in

height above the ground to permit surveillance into the location by police and private security.

34. No outside promoters shall be permitted to co-produce events with the applicant.
35. Trash and recycling bins/containers shall be maintained within the interior of the hotel/building and shall be picked up on a regular basis. Trash shall not be allowed to accumulate to a point of overflow. In addition the following restrictions shall apply:
  - a. Trash and recycling containers shall not be placed or maintained within the adjoining alleys and shall be brought out of the building only during and for garbage pick-up and removal service and the containers shall promptly be placed back inside the building once emptied.
  - b. Trash and recycling bins shall be maintained in good condition and repair with a working lid and such that there are no holes or points of entry through which a rodent could enter or to allow fluids to leak. Odors shall be controlled to prevent obnoxious or offensive odors from emanating onto adjacent residential uses.
36. **Deliveries:** All deliveries shall be made in the adjoining alley north of the building and shall be subject to the following limitations:
  - a. A loading area shall be striped to the satisfaction of the Department of Building and Safety and the Department of Transportation and shall be located along the rear 40 feet of the building where the alley widens to 30 feet (to maximize clearance for other vehicles using the alley to access the adjoining residential condominiums). The loading area shall not encroach more than ten feet into the alley. A sign shall be posted "Keep Clear At All Times".
  - b. The loading area shall be directly accessible to a usable door not less than three feet in width and not less than 6 feet 6-inches in height.
  - c. The size of delivery vehicles shall not exceed a maximum length of 28 feet. The hotel operator shall notify vendors and suppliers of this requirement.
  - d. All deliveries shall be conducted between 6 a.m. and 8 p.m. daily to minimize noise on adjacent residential uses.
  - e. The hotel shall limit deliveries to a maximum of 6 deliveries per day.
  - f. All vendors, suppliers and hotel/restaurant employees responsible for the loading/unloading of trucks will be instructed on noise reduction techniques and ensure that no truck engine or generator remains running while delivery vehicles are parked in the alley.



- g. A sign will be posted in the alley that states, "This is a residential area. Please be considerate of the neighbors and shut off engines during delivery. Please no shouting or honking."
  - h. No outdoor audible devices or systems or truck horns or outdoor buzzers shall be utilized for deliveries.
  - i. Alley deliveries will be made as quickly as reasonably possible to reduce delivery time.
37. **Parking and Valet:** The applicant/operator shall provide curbside valet service for use by patrons of the premises 24 hours daily. The valet operator shall obtain the required permit from the Los Angeles Department of Transportation pursuant to recently adopted Sections 103.203 and 103.203.1 of the Los Angeles Municipal Code.
38. The applicant shall maintain a valet contract for the life of the grant and a copy of the agreement with the valet operator shall be submitted to the Office of Zoning Administration for placement in the case file. If the valet operator is replaced, a copy of a replaced contract shall be provided to the Zoning Administrator upon execution of the new contract.
39. Prior to issuance of a building permit, the applicant shall obtain approval from the Department of Transportation to remove the red curb and relocate the existing fire hydrant along the site's frontage to accommodate valet service and a passenger loading and unloading zone along the site's frontage.
40. Valet attendants shall be trained and instructed to direct and manage traffic by approaching and departing vehicles so as to prevent congestion on Hope Street and to prevent obstructing access to the adjoining alley north of the hotel and the adjoining driveway to the south that provide ingress and egress for the adjoining residential condominiums.
41. The applicant/operator shall secure adequate off-site parking within 1,500 feet of the subject site to accommodate parking demand from hotel guests and patrons of the hotel's accessory uses. Prior to issuance of a Certificate of Occupancy, the applicant/operator shall submit copies of executed off-site parking agreements.
42. **Wiggins Settlement:** Prior to issuance of a demolition permit or building permit, the applicant shall obtain clearance from the Community Redevelopment Agency or its successor agency for compliance to the Wiggins Settlement pertaining to any applicable requirements for the replacement of any previously existing affordable units on the site and/or for the provision of new affordable units, as determined by the Community Redevelopment Agency or any successor agency responsible for implementation or enforcement of the Wiggins Settlement.

43. **Public Benefit Payment:** The applicant shall provide a Public Benefit payment consistent with LAMC Section 14.5.9 in the amount of **\$232,440** to the Transfer of Floor Area Public Benefit Payment Trust Fund (Public Benefit Payment Trust Fund). The applicant shall pay the required Public Benefit Payment, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance 181,574, Article 4.5 of the LAMC. **The Public Benefit Payment shall be paid on or before the earlier to occur of:**

- i. The issuance of the building permit for the Project; or
- ii. Twenty four months after the final approval of the Transfer and the expiration any appeals or appeal period; should the Applicant not make the required payments within the specified time, the subject approval shall expire, unless extended by the Director of Planning in writing.

**NOTE:** The project may be subject to additional dedication and off-site improvements required by the Bureau of Engineering. The applicant has not paid the required fee to generate a report by the Bureau of Engineering and the Zoning Administrator is not authorized to grant any relief from any dedication required by the Bureau of Engineering. No waivers from any off-site improvements required by the Bureau of Engineering have been requested or approved in connection with this request.

44. This approval is tied to ENV-2012-3186-MND. The applicant shall comply with all mitigation measures and conditions of approval identified in that case and listed herein:

- |      |  |
|------|--|
| MM-1 | All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker. |
| MM-2 | Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.   |
| MM-3 | The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.  |
| MM-4 | Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.  |

- MM-5 The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
- MM-6 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- MM-7 The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- MM-8 All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- MM-9 All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- MM-10 All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- MM-11 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- MM-12 Trucks having no current hauling activity shall not idle but be turned off.
- MM-13 The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- MM-14 The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- MM-15 Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities

within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

- MM-16 Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- MM-17 Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
- MM-18 (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- MM-19 (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- MM-20 (Polychlorinated Biphenyl – Commercial and Industrial Buildings) Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.
- MM-21 The applicant shall comply with mitigation measures required by this mitigated negative declaration (MND).
- MM-22 The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent

ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

- MM-23 Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- MM-24 Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- MM-25 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- MM-26 The surface of the playground and the sound barriers shall be constructed with materials with acoustically the lowest noise transmission quality commercially available to the satisfaction of the decision maker.
- MM-27 All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- MM-28 The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- MM-29 The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane
- MM-30 The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-

public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

45. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
46. Prior to issuance of any permits relative to this matter, 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 for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.
47. NEW: There shall be no guest or patron access to the cocktail lounge or premises directly from the adjoining alley and no patron cueing shall be permitted within the alley. (See Condition No. 28)
48. Please be courteous to our residential neighbors and refrain from making noise or smoking in the alley.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**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 that you 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 \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

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 all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the 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, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on Wednesday, May 15, 2013, 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 permit under the provisions of Section 12.24-W have been established by the following facts:

**BACKGROUND**

The proposed project consist of the renovation of a three-story, 36-unit apartment building and basement area, into a 10-story, 44 guestroom boutique hotel with a restaurant/event space, bar, cocktail lounge, conference room and roof-top pool deck with a bar. The 44 guest room hotel will provide zero parking. The proposed project involves the demolition of 10,411 square feet of the existing 26,108 square-foot building and preserves 15,697 square feet of the existing structure and masonry facade.

In conjunction with the proposed renovation and operation of a proposed hotel, the applicant is seeking requests to allow a hotel use within 500 feet of a residential use; a request to permit the sale and dispensing of a full line of alcoholic beverages within the hotel's restaurants, bars, lounges, roof deck pool area and within the guest room mini-bars; a zone variance to permit zero off-street parking in lieu of the four spaces required; a zone variance to allow no loading space in lieu of the requirement for a loading space for a hotel; a zone variance to permit an open air pool deck as a bar area in lieu of the requirement that such an area be within a completely enclosed building; to allow zero feet along the front, rear and side yards in the lieu of the required minimum setbacks; and a Director's Determination to allow a Floor Area Ratio increase to 6:1 to permit an additional 13,000 square feet and to provide a public benefit payment in lieu of a transfer of floor area from a donor site; and is seeking relief from the Downtown Design Guidelines.

The project site is an approximately 7,829 square foot, rectangular shape, interior parcel located within the [Q]R5-4D-O Zone. The D Limitation of the zone states the total floor area contained in all buildings on a lot shall not exceed six (6) times the buildable area of lot except: a) project approved under Section 418 (Transfer of Floor Area ) of the Redevelopment Plan for the Central Business District Redevelopment Project; b) Project approved under Section 415 (Rehabilitation and/or remodeling of Existing Buildings) or Section 416 (Replacement of Existing Building) of said Redevelopment Plan; c) Projects for which a density variation 50,000 square feet or less is granted under Section 437 of said Redevelopment Plan; d) project for which a density variation of more than 50,00 square feet was granted under Section 437 of said Redevelopment Plan prior to effective date of this ordinance; e) projects approved pursuant to any procedure to regulate transfer of floor area as may be adopted by the City Council.

The Q Qualified Conditions of the zone states the property shall be limited to the following types: 1) residential uses permitted in the R5 Zone, 2) Hotels, motels and apartments hotels, 3) Parking building, provided such parking is accessory to the main use of the lot or accessory to the main use of another lot not more than 1,500 feet distant therefrom, 4) Any other uses permitted in the C4 zone with buildings which were in existence on the lot upon the effective date of this ordinance, 5) Any other use permitted in the C4 Zone provided the floor area ratio of such use does not exceed 2:1, 6) Any other use permitted in the C4 Zone, including commercial uses with a floor area ratio from 2:1 to 6:1, provided the developed plan is approved pursuant to the procedures outline in Sub-Sections 6-A through 6-D of the Ordinance No. 164,307 SA 2930.



Central City Community Plan - The proposed project site is located in the Central City Community Plan area, in the neighborhood commonly referred to as South Park, and within the City Center Redevelopment Project area. The site is located in the High Density Residential Land use category, the Downtown Adaptive Reuse Incentive Area, Central City Parking and Downtown parking incentives area. The Central City Community Plan footnote states

Downtown Design Guidelines -The Downtown Design Guidelines is intended to provide guidance for creating a livable Downtown and it includes both standards and guidelines that can be followed to achieve its purpose and goals including requirements for sidewalk and streetscape improvements to promote a pedestrian oriented environment.

The project site has a 50-foot wide frontage along the Hope Street, with a depth of 156.75 feet and a 50-foot wide rear property line that abuts a 20-foot alley that is parallel to Hope Street. The project site has a southwesterly property line that abuts a parcel improved for surface parking. The northeasterly property line abuts an alley with a variable width of 20-30 feet. The subject property is currently improved with a vacant 26,108 square foot, 3-story, 76-room apartment building and per the applicant, constructed in 1909.

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

Case No. RR111411-580 – On November 12, 2011, the Department of Building and Safety, Specialty Inspection Earthquake Section issued an "Order to Comply" after it had determined that the seismic work authorized per the following permits: 88LA09171 issued on 9/11/1988, 90HO05498 issued on 4/6/1990, 92HO17159 issued on 5/20/1992 and 00016-10000-22814 issued on 11/21/2000 was 70% completed. The approved plans and all the mentioned permits had expired.

Jerome Wiggins Lawsuit(s) - On April 4, 2007, the Superior Court of Los Angeles issued a tentative decision and found in favor of the County of Los Angeles and the [Ernani] Bernardi Parties relative to the validity of City Of Los Angeles Ordinance Nos. 174,592, and 174,593, the amendment to the Redevelopment Plan for the Central Business District Redevelopment Project, and the adoption of the Redevelopment Plan for the City Center Redevelopment Project area. In connection with the judgment, the court recognized that a settlement had been reached between the Wiggins Party and the defendant (City of Los Angeles, Community Redevelopment Agency) where the CRA is to make every effort to ensure that the Replacement Units are completed prior to the removal of any Residential Hotel/SRO units, for which a list was established and the subject property appeared on said list. The applicant contends the subject was listed erroneously but the representatives and staff of the CRA contends the listing of the subject property on the "CRA Rent Schedule Project – Downtown Los Angeles" is correct.

