



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

Per Planning Director JCS

☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning

Regarding Case Number: CPG-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR; ENV-2016-2264-MND

Project Address: 1715-1721 North Wilcox Avenue

Final Date to Appeal: 08/15/2017

Type of Appeal:

- ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Lauren "Elle" Farmer

Company: _____

Mailing Address: 464 S. Lucase Ave., Suite 201

City: Los Angeles

State: CA

Zip: 90017

Telephone: (213) 481-8530

E-mail: elle.af4553@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self

☐ Other: _____

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Gideon Kracov

Company: Law Office of Gideon Kracov

Mailing Address: 801 S. Grand Ave., 11th Floor

City: Los Angeles

State: CA

Zip: 90017

Telephone: (213) 629-2071

E-mail: gk@gideonlaw.net (cc: jordan@gideonlaw.net)

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Elle Farmer

Date: 8/15/17

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$8900</u>	Reviewed & Accepted by (DSC Planner): <u>Edgar Maceo</u>	Date: <u>08/15/17</u>
Receipt No: <u>0104 776 446</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

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August 14, 2017

VIA HAND DELIVERED

City Council, City of Los Angeles
C/O Development Services Center
Department of City Planning
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

Re: Appeal Application for Whiskey Hotel Project (CPC-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR/ENV-2016-2264-MND); Approved by City Planning Commission on 6/8/17

Dear Honorable Mayor Garcetti and City Councilmembers:

On behalf of Lauren "Elle" Farmer ("Appellant"), this Office appeals (the "Appeal") the City of Los Angeles ("City") City Planning Commission ("Commission")'s approval on June 8, 2017, of Adolfo Suaya ("Applicant")'s Whiskey Hotel project (CPC 2015-2893-VZC-HD-CUB-ZAA-SPR; ENV-2015-2895-MND) ("Project"), which became effective on July 26, 2017, with the mailing of the Letter of Determination ("LOD"). The LOD identifies August 15, 2017, as the last day to file an appeal.

The Project takes an existing parking-lot and 600 square-foot ("SF") restaurant baseline and adds over 60,000 SF of new development including a 133-room hotel, 3,580 SF of ground floor and rooftop restaurant use, and 103 automobile parking spaces within three parking levels all within a new structure up to seven stories high (appx. 88.5 feet tall). To implement the Project, Applicant requests a Conditional Use Permit to allow sale of full line of alcoholic beverages onsite ("CUB"); Conditional Use Permit to allow commercial uses in the R5 Zone ("CU"); Zoning Administrator's Adjustment permitting a zero-foot southerly yard setback ("ZAA"); Waiver of Dedication and Improvements of the five-foot dedication ("WDI"); Site Plan