Declaration of Operating and Easement Agreement(s) - On December 16, 2004, the owners of the properties located at 1111 South Grand Avenue, 1100 South Hope Street and 1155 South Grand Avenue filed a Declaration of Operating and Easement

Agreements which outlined the construction, operation, future acquisitions and management of a unified development what included the three properties plus two adjoining properties, an alley and several remaining properties within an area bounded by 11<sup>th</sup> Street to the north, Grand Avenue to the east, Hope Street to the west and 12<sup>th</sup> Street to the south. On April 4, 2006, an Amendment and Restated Declaration of Operating and Easement Agreements was filed that superseded the 2004 filing. The declaration outlined the future acquisition, development and use of the subject property and the adjoining alleys which were to be incorporated into the overall unified development of the properties in the bounded area.

### **Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties**

Case No. ZA 2003-9146(ZV)(ZAA) – On July 29, 2004, the Office of Zoning Administration approved a variance from to reduce the parking stall width to 8'-2", in lieu of the required 9'-0" stall width plus the 10 inches required on the side of an obstruction; to reduce all the drive aisles to 24'-0" in lieu of the required 25'-4" for 9'-0" wide stalls at a 90 degree angle with both single loaded and double loaded aisles with two-way traffic; to reduce the drive aisles at the basement, second and third parking levels to 21'-8" in lieu of the required 25'-4" drive aisle and to reduce the drive aisles at all parking levels to 22'-6" in lieu of the required 25'-4" drive aisle at the locations marked A and B on the attached basement parking plan diagram; a variance to permit .48 parking spaces per unit (Phase I) and to permit .49 parking spaces per unit (Phase II) for the residential portion of the Joint Live Work Units in lieu of the 1.0 parking spaces per unit (Phase I) and 1.0 parking spaces per unit (Phase II) required; a variance to permit .98 parking spaces per unit (Phase I) and .99 parking spaces per unit (Phase II) for the commercial portion of the Joint Live Work Units in lieu of the 1.76 parking spaces per unit (Phase I) and 1.60 parking spaces per unit (Phase II) required. For those ground floor units occupied by retail uses, to permit one parking space per 1,000 s.f. of retail use for those ground floor units which are used for retail purposes instead of Joint Live Work Units; a variance to permit Joint Live Work Units in the [Q]R5-4D-0 Zone; a variance from [Q] Condition 6 and the D Limitations of Ordinance 164,307 to permit the Associate Zoning Administrator to act for the City Planning Commission in allowing an FAR in excess of 2 to 1 for commercial uses on the site and to allow commercial and residential uses in excess of 6 to 1 FAR; a variance to permit commercial uses on the site with a floor area ratio (FAR) up to a maximum of 6 to 1 in lieu of the maximum of 2 to 1 FAR allowed; a variance to permit the calculation for the Buildable Area of the lots to include the areas of the proposed street and alley dedications, the alley vacation area and the required yard setback areas in lieu of the deduction of these areas from the Buildable Area of the lots; a variance to permit construction to commence for the Phase I building located at 1111 South Grand Avenue in conjunction with an approval of Vesting Tentative Tract No. 60746, prior to the recordation of a Final Tract Map, subject to the zone variances, Zoning Administrator's adjustments and site plan approved herein, and an increase of up to a maximum of 50,000 square feet for the Phase I building through the density variation approved by the Community Redevelopment Agency of the City of Los Angeles (CRA) for the Phase I site; and an adjustment to permit an increase of residential density from 1 unit per 200 square feet of lot area (181 units) to 1 unit per 187 square feet of lot area (194 units in Phase I) and to permit the increase of

residential density from 1 unit per 200 square feet of lot area (217 units) to 1 unit per 194 square feet of lot area (223 units in Phase 11); an adjustment to reduce front yard, side yard and rear yard setbacks in the development of both Phase I and II to reduce the front yard setback requirement to 0 feet for the 1<sup>st</sup> and 2<sup>nd</sup> floors (Phase I and Phase II), to 11.91 feet on the 3<sup>rd</sup> through 13<sup>th</sup> floors (Phase I) and the 3<sup>rd</sup> through 17<sup>th</sup> floors (Phase II) in lieu of the 15 feet required; to reduce the side yard setback requirement to 0 feet for all the floors (Phase I and Phase II) adjacent to the existing alley and for the 1<sup>st</sup> and 2<sup>nd</sup> floors fronting on Hope St. and Grand Avenue in lieu of the 16 feet required; to reduce the rear yard setback requirement to 0 feet for the 1<sup>st</sup> through 3<sup>rd</sup> floors (Phase I) and to 10 feet for the 1<sup>st</sup> through 3<sup>rd</sup> floors (Phase II) in lieu of the 20 feet required; an adjustment to deviate from the Open Space requirements to reduce the required Open Space to 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II) in lieu of the 21,025 s.f. (Phase I) and 24,150 s.f. (Phase II) required; to allow 747 s.f. (Phase I) and 1,372 s.f. (Phase II) of planted area in lieu of the required planted area of 2,459 s.f. (Phase I) and 2,994 s.f. (Phase II), which is 25% of the required Common Open Space, and to allow 25 trees for each phase in lieu of the 49 trees (Phase I) and 56 trees required (Phase 11); to allow Common Open Space of 3,168 s.f. (Phase I) and 3,856 s.f. (Phase II) to be located in the required side yards; a Site Plan Review for the proposed project. The project is located at 1111 South Grand Avenue and 1100 South Hope Street.

Case No. ZA 2005-1867(ZV)(CU)(YV)(ZAA)(SPR) - On November 22, 2005, the Office of Zoning Administration approved a Zone Variance permitting 26 Joint Live Work condominium units of the total proposed 311 Joint Live Work units to have a minimum of 1 compact parking space per unit in lieu of the 1 standard parking space per unit required, a reduction of the standard parking stall width to 8'-3" only at the portion where the structural columns are located as shown on the attached drawings in lieu of the required 9'-0" stall width and the 10- inch clear space required on the side of an obstruction; a Zone Variance to permit the calculation for the Buildable Area of the lots to include the areas of the proposed street and alley dedications, the required yard setback areas and the area of the portion of the alley to be vacated in lieu of the deduction of these areas from the Buildable Area of the lots; a Zone Variance to deviate from the Open Space requirements to reduce the required Open Space to 23,874 square feet in lieu of the 36,275 square feet of Open Space required and to allow 4,353 square feet of Private Open Space and 1,781 square feet of Common Open Space in the required side yard; a Zone Variance to permit the Associate Zoning Administrator to act for the City Planning Commission in allowing an FAR in excess of 2 to 1 for commercial uses on the site and to allow commercial and residential uses in excess of 6 to 1 FAR (such approval is in recognition of the action taken by the Community Redevelopment Agency [CRA] Board of Commissioners on July 21, 2005, pursuant to Sections 512.4, 512.6 and 520 of the City Center Redevelopment Plan, to approve a Density Variation of 49,999 square feet of additional floor area and a transfer of floor area by variation of 34,496 square feet from 1130 South Hope Street, subject to the acquisition by the City of Los Angeles through eminent domain for the proposed mixed-use project located at 1155 South Grand Avenue); a Zone Variance to permit no wall enclosure in lieu of the required wall enclosing the parking area located on Parcel A-2; and a Zone Variance to allow more than 50% of the required front yard to be designated

as a driveway on Parcel A-2. Also, the Office of Zoning Administration approved a Zoning Administrator Adjustment to reduce the front yard setback requirement to 0 feet in lieu of the 15-foot front yard required, to reduce the side yard setback requirement to 0 feet for all the floors in lieu of the 16-foot side yards required, and to reduce the rear yard setback requirement to 0 feet in lieu of the 20-foot rear yard required, respectively. Additionally, the OZA approved a Conditional Use to allow the FAR (floor area ratio) averaging of 46,734 square feet of floor area from Parcel A-2 (1136 South Hope Street) and 34,496 square feet of floor area from Gladstone Hollar lot (1130 South Hope Street) to be averaged onto Lot 114 (1155 South Grand Avenue) in a Unified Development. [On July 21, 2005, the CRA Board of Commissioners approved a Density Variation of 49,999 square feet of additional floor area and a transfer of floor area by variation of 34,496 square feet from the Gladstone Hollar parcel.]; a Conditional Use to allow a parking use in the R5 Zone. Finally, the OZA approved a Site Plan Review permitting the construction, use and maintenance of 311 joint living and work units with 427 on-site parking spaces in the [Q]R5-4D-0 Zone. The project is located at 1155 south grand Avenue.

Case No. ZA 2005-1041(ZV)(ZAA)(SPR) – On September 26, 2005, the Office of Zoning Administration approved a Zone Variance permitting the calculation for the Buildable Area of the lots to include the areas of the proposed street and alley dedications, and the area of the required yard setback areas in lieu of the deduction of these areas from the Buildable Area of the lots; a Zone Variance permitting the construction to commence (early start) in conjunction with an approval of Vesting Tentative Tract No. 62459, prior to the recordation of a Final Tract Map, subject to the Variances and Adjustments approved herein; a Zone Variance permitting the Zoning Administrator to act for the City Planning Commission in allowing a floor area ratio in excess of 2 to 1 for commercial uses on the site and to allow commercial and residential uses in excess of 6 to 1 floor area ratio (such approval is in recognition of the action taken by the CRA Board of Commissioners on July 21, 2005, pursuant to Sections 512.4, 512.6 and 520 of the City Center Redevelopment Plan, to approve a Density Variation of 49,999 square feet of additional floor area for the proposed mixed-use project located at 1050 S. Grand Avenue); and a Zone Variance permitting a total of 8 trees on-site in lieu of the required 32 trees; a Zoning Administrator Adjustment permitting special requirements for corner lots to apply to the R5 Zone in lieu of the C or M Zones and a 3-foot by 3-foot square column in the corner cut street dedication area in lieu of the maximum 24-inch horizontal dimension allowed within the visibility triangle, respectively; a Zoning Administrator Adjustment permitting a reduced lot area per unit of 60 square feet for the 117 unit and zero (0) square foot for units 118, and 128 in lieu of the minimum 200 square feet per unit, in conjunction with the construction, use and maintenance of a 128-unit residential condominium building, incident to VTT-62459; and a Zoning Administrator Adjustment permitting a reduction of front yard setback to 0 foot in lieu of the required 15 feet, a reduction of side yard setback to 0 foot for all the floors in lieu of the required 16 feet, and a reduction of rear yard setback to 0 foot in lieu of the required 20 feet and allowing projections of balconies more than four feet in the rear yard, respectively; a Site Plan Review permitting the construction, use and maintenance of 128 joint living and work units with 308 on-site parking spaces in the [Q]R5-4D-0 Zone. The project is located at 1050 South Grand Avenue.

Case No. ZA 2007-1362(CU) - On August 24, 2007, the Office of Zoning Administration approved a conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption within a proposed 8,580 square-foot restaurant, with bar and lounge, piano bar and catering services on property located in the [Q]R5 Zone, at 1212 South Flower Street.

Case No. ZA 2009-2992(CUB)(CUX)(CU) – On January 27, 2011, the Office of Zoning Administration dismissed a request for the continued use and maintenance of the existing bi-poled off-site signs in the [Q]R5-4D-O Zone in that the request was inappropriately filed and could be considered under Los Angeles Municipal Code Section 12.24-W,37; approved a request for a conditional use permit for the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in three restaurants with one of the three restaurants having a rooftop operation as part of its venue; a request for a conditional use permit to allow patron dancing in one of the three proposed restaurants; a requests for a conditional use for the establishment and use of a mini-shopping center, with specific deviations as to the hours of operation from the requirements of Section 12.22-A,23(a) to allow the establishment, use and maintenance of three restaurants to operate under the provisions and development standards of the mini-shopping center ordinance; a request for a conditional use to permit 15 arcade games machines in one of the three restaurants; a requests for a conditional use to permit the continued use and maintenance of 48 parking spaces as a public parking area in the [Q]R5-4D-O Zone.

Case No. ZA 2007-1438(ZV)(SPR) – On November 2, 2007, the Office of Zoning Administration dismissed a variance to permit commercial and residential uses in excess of 6 to 1 floor area ratio (FAR) per the "D" Limitation of Ordinance No. 164,307 SA2920, and approved a Site Plan Review permitting the construction, use and maintenance of a 43-story tower consisting of a maximum of 374 residential condominiums and 17,500 square feet of retail use with a total 857 parking spaces in the [Q]R5-4D-O Zone, locate at 1150 South Grand Avenue.

Case No. ZA 2005-1001(ZV)(ZAA) - On July 28, 2005, the Office Zoning Administration approved a zone variance to delete the loading dock requirement, from the "D" limitations of Ordinance No. 164,307 to allow a floor area ratio of 8.2:1 in lieu of the required 6: 1, to waive the requirement for a loading space for the proposed use and that the existing loading space for the existing building on the site not be required to be maintained; approved an adjustment to permit reduced side yards of 0-feet for all the floors adjacent to the existing alley and the 17 floors fronting Olive Street in lieu of the required 16 feet, an adjustment to permit a reduced rear yard of 0 feet for the 17 floors in lieu of the required 20 feet, an adjustment to provide a reduction in the open space requirement of 4,339 in lieu of the required 13,125, located at 1103 South Olive Street.

Case No. ZA 2010-0218(CUB)(CUX) - On September 2, 2011, the Office of Zoning Administration a conditional use to permit the continued sale and dispensing for consideration of a full line of alcoholic beverages and the continuation of public dancing within a patio area associated with an existing restaurant, located at 1119 South Olive Street.

Case No. ZA 2004-1166(CUB)(CUX) - On September 24, 2004, the Office of Zoning Administration approved a request for a Conditional Use Permit, to allow the expansion of the on-site consumption of a full line of alcoholic beverages at an existing 489 seat restaurant to now include an outdoor dining area containing an additional 273 seats, for a total occupancy load of 762 persons; and a request for a Conditional Use Permit, to allow a 315 square-foot dance area located in the outdoor dining area, located at 1119 South Olive Avenue.

Case No. ZA 2000-2564(ZV) - On July 11, 2000, the Office of Zoning Administration approved (WTF case)

Case No. ZA 2008-4494(CUB) - On December 10, 2009, the Office of Zoning Administration approved a conditional use to permit the sale and dispensing of beer and wine only for off-site consumption in conjunction with the continued use and maintenance of an existing 1,520 square-foot market and deli, located at 1139 South Hill Street.

Case No. ZA 2003-2656(ZV)(ZAA)(ZAD) Located at 1100 South Grand Avenue. (No Decision letter found.)

Case No. ZA 2007-5259(CUB) - On April 28, 2008, the Office of Zoning Administration approved a request for a conditional use permit for the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption, in conjunction with a proposed 2,156 square-foot proposed ground floor restaurant and having alcohol service in the outdoor dining area located on the public side walk, as well as inside, located at 401-405 West 12<sup>th</sup> Street.

Case No. ZA 2008-0373(CUB) - On August 12, 2008, the Office of Zoning Administration approved a conditional use permit to allow the sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with a ground floor restaurant and bar area, located within a 23-story mixed-use development, located at 1137-1149 South Grand Avenue.

Case No. ZA 2005-6746(ZV)(SPR) - On March 2, 2006, the Office of Zoning Administration approved a variance to permit a 158,328 square-foot mixed use residential counseling and educational facility in the [Q]R5-4D-0 Zone with 50 parking spaces to be provided by lease agreement in lieu of the required 527 parking spaces, and to allow a loading space fronting a street with a useable door, in lieu of said loading space required to be located in the rear alley, located 1016-1038 South Olive Avenue.

Case No. ZA 2001-5417(CUB) - On June 18, 2002, the Office Zoning Administration approved a request for a Conditional Use Permit, to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, located at 1037 South Flower Street.

Case No. ZA 2003-5986(ZV)(YV)(ZAA) - On December 22, 2003, the Office of Zoning Administration approved a variance to allow live/work units within a mixed use project in an eight-story structure, and an adjustment to permit reduced front, side and rear yard setbacks of 0 feet in lieu of the required 15-foot front, 11-foot side and 21-foot rear yards; and an adjustment to allow a total usable open space of 21,479 square feet in lieu of the project's required total usable open space of 26,149 square feet approved under DIR 2003-2011-DD dated April 16, 2003 for the residential units, located at 1050 Flower Street.

Case No. ZA 2007-2631(CUB) - On September 26, 2007, the Office of Zoning Administration approved a conditional use permit for the sale and dispensing of beer and wine only for both on-site and off-site consumption a new wine store/bar with indoor and outdoor seating, located at 1050 South Flower Street.

Case No. ZA 2007-319(CUB) - On June 26, 2007, the Office of Zoning Administration dismissed a request for the sale of alcoholic beverages from a proposed 3,725 square-foot restaurant for on-site consumption inasmuch as that facility is not a restaurant but rather a "wine bar" or "wine store" having no kitchen and as further confirmed by the site plan which refers to that lease space as "non-restaurant," but approved a conditional use to permit the sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption as a use accessory to a restaurant, located 1050 South Flower Street.

Case No. ZA 2009-0161(CU) - On September 9, 2009, the Office of Zoning Administration approved a request for a conditional use permit for the continued on-site sale of a full line of alcoholic beverages, in conjunction with an existing restaurant, located at 1100 South Flower Street.

Case No. ZA 2001-4711(ZV) - On January 18, 2002, the Office of Zoning Administration approved a conditional use permit authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 13,755 square-foot restaurant in the [Q]R5-4D-0 Zone, located at 1100 South Flower Street.

Case No. ZA 2009-3230(CUB) - On April 5, 2010, the Office of Zoning Administration approved a conditional use to allow the sale and dispensing for consideration of beer and wine for on-site consumption in conjunction with a proposed restaurant, located at 1111 South Hope Street.

Case No. ZA 2010-1669(CUB) - On February 2, 2012, the Office of Zoning Administration approved a conditional use to allow the sale and dispensing for consideration of beer and wine for on-site consumption in conjunction with a proposed restaurant, located at 1111 South Hope Street, #110.

Case No. ZA 2010-2067(ZV) - On December 3, 2010, the Office of Zoning Administration denied a variance request to permit 10 parking spaces in lieu of the 29 parking spaces required, located at 1099 South Grand Avenue.

Case No. ZA 2000-2953(ZV) – On January 18, 2001, the Office of Zoning Administration denied an Approval of Plans to permit an extension of closing hours to 4 a.m. for a hostess dance hall in lieu of the 2 a.m. closing time previously approved under Case No. ZA 95-0957(ZV) on May 2, 1996, as not otherwise permitted in the [Q]R5-4D Zone.

Case No. ZA 2006-9296(ZV)(ZAA)(SPR) – On February 14, 2008, the Office Zoning Administration dismissed a variance from LAMC Section 12.21-A,1 and Ordinance No. 164,307 to permit an additional 50,001 square feet of floor area via a Transfer of Floor Area process, increasing the floor area ratio to 7.75 to 1, and approved a Site Plan Review permitting the construction, use and maintenance of a 30-story tower (approximately 330 feet 5 inches above grade) consisting of a maximum of 159 multiple-family residential units and 5,029 square feet of commercial space with a total 281 parking spaces in the [Q]R5-4D-0 Zone, located at 1133 South Hope Street.

Case No. ZA 2001-4689(ZV)(ZAD)(ZAA) – On April 4, 2002, the Office of Zoning Administration approved an adjustment to permit zero front, rear and side yards instead of the required 15-foot front yard, 15-foot rear yard, and 8-foot side yards in the R5 Zone; approved a variance to permit offsite parking in lieu of on-site parking for the required automobile parking spaces and that the parking be provided at one parking space per each dwelling unit, 91 parking spaces total for the project's 91 dwelling units; a variance to permit the off-site automobile parking spaces required to be provided by a 25 year lease agreement in lieu of a recorded covenant; and a variance to permit no loading space for the proposed new use on the site and that the existing loading space for the existing building on the site not be required to be maintained., and approved a determination to permit an 8-foot in height wrought iron fence in the front yard in lieu of the maximum allowed 3.5-foot in height fence, located at 1140 South Flower Street.

Case No. ZA 2007-4448(ZV) – On May 19, 2008, the Office of Zoning Administration approved a variance to permit a reduced drive aisle width of 24-feet in lieu of the 28-foot aisle in conjunction with a 9-foot, 4-inch stall width and in lieu of the 26-foot, 8-inch aisle in conjunction with an 8-foot, 9-inch stall width, located 1101 South Flower Street.

Case No. ZA 2006-9757(CUB) – On October 29, 2007, the Office of Zoning Administration approved a conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption within a proposed 6,362 square-foot restaurant, with bar, lounge, and live entertainment on property located in the [Q]R5 Zone, located at 1100 South Hope Street.

Case No. ZA 2006-9758(CUB) – On April 27, 2007, the Office of Zoning Administration approved a conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption within a proposed 2,180 square-foot restaurant, located 408 West 11th Street.

Case No. ZA 2004-5010(ZAA) – On March 4, 2005, the Office of Zoning Administration approved an adjustment to permit a reduced rear yard of zero foot in lieu of the required 18 feet for the additional floor area above an existing 4-story building, located at 1000 South Hope Street.



## Public Hearing

The public hearing was conducted on May 15, 2013 at Los Angeles City Hall in downtown Los Angeles. The hearing was attended by the project architect, Mr. Sam Marshall, the applicant's representatives, Mr. Paul Vizcaino and Ms. Sherri Franklin, the project Traffic Engineer, Mr. Jonathan Louie, by a representative of the Central City Association, a representative of Council District 14, Mr. Tanner Blackman and by numerous residents and homeowners from the adjoining residential condominiums to the north and east of the subject site.

Mr. Marshall described the site's location and context and described the scope of project and explained the design intent. He noted that the site abuts a 20-foot alley to the east and to north. He noted that the existing three-story apartment building on the site is vacant and is more than 100 years old. He noted that while the building is old, it has no historic designation and is not required to be preserved. Demolition of the existing building was considered and would be less expensive; however, the intent is to preserve the building façade and retrofit the building at substantial cost and to add 7-story towers above the existing three-story structure.

The proposed hotel is a boutique hotel that will contain 44 guest rooms including penthouse suites. Approximately 10 full-time staff are anticipated and peak hour for guest arrival and departures are expected between 10 a.m. and mid afternoon.

The ground floor will incorporate a courtyard that will remain open to the sky and be accessible to the public. All restaurant and lounge areas would be open to the public. It was noted that the applicant seeks authorization for the on-site sale of alcoholic beverages within a basement lounge, a roof top pool deck a lobby bar and a restaurant on the ground floor. Food service will not be provided in the basement lounge. The roof top deck would include food service but there is no kitchen on the roof deck.

The penthouse suites would be located above the roof-top deck and the design of the roof-top deck and penthouse suites above incorporated sound mitigation measures that would reduce noise impacts on adjacent properties.

No loading area will be provided on-site and loading and unloading will take place along a 10-foot long segment of the adjoining northerly alley. Loading was considered along the adjoining easterly alley but the northerly alley but the northerly alley has less traffic activity. Delivery vehicles will be limited to small trucks and vans and there would be no more than two to three deliveries at a time.

The building occupies the entire site and has no on-site parking. After parking credits, the change of use requires 4 on-site parking spaces. A variance is requested to permit 0 on-site parking spaces. Valet parking will be provided and off-site parking arrangements will be made. There is a red curb and fire hydrant along the site's frontage. The applicant intends to relocate the existing fire hydrant and request removal of the red curb to allow pick-up and drop-off in front of the hotel.

A TFAR request is included with the application to allow a floor area deviation to permit an additional 13,000 square feet of floor area, less than the maximum 50,000 square feet permitted as a deviation without a donor site. The application also includes a request to allow deviations from the Downtown Design Guidelines. The applicant will may a payment of approximately \$194,000 for public improvements.

Mr. Louie indicated that traffic counts to assess traffic activity on the north alley were conducted by his firm and that traffic activity is very low. He noted that it was anticipated that there would be a maximum of 6 truck deliveries per day all before 10 a.m.

He also noted that at least 4 curbside passenger loading spaces are feasible along the site's frontage and adjacent to the site. He noted that a study by his firm confirmed that the existing passenger loading spaces on Hope Street are underutilized and at least one space is available 50% of the time and he noted that 4 spaces is more than adequate to serve guests and patrons. Mr. Louie also noted that off-street parking would be provided within 1,500 feet of the hotel including employee parking although he noted that many hotel employees may rely on public transportation.

#### **Public Testimony:**

##### Opposition:

- The existing R5 zone permits hotels with accessory services for the benefit of guests only, not the general public.
- The proposed project is more akin to an entertainment venue open to the public than a boutique hotel.
- The proposed restaurant, cocktail lounges in the basement, roof-top deck, lobby and the proposed meeting/event space is excessive in relation to the number of guest rooms.
- The scope of the uses is vague and has not been fully disclosed. The scope and intensity of accessory uses is too large for such a small site.
- A 40,000 square-foot Transfer of Floor area was previously transferred from the subject site to the Evo site next door and the site should not be eligible for an additional floor area deviation.
- The reduced yards should not be granted and the project should be required to provide wider sidewalks similar to the sidewalks provided on the surrounding developments consistent with the Downtown Design Guidelines.
- The reduced yards will place the proposed building closer to the adjoining residential condominiums and encroach on the southerly driveway and walkway and impede future alternative uses on the south side of the building.

- Deliveries within the northerly alley will generate traffic and cause congestion and delays for vehicles exiting the adjoining residential condominiums via the alley.
- Deliveries in the alley will preclude and conflict with the potential to convert the alley to a pedestrian mall and potential use as a farmer's market. The subject site and adjoining northerly alley were previously contemplated as a site for a public park by the CRA.
- The applicant's traffic study is not part of the Mitigated Negative Declaration prepared for the project.
- The site's frontage is narrow and can not accommodate adequate pick and drop off of passengers and hotel guests and will cause congestion on Hope Street and block the access to the alleys. On-street parking on Hope Street is already congested.
- The site should be re-developed in conformity to the parking and loading zone requirements on-site. The intent to preserve the façade is a ruse to circumvent the requirement to provide on-site parking and an on-site loading zone.
- The plans do not provide a clear depiction of the roof-top pool deck and bar or any sound mitigation measures.
- The roof top bar and proposed music will generate noise on the adjacent residential condominiums.
- The former J Lounge across the street generated loud noise that travels up and generated nuisance activity. Similarly, noise and loud echoes from the Icon roof top bar located three blocks away can be heard from the residential condominiums next to the subject site.
- The residential units on the adjoining residential condominiums have balconies that will be only 20 feet from the roof top deck across the alley and will be exposed to loud noise and music and will keep residents from opening the balcony doors.
- The roof deck should be enclosed and limited to hotel guests only and should not be open later than 11 pm maximum.
- The height of the proposed structure may cast shadows on the pool deck of the adjacent residential condominiums and will obstruct views from the adjacent condominiums.
- The project should comply with the downtown design guidelines consistent with the sidewalks and streetscape improvements on the surrounding residential condominiums.

- Construction activity will generate noise and dust.
- The site is listed on a CRA data base of residential hotels in the downtown City Center that are subject to a settlement agreement known as "The Wiggins Settlement" which requires that low-income dwelling units on the site removed by a private owner must be replaced on a 1:1 basis in compliance with certain criteria and provided the CRA makes certain findings.

Support:

- There is misinformation about the project. There will be no nightclub on the site and the applicant is making a big investment.
- Operational conditions and construction mitigation measures can be incorporated into the grant to address noise and other concerns.
- The hotel will be a high end hotel with quality guests.
- The site is located in close proximity to LA Live and the Convention Center and there is a shortage of hotel rooms. The boutique hotel is an innovative concept with a cutting edge design that will help meet the demand for hotel rooms.
- The existing building has been vacant for many years and the proposed hotel will upgrade the property.
- The on-site restaurant and cocktail lounge will provide a desirable amenity for local residents and business employees that can walk to the hotel.
- The hotel and its accessory restaurants and lounges will provide a service that will be good for the neighborhood, will activate the street and will provide options.
- The project's positive attribute's outweigh any negative issues.
- Concerns regarding noise and other legitimate concerns can be addressed by conditions of approval and by prohibiting amplified music and restricting hours on the pool deck.
- Trash pick is currently conducted on the easterly alley and the alley is used for car detailing on the weekends. Use of the alley is already busy and loading and unloading activity for the hotel will not generate significant congestion.
- So long as noise issues are properly addressed, the hotel can fit into the neighborhood. Similar boutique hotels in other major cities are a good draw.

Mr. Blackman testified in support of the project provided it is conditioned appropriately and supported the applicant's requests. He noted that the building is vacant and that tenants were previously relocated. He noted that the 'Q' condition on the site allows accessory uses within hotels.

The Zoning Administrator took the request under advisement and left the record open and requested the applicant to submit floor plans showing the seating arrangements for the proposed accessory uses where alcoholic beverages would be served, a breakdown of the floor area for the various accessory uses and the proposed sound mitigation measures for the roof-top deck.

#### **Communications Received:**

Prior to and subsequent to the public hearing, numerous letters and e-mails were received from project opponents citing the issues summarized above and also noted or submitted the following:

A judgment against the previous owner of the subject site was submitted that required the owner to convey the property to a non-profit organization to utilize the site to provide services to homeless persons or for use as affordable housing.

A copy of the Wiggins Settlement was submitted for the record.

A letter by legal counsel for the adjoining residential condominiums was submitted indicating the scope of the uses proposed were not clearly defined and not properly analyzed by the Mitigated Negative Declaration issued for the proposed project and raised concerns about shade/shadow impacts .

The applicant's representative submitted a package containing:

- A brochure with specifications for sound proof windows to be incorporated into the project.
- Proposed hours for the various hotel areas.
- Department of Transportation review of the "Focussed Traffic Study Report".
- Title Report
- Table with proposed floor areas for various accessory uses.
- Clarification from CRA regarding the Wiggins Settlement.
- Shade/Shadow Study

#### **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 hotel use and alcohol sales to be authorized, certain designated findings

have to be made. In these cases, there are additional findings in lieu of the four standard findings for most other conditional use categories.

**CONDITIONS RECOMMENDED 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 recommended 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 providing these recommendations, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The recommendations noted below are based on testimony and 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.

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- 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 sale of alcoholic beverages for consumption off the premises is prohibited.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.

**MANDATED FINDINGS (CONDITIONAL USE)**

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

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

The project site is located on the east side of Hope Street between 11<sup>th</sup> and 12 Streets. The subject site is designated for High Density residential land uses and is zoned [Q]R5-4D. The site is located within the Central City Community in Downtown Los Angeles and is within the South Park area only two blocks east of the Convention Center and LA Live. The underlying zone permits high density residential uses as well as hotel uses subject to certain limitations. In addition, hotel uses are permitted by Conditional Use when located within 500 feet from residential uses. The site is relatively small and contains approximately 7,800 square feet and has 50 feet of frontage. The project is surrounded by three high-rise residential condominiums located to the north and east of the site. Properties to the south on Hope Street are improved with one and two-story older commercial buildings.

The proposed project consists of a 10-story boutique hotel with 44 guest rooms and various accessory uses including a restaurant/event space, a basement cocktail lounge and a partially unenclosed roof top deck with a pool and bar. The applicant requests a conditional use to permit the hotel use and to authorize the sale and dispensing of a full line of alcoholic beverages within the hotel's restaurant/event space, basement lounge, roof-top deck and within the guest room mini-bars.

The subject site is improved with a three-story masonry apartment building constructed in 1909 with 36 dwelling units. The building has not been nominated for or received any historic designation; however, the building façade does maintain historic elements inspired by the Italian Renaissance Revival Style. A historic assessment of the existing building indicates that the roof is flat with a surrounding brick parapet and the primary façade at top has a widely overhanging cornice with a diamond pattern freeze, modillions, and support brackets at ends. The fenestration of the primary elevation consists of wood framed tripartite windows, double-hung sash windows with ornamental sills and arched double-hung sash windows punctuate secondary elevations. Some window openings are missing the wood frames and all windows are missing the pane glass. Exterior surfaces are of smooth stone brick masonry construction with quoins along the primary façade.

The building is constructed to the front property line and maintains an approximately 4 to 5 foot rear yard. Portions of the building are constructed to the side yards except the mid-section of the building which is setback

approximately 4 to 5 feet from the side yard. To the extent the building is generally constructed to the property lines, there is no on-site parking and the building is devoid of any landscaping.

The project intends to preserve the building façade and approximately the front half of the building's side elevations to maintain the historic character of the building and blend it with a modern design. The interior will be gutted and reconfigured and two seven-story towers will be added above the third floor. The roof of the front half of the existing building will be removed and the hotel will incorporate an interior courtyard open to the sky. The exterior walls of the courtyard will retain the building's brick façade and fenestration with the original window openings with no glass panes creating an open feel. A large tree and additional landscaping will be provided within the courtyard.

An approximately 1,850 square-foot cocktail lounge will be maintained in the lower basement level and will be fully enclosed. The ground floor includes a restaurant adjacent to the courtyard that will be covered by the second floor. The second floor includes a meeting space and gallery/event space/extension of the first floor restaurant. Total restaurant space will be approximately 1,550 square feet. Floors three through eight will be guest rooms and a small conference room is located on the third floor. The roof top deck will be located on the 9<sup>th</sup> floor and is between 2,000 to 3,000 square feet which includes a bar, a swimming pool and lounge. The north and east façade of the roof top deck is fully enclosed and the north façade incorporates a glass façade. The southerly and westerly portions of the deck will be unenclosed. The tenth floor will accommodate a partial floor with penthouse suites above the pool deck.

The proposed renovation and addition will activate and substantially enhance an abandoned historic building that has fallen into disrepair and will provide on-site services and amenities for the benefit of hotel guests as well as for local residents in the South Park Community and employees from the surrounding businesses. The restaurant and basement cocktail lounge will provide needed amenities and a unique dining alternative for both hotel guests, local residents and employees from the surrounding businesses. As conditioned, the restaurant and bar uses are restricted to limit their intensity to ensure the site does not function as an entertainment venue and primarily serves guests and the local community consistent with the ground floor commercial uses on the adjoining residential condominiums. As such, the proposed project will enhance the built environment in the surrounding neighborhood and will perform a function or provide a service that is essential or beneficial to the community.



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

As noted under Finding No. 1 above, the project site is located on the east side of Hope Street between 11<sup>th</sup> and 12 Streets and is designated for High Density residential land uses and is zoned [Q]R5-4D which permits high density residential uses including hotel uses. The site is located within the Central City Community in Downtown Los Angeles and is within the South Park area only two blocks east of the Convention Center and LA Live.

The site is surrounded by three high-rise residential condominiums located to the north and east of the site. Specifically, the site abuts a 17-story, 223-unit residential condominium to the north (The Luma) across the adjoining alley having frontage on Hope Street and 11<sup>th</sup> Street to the north, a 13-story, 194-unit residential condominium to the northeast (The Eleven) having frontage on 11<sup>th</sup> Street and on Grand Avenue to the east, and a 24-story, 316-unit residential condominium to the southeast (The Evo) along Grand Avenue and 12<sup>th</sup> Street. Further to the south, properties on the east side of Hope Street and north of 12<sup>th</sup> Street are improved with older one and two-story commercial structures containing a photography studio, parking, a coffee shop and publishing company.

Concerns were raised by residents and homeowners of the adjacent residential condominiums that the scope of the hotel's accessory uses (restaurants, bars, cocktail lounges and event space) would function more as an entertainment venue or youth hostel that would cater to younger, party oriented patrons and draw late night revelers that would generate noise and nuisance activity on the surrounding residential uses, rather than a high end boutique hotel. Concerns were particularly expressed regarding the proposed 9<sup>th</sup> floor roof top bar and pool deck which is partially open and the applicant's proposal to permit music and live entertainment on the roof top deck, just across the alley from the dwelling units to the north and east of the adjoining residential condominiums, which would generate significant late night noise and disturb the occupants on the adjoining residential condominiums and interfere with their ability to enjoy their balconies and their peace and quiet. In addition, concerns were expressed that the overall scope of uses would generate too much traffic.

However, as conditioned, the applicant's request has been approved to ensure that the hotel does not function as an entertainment venue or night club and that the accessory uses are restricted to ensure that they are conducted with due regard for the surrounding residential uses. At the public hearing, the applicant's representative noted that the request sought authorization for the sale of alcoholic beverages in connection with a ground floor restaurant, a lobby bar in the ground floor courtyard, a cocktail lounge within the basement level, an event space on the second floor and a roof-top bar in the pool area as well as the mini-bars in the hotel guest rooms. The applicant also noted requested the ability to

have alcoholic beverages permitted in all areas of the hotel (to allow patrons to purchase an alcoholic beverage in one area and be permitted to carry and consume the alcoholic beverage into other areas of the hotel). It should be noted that the Zoning Administrator has only authorized specific areas for the on-site consumption of alcoholic beverages. The plans submitted with the application did not provide a break-down of the floor area or seating capacity contained within the proposed restaurant, bars and other accessory uses. Subsequent to the public hearing, the applicant furnished a table outlining the floor area associated with the proposed accessory uses and the architect furnished a set of plans that provided more detail with respect to the seating layout but only identified the "service floor area" associated with the accessory uses and excluded areas such as the kitchen or bar areas from the floor area calculation. A second set of plans submitted provided total gross and "net" floor areas for each floor but did not identify the floor area for the restaurant, event space, cocktail lounge and roof top deck.

Subsequent to the public hearing, staff referred the project to the Department of Transportation to conduct an Initial Study Assessment to determine if the trip generation associated with the proposed project would generate any significant impacts. The assessment was based on a maximum of 44 guest rooms and based on a total floor area of 1,550 square feet of floor area of restaurant and event space on the first and second floors and based on a maximum floor area of 1,850 square feet for the basement cocktail lounge as noted on a table included in a memo dated July 29, 2013 submitted by the applicant's representative. The assessment was also based on the assumption that the basement level cocktail lounge would only operate after 6 p.m. after p.m. peak hour traffic (as noted by the project's traffic engineer by e-mail) and based on the assumption that the roof top bar and pool deck are accessory uses restricted to hotel guests only and not open to the public. Based on its review, the Department of Transportation determined that subject to these limitations and assumptions, the project would not generate any significant traffic impacts and that no traffic study or mitigation measures were required.

As approved by the Zoning Administrator, the scope of uses are limited to a maximum of 44 guest rooms, the total combined floor area for restaurant and/or event space may not exceed 1,550 square feet on the first and second floor and the basement cocktail lounge may not exceed 1,850 square feet. In addition, the basement cocktail lounge may only operate in the evenings from 6 p.m. to 2 a.m. Live entertainment and amplified music is permitted within the basement cocktail lounge subject to compliance with the city's noise ordinance. To the extent the cocktail lounge is located on the lower level basement (two floors below the ground floor) and is fully enclosed, no noise is anticipated to leak onto the adjacent properties.

To ensure the hotel does not function as an entertainment venue or dance club, no dancing is permitted anywhere on the premises and no dance floor is permitted in the cocktail lounge. To minimize noise and the intensity of the use

of the roof top bar and swimming pool, the roof top bar and pool deck is restricted for use by hotel guests only and hours of operation are restricted from 6 a.m. to 11 p.m. Sunday through Thursday and from 6 a.m. to 12 midnight on Friday and Saturday. No live entertainment or amplified music is permitted on the roof top bar/pool deck and the north and east façade (facing the adjacent residential condominiums) of the roof top deck is required to be fully enclosed and the north elevation incorporates a glass façade that is required to be dual pane glass. Finally, no lobby bar is permitted in the ground floor courtyard and the hotel conference room on the third level is limited 700 square feet which would primarily be limited to meeting space.

Other conditions of the grant prohibit any cover charge to the restaurant or cocktail lounge (to avoid use as a night club), prohibit contracting with outside promoters to stage any events within the hotel and prohibit a proposed walk-up window on the north alley to minimize disturbances to adjacent neighbors. In addition, the conditions of the grant address safety and security by requiring surveillance cameras throughout the hotel and the submittal and approval of a detailed security plan to the Los Angeles Police Department. Operations associated with parking, valets and deliveries are addressed in more detail under Finding No. 10 below.

~~Also, subsequent to the public hearing, the applicant submitted a shade/shadow analysis demonstrating that the height of the proposed hotel structure would not have any significant impact on any adjoining shadow sensitive uses. However, to be sure, Condition No. 9 requires that prior to issuance of a building permit, the applicant obtain certification from a qualified professional that the shade/shadow analysis is accurate and will not exceed the City CEQA Guidelines threshold. In the event the proposed structure exceeds the threshold, the structure would have to be redesigned and/or lowered in height to avoid any significant impact on shade sensitive uses.~~

Thus, as conditioned, the project's location, size, height, operations and other significant features will be compatible with and are not anticipated to 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 subject site is designated for High Density residential land uses and is zoned [Q]R5-4D. The site is located within the Central City Community Plan in Downtown Los Angeles and is within the South Park area only two blocks east of the Convention Center and LA Live and one block east of the Metro Rail line. The underlying zone permits high density residential uses as well as hotel uses subject to certain limitations. In addition, hotel uses are permitted by Conditional Use when located within 500 feet from residential uses subject to the required

findings. Those findings have been made in the affirmative under Finding Nos. 1 through 6 of this action.

The Community Plan recognizes that the Central City is overwhelmingly a governmental, commercial and manufacturing center and that residentially zoned land accounts for less than 5% of the total land area. However, the Plan also recognizes that the "The continued economic and social viability of Central City depends on the contribution of a stable population and vibrant, cohesive neighborhoods." Therefore, a primary objective of the Central City Plan is to facilitate the expansion of housing choices, including hospitality, in order to attract new and economically and ethnically diverse households. The proposed boutique hotel project, indeed promotes new housing and hospitality opportunities for Downtown Los Angeles.

The Central City Community Plan recognizes South Park to be a mixed-use community with a significant concentration of housing that includes proximate support services such as retail and commercial developments that provide employment opportunities for local residents. To that end, and in the interest of creating a linkage between jobs and housing, the development of substantial, community benefiting commercial projects is encouraged and the Community Plan contemplates the emergence of new retail stores, hotels, restaurants and entertainment venues along the western edge of the South Park area in the north-south Figueroa-Flower-Hope Street Corridors where the subject site is located.

The proposed boutique hotel development is consistent with the planned land use and underlying zone and will serve to implement the following Central City Community Plan residential land use objectives:

*Objective 2-3: To promote land uses in Central City that will address the needs of all the visitors to downtown for business, conventions, trade shows and tourism.*

*Policy 2-3.1: Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor.*

The hotel will contain 44 guest-rooms that will support tourists, business travelers and conventions and will provide on-site accessory uses for the benefit of hotel guests, visitors, local employees and local residents.

**Additional Findings (On-site Sale of Alcoholic Beverages)**

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

The sale and dispensing of a full line of alcoholic beverages is authorized within the mini-bars of the guest rooms and is authorized within the restaurant/event space on the ground floor and second floor (which is limited to a combined total of 1,550 square feet); and is limited to a basement level cocktail lounge that is fully enclosed with limited hours of operation after 6 p.m. only and within a rooftop bar/pool deck that is restricted for use by hotel patrons. As conditioned, the proposed use is not expected to adversely affect the welfare of the pertinent community.

Moreover, as discussed in more detail under Finding No. 2 above, the Zoning Administrator has imposed numerous conditions on the grant to prevent and minimize any adverse impacts on adjacent residential uses which prohibit the hotel use from morphing into an entertainment venue or nightclub. No dancing is permitted on the premises and live entertainment is limited to the cocktail lounge on the lower basement below ground and fully enclosed. Therefore, as conditioned herein, the proposed use will not adversely affect the welfare of the pertinent community.

5. **That the grating 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 Control's guidelines for undue concentration; and also giving consideration to the number and proximity of other 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, 3 on-site and 2 for off-site consumption licenses are allocated to the subject census tract (Census Tract 2079.00). Currently there are 25 on-site licenses and 6 off-site licenses in this census tract. The hotel operator is proposing to add one ABC on-site license; in doing so, the applicant will have the ability to sell a full line of alcohol for on-site consumption.

Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-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. Although the census tract is numerically over-concentrated, the proposed project is not expected to negatively impact the area

and will permit the sale of a full line of alcoholic beverages, a desirable amenity incidental to the proposed hotel's accessory restaurant and bars. The hotel is fully enclosed with the exception of a roof-top deck that will contain a bar. However, the roof top deck is restricted to hotel guests only and will not have late hours or operation. The roof top deck's hours are restricted until 11 p.m. on weekdays and until 12 midnight on weekends.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 182, which has jurisdiction over the subject property, a total of 356 crimes were reported in 2012 (214 Part I and 142 Part II crimes), compared to the city-wide average of 146 offenses and the high crime reporting district of 176 crimes for the same reporting period. Part I Crimes reported by LAPD include, Homicide (0), Rape (3), Robbery (15), Aggravated Assault (18), Burglary (15), Burglary Theft from Vehicle (71), Personal Theft (10), Other Theft (59) and (23) Auto Theft. Part II Crimes reported include, Other Assault (22), Forgery/Counterfeit (2) Embezzlement/Fraud (1), Stolen Property (0), Weapons Violation (6), Prostitution Related (0), Sex Offenses (1), Offenses Against Family (2), Narcotics (16), Liquor Laws (1), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DWI related (31) and other offences (55).

Of the 356 crimes reported, one arrest was made for liquor laws, four arrests were for under the influence of alcohol, and thirty-one arrests were for driving under the influence. Given the high number of active licenses due to the high concentration of restaurants, bars, dance clubs and other entertainment venues within the census tract and the adjacent Staples Center and LA Live, the number of driving under the influence arrests does not appear to be significant relative to the overall number of crimes reported and more importantly may be a direct result of more aggressive police enforcement in the area which include sobriety check-points exiting LA Live. Crime reporting statistics for 2013 are not yet available.

The Zoning Administrator has imposed a number of operational conditions that address hours of operation, safety, security, and the mode and character of the hotel's restaurant, bar and cocktail lounges to ensure the use does not contribute to the area's crime rate. Specifically, Condition No. 30 requires that a security plan be submitted for review and approval by the Los Angeles Police Department prepared by a bona-fide security consultant or agency making recommendations on security deployment, enforcement and proper pre-emptive tactics and techniques meant to discourage over-consumption of alcohol as well as control hostile or combative patrons. Condition No. 32 requires that the security plan outline the hotel's policies, procedures, and training for hotel staff and employees serving alcohol to ensure the hotel operation, its restaurant and cocktail lounge(s) and the sale of alcoholic beverages are managed and conducted responsibly and with due regard for surrounding sensitive uses. Condition No. 18 requires that all personnel acting in the capacity of a manager, bartender, and/or server of the premises shall attend a Standardized Training for Alcohol

Retailers (STAR) session sponsored by the Los Angeles Police Department. Finally, Condition No. 29 requires the installation and maintenance of security cameras and a two-week DVR that covers all common areas of the business, high-risk areas, entrances and exits and require that the DVRs be made available to the Los Angeles Police Department upon request. These conditions of approval will ensure that the hotel use and its accessory uses are operated with due regard for surrounding uses and does not contribute to crime or nuisance activity.

6. **That the proposed use will not detrimentally affect nearby residential zoned communities in the area of the City involved, 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 site is not immediately adjacent to any churches, schools, or public playgrounds and is located approximately two blocks north from The California Hospital Medical Center beyond the 1,000-foot radius. However, the site is surrounded by three high-rise residential condominiums located to the north and east of the site. As previously enumerated in more detail under Finding Nos. 2 and 5 above, the Zoning Administrator has limited the scope of uses and the mode and character of the hotel's restaurant and bars, and has imposed numerous operational conditions that address safety, security, hours of operation, noise, deliveries and valet service. It is anticipated that these conditions will ensure that the project will not adversely impact any nearby residential uses and it can be concluded that the sale of alcoholic beverages in the proposed hotel will not detrimentally affect nearby residential areas or other land uses in the area.

**MANDATED FINDINGS VARIANCE (Reduced Parking, No Loading Area & Unenclosed Roof-top Deck)**

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

7. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The subject site is a rectangular shaped interior lot containing approximately 7,815 square feet with a width of 50 feet and a depth of approximately 156 feet. The site is improved with a three-story masonry apartment building and is constructed to the front property line and maintains a minimal rear yard along the adjoining alley of approximately 4 to 5 feet. The approximately rear 25 feet of the building and the front 22 feet of the building are constructed to the side lot lines.

The remaining side elevations of the building maintain an approximately 4-foot to 5-foot side yard. The building essentially occupies the entire site minus the variable 4 to 5-foot side yard and the 4 to 5-foot rear yard and provides no on-site parking and no on-site loading area.

The proposed project consists of a 10-story boutique hotel with 44 guest rooms and various accessory uses including a restaurant/event space, a basement cocktail lounge and a partially unenclosed roof top deck with a pool and bar. The building façade maintains historic elements inspired by the Italian Renaissance Revival Style but is not a designated historic structure. The project intends to preserve the building façade and approximately the front half of the building's side elevations to maintain the historic character of the building and blend it with a modern design. The exterior walls of the courtyard will retain the building's brick façade and fenestration with the original window openings with no glass panes creating an open feel. A large tree and additional landscaping will be provided within the courtyard.

The applicant is requesting a variance to permit 0 on-site parking spaces and is requesting not to be required to provide the required on-site loading area. The applicant is also requesting a variance to permit a portion of the roof top deck on the 9<sup>th</sup> floor to be unenclosed.

With respect to the required parking, after taking into account parking credits for the prior use on the site, the new project would require 4 on-site parking spaces for the proposed hotel and accessory uses in conformance to the Municipal Code. Therefore, the reduction in parking is only to allow relief from 4 required parking spaces. While substantial work will be done including demolition of a portion of the existing building, the subject site is a relatively small lot. The design of the project intends to preserve the existing building footprint and to expand the footprint of the existing building to the property line along those portions that currently maintain a 4 to 5-foot side and rear yard.

Due to the site's small size and existing improvements, the provision of on-site parking and the required loading area is impractical and infeasible. Granting the request does not significantly change the number of parking spaces that are otherwise required by code, a reduction of only four spaces, and the provision of four on-site spaces, even if practical, would not adequately address the need for parking generated by the proposed project. Instead, the applicant proposes to provide more than the required four parking spaces at an off-site location and proposes to provide valet service which will ensure the provision of adequate parking to serve the use much better than the provision and maintenance of four on-site parking spaces.

In the absence of any parking credits, the hotel would be required a minimum of 37 on-site parking spaces. Due to the site's narrow width and limited depth, this would likely require more than one parking level. It should be noted that even if



the existing building was demolished and the hotel was constructed from the ground up, due to the site's small size and narrow width of only 50 feet, subterranean parking and above grade parking would be impractical as the width and depth of the lot makes it impractical and infeasible to accommodate parking ramps, driveway aisles, internal circulation and parking stall dimensions in conformance to the code. The space required to accommodate parking ramps, driveway aisles and turning areas would occupy most of the area leaving minimal space for parking.

Similarly, the provision of 4 on-site parking spaces for the proposed project in compliance to the code, based on minimum stall dimensions and required turn-around or back-out space and the provision of a loading area is not only impractical due to the footprint of the existing and proposed building but would displace and significantly reduce the site's buildable area, which is already limited. The strict application of the zoning regulations would therefore result in a hardship and would result in a minimal gain of only four on-site parking spaces and a loading area. As noted, the applicant proposes to provide off-site parking with valet service. The site's location in downtown Los Angeles is in proximity to numerous public parking lots that will be available to meet the demand for the proposed hotel and guests and patrons.

With respect to the loading area, the prior use as an apartment did not require an on-site loading area. The applicant proposes to utilize a portion of the adjoining alley to the north for deliveries. The adjoining alley is fully improved to 20 feet and widens to 30 feet along the rear 40 feet of the subject site where the loading area is required to be located, which provides adequate width to accommodate the loading area without significantly interfering with use of the alley by other vehicles.

With respect to the proposed unenclosed deck on the 9<sup>th</sup> floor, Section 12.14-A,1(b)(3) of the L.A.M.C. requires that, with the exception of patios for ground floor restaurants, all retail uses be within a fully enclosed building. All of the hotel's retail accessory uses that will be available to hotel guests and the general public such as the restaurant, event space, and cocktail lounge are maintained within the interior of the building and are fully enclosed. However, due to the nature of the proposed use, a hotel, the applicant will provide a partially unenclosed roof top deck with a swimming pool and a bar area that is restricted to hotel guests only. The subject site is zoned R5 which permits hotel uses and other accessory uses for the benefit of hotel guests. A swimming pool and bar are typical accessory uses in a hotel. In the instant case, due to the site's relatively small size, there is not adequate space on the site to provide exterior outdoor amenities. Given the site's location in downtown Los Angeles within a dense, high-rise urban environment, on-site amenities for hotel and residential uses are commonly provided within roof top decks. The code's intent to require commercial activities to be within a fully enclosed building does not contemplate accessory uses such as a roof top deck or bar area in connection with a hotel

use that is limited to hotel guests only. Therefore, the strict application of the zoning regulations would preclude the provision of a desirable on-site amenity typical to hotel uses for the benefit of hotel guests. As proposed, only the southern and western elevations of the 9<sup>th</sup> floor deck will remain unenclosed facing commercial uses to the south and Hope Street to the west. The north and east elevation facing the adjoining residential condominiums will be fully enclosed, consistent with the code's intent.

In view of the site's relatively small size and circumstances on the site, the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. Meanwhile, the applicant will nevertheless provide off-site parking, a viable loading area within the alley adjoining the site, and will enclose the north and east elevation of the 9<sup>th</sup> floor deck, all consistent with the intent of the zoning regulations.

8. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject site is a rectangular shaped interior lot containing approximately 7,815 square feet with a width of 50 feet and a depth of approximately 156 feet. The subject site abuts two adjoining alley to the north and to the east and the site is surrounded by three high rise residential condominiums that are functionally integrated and maintain reciprocal easements to allow shared vehicular access to the parking garages and to some of the on-site amenities.

The adjoining lot to the south is an approximately 50-foot wide lot owned by the adjacent condominiums and that provides vehicular ingress and egress for the adjacent garages east and north of the adjoining alleys. Further to the south, there are several lots approximately the same size as the subject property that are improved with one and two story older commercial structures that maintain minimal or no on-site parking with the exception of one building which is a parking use. These lots are underutilized and are likely to be redeveloped as the surrounding area continues to undergo a transition. The likely scenario would be that these lots on the southern part of the block would be assembled to be developed as one site.

For reasons outlined under Finding No. 7 above, the site's relatively small size and width makes it impractical to provide required on-site parking, an on-site loading area or outdoor amenities. In addition, unlike the underutilized properties to the south, the site is surrounded by two alleys and Hope Street on three of its sides and by the driveway access to the adjacent residential condominiums on the fourth side. Therefore, the subject site does not have the ability to be assembled with any adjoining lots in a manner that would allow more efficient use and development on the site that would enable the site's ability to provide

on-site parking, loading areas and exterior on-site amenities. Also, the site is located in downtown Los Angeles's South Park community and is located only two blocks from the Staples Arena and LA Live with numerous entertainment venues and restaurants and in proximity to numerous high rise office uses, high rise residential uses, a hospital and most importantly, numerous public parking facilities. Thus, the site is located in the midst of a major employment center and tourist destination area adequately served by public transportation and is located adjacent to the proposed red car route.

All of these are special circumstances applicable to the subject site, most of which do not apply to properties immediately surrounding the site, that impede the site's ability to be developed efficiently and in conformance to the zoning code. Meanwhile, the site's location in proximity to public parking facilities in downtown Los Angeles makes it feasible for the site to provide off-site parking.

9. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The subject site is zoned [Q]R5-4D. The underlying zone permits a maximum density of approximately 49 guest rooms or dwelling units (including one half the adjoining alleys) and is entitled to a 6:1 FAR and unlimited height. The site is underutilized and is improved with a dilapidated three-story apartment building containing 36 dwelling units. The site is seismically unsafe and has an outstanding Order to Comply issued by the Department of Building and Safety on December 12, 2011.

The subject property appears to be subject to the Wiggins Settlement (to be determined by the Community Redevelopment Agency) which may impose obligations that require replacement of existing affordable units. No waiver from this requirement has been granted in connection with this grant. The property was previously owned by a non-profit organization who failed to rehabilitate the building to preserve it for affordable housing and the building had remained vacant for many years now.

The property is now privately owned and the applicant seeks to partially demolish the existing building and add a 7-story tower above to convert the existing apartment to a boutique hotel with 44 guest rooms and accessory uses. The applicant seeks to retain the building façade to preserve the historic features and character of the building. The granting of the request is necessary to enable structurally retrofitting the property via an adaptive re-use that allows viable use of the site and enables the provision of much needed hotel guest rooms to serve downtown Los Angeles and the adjacent Convention Center and entertainment

venues while preserving the façade and significant architectural features of a historic building.

The adjoining residential condominium sites maintain outdoor pool decks and received numerous deviations from the code to enable development of those sites in a functional manner that included relief from the parking regulations, relief to include the site's gross area prior to dedication to be used to determine the maximum buildable area, a floor area deviation of 46,734 square feet and relief to exceed the maximum permitted FAR among other deviations. As such, the granting of the request will enable reasonable use and development of the property consistent with the adjacent properties.

10. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Concerns were raised by residents and homeowners of the adjacent residential condominiums that the scope of the hotel and its accessory uses (restaurants, bars, cocktail lounges and event space) would generate a significant demand for parking and that there is no passenger loading zone available along the site's frontage to accommodate valet service. Moreover, residents expressed concerns that with only 50 feet of frontage, not enough passenger loading space could be provided and that the valet operation would interfere with vehicular access to the garages of the adjacent condominiums which take their access via the adjoining alley to the north and from a driveway immediately south of the subject site.

Similarly, concerns were expressed about the number of deliveries that would be required by the hotel and its accessory uses and that the proposed loading area in the alley would result in congestion in the alley and interfere with access to the residential condominium garages. Concerns were also expressed regarding the proposed 9<sup>th</sup> floor roof top bar and pool deck which is partially open and the applicant's proposal to permit music and live entertainment on the roof top deck, just across the alley from the dwelling units to the north and east of the adjoining residential condominiums, which would generate significant late night noise and disturb the occupants on the adjoining residential condominiums and interfere with their ability to enjoy their balconies and their peace and quiet.

As conditioned, the granting of the request is not anticipated to have significant adverse impacts on any surrounding uses including the adjacent residential condominiums. The scope and size of the proposed boutique hotel is limited. The hotel will contain only 44 guest rooms and contain one restaurant/event space with a combined maximum of 1,550 square feet that will be available to hotel guests and the general public. Meanwhile, the proposed roof top pool deck and bar will be restricted for use by hotel guests only and will not be accessible to the general public while the basement cocktail lounge will only operate

between 6 p.m. and 2 a.m. outside of peak hour traffic. Based on this scope, the Department of Transportation determined that the trip generation associated with the proposed project would not generate any significant traffic impacts and no traffic study or mitigation measures are required.

Condition No. 37 requires that the applicant provide curbside valet service for use by patrons of the premises 24 hours daily and requires that the valet operator obtain the required permit from the Los Angeles Department of Transportation pursuant to recently adopted Sections 103.203 and 103.203.1 of the Los Angeles Municipal Code. Meanwhile, Condition No. 41 requires the applicant to secure adequate off-site parking within 1,500 feet of the subject site to accommodate parking demand from hotel guests and patrons of the hotel's accessory uses. To the extent numerous parking facilities are located within proximity to the subject site, the Zoning Administrator has not dictated the minimum number of required off-site spaces to allow the hotel operator flexibility based on demand. However, it remains in the hotel's best interest to provide adequate off-site parking to ensure the success of the hotel.

To enable curbside valet service, prior to issuance of a building permit, Condition No. 39 requires that the applicant obtain approval from the Department of Transportation to remove the red curb and relocate the existing fire hydrant along the site's frontage to accommodate valet service and a passenger loading and unloading zone along the site's frontage. The site's 50 foot frontage should accommodate approximately three vehicles without blocking access to the adjoining driveway to the south. Nevertheless, Condition No. 40 requires that valet attendants be trained and instructed to direct and manage traffic by approaching and departing vehicles so as to prevent congestion on Hope Street and to prevent obstructing access to the adjoining alley north of the hotel and the adjoining driveway to the south that provide ingress and egress for the adjoining residential condominiums.

With respect to the off-site loading area in the adjoining north alley, the applicant anticipates a maximum average of six deliveries per day that would generally be completed before 10 a.m. with few occasional intermittent deliveries after 10 a.m. To ensure loading and delivery activities in the alley do not interfere with access to the garages of the adjoining residential condominiums, Condition No. 36.a. requires that the loading area be located along the rear 40 feet of the building where the alley widens to 30 feet to maximize clearance for other vehicles using the alley. In addition, the loading area may not encroach more than ten feet into the alley and the size of delivery vehicles is limited to a maximum length of 28 feet. Other conditions address the hours and manner in which deliveries are made to minimize disturbances on adjacent residential neighbors. All deliveries shall be conducted between 6 a.m. and 8 p.m. daily to minimize noise on adjacent residential uses and the hotel is limited 6 deliveries per day. A sign is required to be posted in the alley that states, "This is a residential area. Please be considerate of the neighbors and shut off engines during delivery. Please no

shouting or honking." Finally, no outdoor audible devices or systems or truck horns or outdoor buzzers may be utilized for deliveries.

Meanwhile, the adjoining residential condominiums have several points of ingress and egress directly from Hope Street and from 11th Street and from the two adjoining alleys via 12<sup>th</sup> Street and via Hope Street. Thus, alternative ingress and egress is available and the adjoining alley where the loading area is located will not provide exclusive access to the adjacent garages. Both of the adjoining alleys are improved to a minimum width of 20 feet to accommodate two-way traffic. Therefore, the limited number of delivery vehicles is not expected to cause any congestion or delays in the alley.

With respect to the roof top pool deck and bar area, to minimize noise and the intensity of the use of the roof top bar and swimming pool, the roof top bar and pool deck is restricted for use by hotel guests only and hours of operation are restricted from 6 a.m. to 11 p.m. Sunday through Thursday and from 6 a.m. to 12 midnight on Friday and Saturday. No live entertainment or amplified music is permitted on the roof top bar/pool deck and the north and east façade (facing the adjacent residential condominiums) of the roof top deck is required to be fully enclosed and the north elevation incorporates a glass façade that is required to be dual pane glass. The tenth floor will accommodate a partial floor with penthouse suites above the pool deck that will provide additional sound mitigation.

Therefore, as conditioned, the granting of the requests are not expected to be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

**11. The granting of the variance will not adversely affect any element of the General Plan.**

The granting of the request will enable reasonable use and development of the property consistent with the planned land use and underlying zone which contemplates and permits hotel uses. Moreover, granting the request will enable a use consistent with the goals and objectives of the Central City Community Plan.

The Central City Community Plan recognizes South Park to be a mixed-use community with a significant concentration of housing that includes proximate support services such as retail and commercial developments that provide employment opportunities for local residents. To that end, and in the interest of creating a linkage between jobs and housing, the development of substantial, community benefiting commercial projects is encouraged and the Community Plan contemplates the emergence of new retail stores, hotels, restaurants and entertainment venues along the western edge of the South Park area in the north-south Figueroa-Flower-Hope Street Corridors where the subject site is located.

The proposed boutique hotel development is consistent with the planned land use and underlying zone and will serve to implement the following Central City Community Plan residential land use objectives:

*Objective 2-3: To promote land uses in Central City that will address the needs of all the visitors to downtown for business, conventions, trade shows and tourism.*

*Policy 2-3.1: Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor.*

The hotel will contain 44 guest-rooms that will support tourists, business travelers and conventions and will provide on-site accessory uses for the benefit of hotel guests, visitors, local employees and local residents.

**MANDATED FINDINGS (ZONING ADMINISTRATOR'S ADJUSTMENT – Reduced Yards)**

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

12. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The zoning regulations require setbacks from property lines and building separations to provide for compatibility and privacy between respective properties and to ensure that adequate light, ventilation and emergency access is available to the occupants on the site as well as adjacent properties. Such regulations, however, are written on a Citywide basis and cannot take into account individual unique characteristics on a specific parcel or neighborhood.

The subject site abuts a 20-foot wide alley to the rear of the site (east), a variable 20-foot to 30-foot wide alley to the north, a 50-foot wide lot to the south that provides vehicular ingress and egress to the adjoining residential condominium and the site fronts Hope Street to the west. The site is located directly across three high rise residential condominiums located north and east of the site across the adjoining alleys.

The applicant is requesting to permit 0-foot front, side and rear yards in connection with the proposed project. As previously noted, the subject site is a rectangular shaped interior lot containing approximately 7,815 square feet with a

width of 50 feet and a depth of approximately 156 feet. The site is improved with a three-story masonry apartment building and is constructed to the front property line and maintains a minimal rear yard along the adjoining alley of approximately 4 to 5 feet. The approximately rear 25 feet of the building and the front 22 feet of the building are constructed to the side lot lines. The remaining side elevations of the building maintain an approximately 4-foot to 5-foot side yard. The building generally occupies the entire site minus the variable 4 to 5-foot side yard and the 4 to 5-foot rear yard.

The proposed project consists of a 10-story boutique hotel with 44 guest rooms and various accessory uses. The project intends to demolish a portion of the existing building and to preserve the building façade and approximately the front half of the building's side elevations to maintain the historic character of the building and blend it with a modern design. A 7-story tower will be added above the existing building. Due to relatively small size of the lot and the restricted buildable area, the design intends to preserve the existing building footprint and to expand the footprint of the existing building to the property line along those portions that currently maintain a 4 to 5-foot side and rear yard, consistent with the remainder of the existing building.

The granting of the requested adjustments permits a viable adaptive re-use that allows preservation of the existing building's most significant architectural features and the new tower will maintain yards generally consistent with the footprint of the existing building. The existing 20 to 30-foot adjoining alleys and the 60-foot wide driveway on the south side of the site will ensure that adequate ventilation and light is maintained for both the occupants of the proposed hotel and for the residents of the adjacent residential condominiums, consistent with the intent of the zoning regulations.

13. **In light of the project as a whole including any mitigation measures imposed, 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.**

Refer to Finding Nos. 2, 10, 20 and 22.

14. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

Refer to Finding Nos. 3, 11 and 17



**MANDATED FINDINGS (TRANSFER OF FLOOR AREA)**

15. **That the Project is proper in relation to the adjacent uses or development of the community.**

The project site is within the highly urbanized setting of the South Park neighborhood in the southwest part of Downtown Los Angeles with a mix of multi-family residential, entertainment, and commercial land uses. The site is located adjacent to the Los Angeles Sports and Entertainment District (LASED) Street Plan area, which is intended to develop attractive, functional safe and enjoyable streets and pedestrian friendly sidewalks that connect to and complement the Downtown context. The site is also located adjacent to the Los Angeles Sports and Entertainment District (LASED) Specific Plan area, which is intended to provide continued and expanded development as a major entertainment/mixed-use development. Furthermore, the site located with the Downtown Design Guideline Project area, which is a design guide intended to provide guidance from creating a more livable downtown. The Hope Street corridor, along with the Grand Avenue corridor, have been slated for high-density development, and is intended to serve as a vibrant neighborhood for an emerging residential community and a customer base for new retail and entertainment uses provided by the LASED developments. Currently, the Hope Street, along with Grand Avenue, are characterized by buildings of varying heights and scales ranging from one- and two-story structures to large scale multi-family buildings such as the recent developments of Luma, ELLeven, and Evo. The future multi-story, high density developments proposed along Hope Street, Grand Avenue and Olive Street will further defined the neighborhood's character. Two blocks northwest of the project in the immediate area of LA Live, several multi-story hotels including the JW Marriott, Ritz-Carlton, and the Luxe operate to meet the hospitality demands for downtown Los Angeles.

The proposed project site is bordered to the north by a 20- to 30-foot wide asphalt alley, beyond which is a 15-story mixed-use project. The site is bordered on the east by 20-foot wide asphalt alley, beyond which is a 23-story, mixed-use development with 318 condominiums and ground floor retail, and a companion mixed-use development with 180 condominiums and ground floor retail. To the west of the project site is a vacant asphalt parking lot beyond which is a 4-story live-work development; a five-story parking structure is just north of the vacant parking lot. To the south of the project site is an improved parcel of land used for parking and access to the mixed-used projects east along Grand Avenue.

The proposed project will be a 10-story, 44-room boutique hotel, comprised of a maximum 60,000 square of floor area, of which 13,000 square feet of floor area will result from the floor area deviation. Development of the underutilized project site into a multi-story boutique hotel would be consistent and compatible with the established land use patterns in the area. The proposed project will create 44 additional rooms to meet the demand for room space and hospitality in the

Downtown Los Angeles vicinity, specifically the area adjacent to the Los Angeles Sports and Entertainment District.

**16. That the project will not be materially detrimental to the character of development in the immediate neighborhoods.**

The proposed project will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the Central City Community Plan, LASED, Street Scape Plan and Downtown Design Guidelines, which are part of the General Plan. The Central City Community Plan area is comprised of nine districts and the proposed project is located in the South Park district. The Central City Community Plan states "South Park is recognized to be a missed-use community with a significant concentration of housing." This emerging residential community includes the proximate citing of auxiliary support services such as entertainment, hospitality, retail and commercial developments that provide employment opportunities for area residents. Toward that end, and in the interest of creating a linkage between jobs and housing, the development of a substantial, community benefiting commercial project is encouraged. The South Park neighborhood south of Olympic Boulevard is designated as High Medium residential and Community Commercial in the Central City Community Plan.

The Downtown Design Guidelines require off-site improvements to provide streetscape improvements such as wider sidewalks and landscaped parkways to promote a pedestrian oriented environment. The existing sidewalk along the site's frontage is approximately 13 feet wide and contains no parkway. The site's frontage has a red curb and there is a fire hydrant in front of the site. The site is improved with a three-story 36-unit apartment building constructed in 1909 that is dilapidated and has been vacant since the early 1990s. The building has an outstanding order to comply and is seismically unsafe. The building is constructed to the front property line, has no on-site parking and the site's frontage is only 50 feet. The existing fire hydrant and red curb along the site's frontage are required to be removed to provide a passenger loading zone and valet service. Off-site parking will be provided by valet service. Additional widening of the sidewalk would require demolition of the existing façade which contains significant architectural elements. Therefore, it is neither practical nor desirable to comply with the Downtown Design Guideline's at the expense of demolishing the building's façade.

The proposed 44-room boutique hotel project will structurally retrofit the building and the design will preserve the significant architectural elements of the building's façade. The interior will be gutted and reconfigured and two seven-story towers will be added above the third floor. The roof of the front half of the existing building will be removed and the hotel will incorporate an interior courtyard open to the sky. The exterior walls of the courtyard will retain the building's brick façade and fenestration by retaining three existing original large

window openings with no glass panes creating an open feel and a connection with the sidewalk. A large tree and additional landscaping will be provided within the courtyard that will remain open to the sky and will accessible to the general public.

Thus, while the project can not achieve all of the requirements of the Downtown Design Guidelines, the design is sensitive and respectful of the building's historic façade and meets the intent of the Guidelines. The proposed project will establish hospitality services and ground floor commercial on a lot that has been underutilized for decades, and thereby contribute to revitalizing the South Park area. In addition, in exchange for the Floor Area Deviation granted in connection with this action, the applicant is required to pay a P Public Benefit payment consistent with LAMC Section 14.5.9 in the amount of \$232,440 that will be deposited to the Transfer of Floor Area Public Benefit Payment Trust Fund to be utilized for the completion and implementation of off-site improvements in the South Park or Central City Area.

**17. That the Project will be in harmony with various elements and objectives of the General Plan.**

The subject site is designated for High Density residential land uses and is zoned [Q]R5-4D. The site is located within the Central City Community Plan in Downtown Los Angeles and is within the South Park area only two blocks east of the Convention Center and LA Live and one block east of the Metro Rail line. The underlying zone permits high density residential uses as well as hotel uses subject to certain limitations. In addition, hotel uses are permitted by Conditional Use when located within 500 feet from residential uses subject to the required findings. Those findings have been made in the affirmative under Finding Nos. 1 through 6 of this action.

The Community Plan recognizes that the Central City is overwhelmingly a governmental, commercial and manufacturing center and that residentially zoned land accounts for less than 5% of the total land area. However, the Plan also recognizes that the "The continued economic and social viability of Central City depends on the contribution of a stable population and vibrant, cohesive neighborhoods." Therefore, a primary objective of the Central City Plan is to facilitate the expansion of housing choices, including hospitality, in order to attract new and economically and ethnically diverse households. The proposed boutique hotel project, indeed promotes new housing and hospitality opportunities for Downtown Los Angeles.

The Central City Community Plan recognizes South Park to be a mixed-use community with a significant concentration of housing that includes proximate support services such as retail and commercial developments that provide employment opportunities for local residents. To that end, and in the interest of creating a linkage between jobs and housing, the development of substantial,

community benefiting commercial projects is encouraged and the Community Plan contemplates the emergence of new retail stores, hotels, restaurants and entertainment venues along the western edge of the South Park area in the north-south Figueroa-Flower-Hope Street Corridors where the subject site is located.

The proposed boutique hotel development is consistent with the planned land use and underlying zone and will serve to implement the following Central City Community Plan residential land use objectives:

*Objective 2-3: To promote land uses in Central City that will address the needs of all the visitors to downtown for business, conventions, trade shows and tourism.*

*Policy 2-3.1: Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa Corridor.*

The lack of hotel guest rooms in downtown Los Angeles to adequately support the Convention Center and the Central City's rich entertainment venues is well documented. The hotel will contain 44 guest-rooms that will provide needed services to tourists, business travelers and conventions and will provide on-site accessory uses for the benefit of hotel guests, visitors, local employees and local residents.

The proposed boutique hotel project is in harmony with the Central City Community Plan, LASED Streetscape Plan and the Downtown Design Guidelines, which are all part of the General Plan. The following discussion addresses the project's consistency with the General Plan and various elements, including the Central City Community Plan, Housing Element and the Transportation Element.

#### Housing Element

The City's Housing Element for 2006-2014 was adopted by City Council on January 14, 2009. The project is consistent with following objectives, policies and programs.

##### *Objective*

*Policy 1.1.4: Expand location options for residential development, particularly in designated Center, Transit Oriented Districts and along Mixed-Use Boulevards.*

*G. Infill Opportunities – Downtown Center: Encourage development of additional housing in the Downtown Center through incentives and identification of infill opportunities and through appropriate rezoning and*

*General Plan changes. Through the Transfer of Floor Area Rights incentives, enable the transfer of unutilized floor area to desired development sites and collect public benefit fees to support the development of community amenities and affordable housing.*

*Objective 2.2.: Promote sustainable housing neighborhoods that have mixed-income housings, jobs, amenities, services and transit.*

*Policy 2.2.6: To accommodate projected growth to 2014 in a sustainable way, encourage housing in center and near transit in accordance with the General Plan framework Element, as reflected in Map ES. 1.*

The proposed project will utilize a Transfer of Floor Area (Floor Area Deviation) of 13,000 square feet to increase the project's overall floor area above the maximum floor area otherwise permitted by the site's 6:1 FAR. Permitting the increase of floor via the Floor Area Deviation allows the development of hospitality housing units, which increases the housing stock in the South Park Neighborhood District, a community recognized for mixed-used and high density residential housing and adjacent to the LASED which consists of several hospitality developments. Furthermore, permitting the increase in floor area also helps the City to accommodate growth in Downtown and at the same time locating growth in close proximity to public transit services including the Blue Line and Expo Line rails and several Metro Transit Authority Lines, the DOT Dash Lines, Orange County Bus Lines and the Santa Monica Blue Bus. These transportation lines allow for convenient access to employment centers in all parts of the metropolitan area and help reduce the number of vehicle on the road.

#### Transportation Element

The City's Transportation Element was adopted by City Council on September 8, 1999. The proposed project is consistent with the following objectives, policies, and programs.

*Objective 3: Support development in regional center, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.*

The proposed 44-room boutique hotel project contributes to a planned pedestrian-oriented environment envisioned by the Downtown design Guidelines, and is located within an emerging high-density residential neighborhood with ground floor retail and live/work units in close proximity to public transportation and in the jobs rich environment of Downtown Los Angeles. Future occupants of the proposed project will be within walking distance of the Convention Center, Staples Center, LA Live and other commercial, institutional cultural and recreational amenities reducing the need for automobile transportation. In addition, the proposed project is conveniently located to local and major bus

lines, as well as the Blue Line and Expo Line Rail Station at Pico Boulevard and Flower Street, one block west.

As outlined in more detail under Finding No. 16 above, while the project can not achieve all of the requirements of the Downtown Design Guidelines, the design is sensitive and respectful of the building's historic façade and meets the intent of the Guidelines. The proposed project will establish hospitality services and ground floor commercial on a lot that has been underutilized for decades, and thereby contribute to revitalizing the South Park area. In addition, in exchange for the Floor Area Deviation granted in connection with this action, the applicant is required to pay a P Public Benefit payment consistent with LAMC Section 14.5.9 in the amount of \$232,440 that will be deposited to the Transfer of Floor Area Public Benefit Payment Trust Fund to be utilized for the completion and implementation of off-site improvements in the South Park or Central City Area.

**18. That the project is consistent with any applicable adopted Redevelopment Plan.**

The project is located in the City Center Redevelopment Project area, established in May 2002 by the CRA. The City Center Redevelopment Plan has the primary objective of eliminating and preventing blight in the Redevelopment Project area. The proposed boutique hotel project will meet several of the objectives of the City Center Redevelopment Plan:

- Further the development of Downtown as a major center in the Los Angeles metropolitan region, within the context of the Los Angeles General Plan as envisioned by the General Plan Framework, Concept Plan, Citywide Plan portions, the Central City Community Plan and Downtown Strategic Plan.
- Create an environment that will prepare and allow the Central City to accept that share of regional growth and development that is appropriate and which is economically and functionally attracted to it.
- Guide growth and development, reinforce viable functions and facilitate the redevelopment, revitalization of rehabilitation or deteriorated or underutilized areas.
- Create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses such as recreation, sports, entertainment and housing.
- Create a symbol of pride and identity which gives the Central City a strong image as a major center of the Los Angeles region.

- Achieve excellence in design, based on how the central City is to be used by people, giving emphasis to parks, green spaces, street and places for walking and sitting.
- Provide a full range of employment opportunities or persons of all income levels.
- Provide high-and medium density housing close to employment and available to all ethnic, social and economic groups and to make an appropriate share for the City's low-and moderate income housing available to residents of the area.
- Establish an atmosphere of cooperation among residents, workers, developers, business, special interest groups and public agencies in the implementation of this plan

The proposed boutique hotel would advance the implementation of the City Center Redevelopment Plan objectives by:

- Contributing toward the development of Downtown Los Angeles as a major city center through the renovation of a vacant former 76-room 3-story apartment building into a 10-story, 44-room boutique hotel, complete with a large open air courtyard, a restaurant, lobby bar, gallery space, conference /meeting room and a roof top bar with an open air pool deck
- Creating additional housing opportunities through the construction of 44 hotel rooms, which will serve the demand for hospitality housing from visitors, businesses, and others.
- Facilitating the redevelopment of
- Contributing to the around-the-clock activities, including restaurants, bars and hospitality opportunities,
- Contributing toward the creation of a symbol of pride and identity in Central City by developing a well design building from the remains of an existing structure, that will advance revitalization of the neighborhood;
- Provide high-density hospitality close to employment concentrations and public transportation;
- Providing a unique hospitality facility that will contribute to toward fostering an atmosphere of cooperation and collaboration among businesses, special meetings special interest groups and residents.

### **Wiggins Settlement**

The existing building is listed on a CRA data base of residential properties in the downtown City Center that are subject to a settlement agreement known as "The Wiggins Settlement" between the City/CRA (defendants) and the County of Los Angeles/Mr. Wiggins (plaintiffs). The Settlement Agreement requires that any

existing low-income dwelling units removed by a private owner be replaced on a 1:1 basis in compliance with certain criteria and provided the CRA makes certain findings. Section 4.D.4 of the Settlement Agreement reads in part: *"...if any of the units are later found to not be Affordable Housing, Plaintiffs and Defendants agree to modify this Agreement to add or delete such units .....pursuant to the implementation provisions of Section 7 below."*

Opponents of the project assert that the subject site must comply with the Settlement Agreement and should not be approved for alternative uses. Meanwhile, the applicant asserts that the property has been vacant for many years and therefore should not be subject to the Settlement Agreement. The Settlement Agreement does not pre-empt the property's right to be utilized or approved for alternative uses provided the property meets its obligations under the Settlement Agreement. The approval of this grant makes no representations concerning the properties legal obligations and does not relieve the subject property of any obligations it may be subject to pursuant to the Wiggins Settlement. Condition No. 42 requires that prior to issuance of a demolition or building permit, the applicant shall obtain clearance from the Community Redevelopment Agency or its successor agency for compliance to the Wiggins Settlement pertaining to any applicable requirements for the replacement of any previously existing affordable units on the site and/or for the provision of new affordable units, as determined by the Community Redevelopment Agency or any successor agency responsible for implementation or enforcement of the Wiggins Settlement. Therefore, as conditioned, the project is consistent with the Central City Redevelopment Plan.

**19. That the transfer serves the public interest by providing public benefits in accordance with Subparagraph (b)(1) of the subdivision.**

For a Director's Authority to approve a transfer of less than 50,000 square feet of floor area (Floor Area Deviations), a project must provide either direct Public Benefit or a Public Benefit Payment equivalent to the dollar value otherwise required for a Public Benefit. A Public Benefit must serve a public purpose, such as providing for affordable housing, public open space, historic preservation, recreational, cultural, community and public facilities, job training and outreach programs, affordable child care, streetscape improvements, public arts program, homeless services programs or public transportation improvements. A Public Benefit Payment may also be provided by any combination of the payment of monies to the Public Benefit Payment Trust Fund or combination of payment of monies to the Public Benefit Payment Trust Fund and the direct provision of Public Benefits.

The proposed boutique hotel project requests a Floor Area Deviation of 13,000 square feet, which results in a Minimum Public Benefit Payment of **\$232,440** in compliance to L.A.M.C. Section 14.5.9-C. As conditioned, the applicant is required to make a Public Benefit payment in the amount of \$232,440 to the



Transfer of Floor Area Public Benefit Payment Trust Fund (Public Benefit Payment Trust Fund). The applicant is required to make the payment on or before the earlier to occur of the issuance of the building permit for the Project or twenty four months after the final approval of the Transfer and the expiration of any appeals or appeal period; should the Applicant not make the required payments within the specified time, the subject approval shall expire, unless extended by the Director of Planning in writing.

20. **That the Project incorporates feasible mitigation measures, monitoring measures when necessary or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the Project, and any additional findings as may be required by CEQA.**

A Mitigated Negative Declaration, ENV-2012-3186-MND, was prepared for the proposed project. On the basis of the whole record before the lead agency including any comments received, the lead agency finds that with the imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), together with the conditions of the grant that limit and restrict the scope of the uses, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 200 North Spring Street.

Low Impact Development (LID) is a stormwater management strategy that seeks to prevent impacts of runoff and stormwater pollution as close to its source as possible. It is an ordinance adopted in 2011 amending Los Angeles Code Section 64.70 (the City's Stormwater ordinance) and expanding one the City's existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. LID is different from the previous SUSMOP, requiring a larger scope of development and redevelopment project to comply with stormwater measures and incorporating new LID practices and measures. Therefore, the LID and SUSMP mitigation measures have been removed from the Conditions of Approval.

#### **ADDITIONAL MANDATORY FINDINGS**

21. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
22. On May 1, 2013, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2012-3186-MND. This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this

project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.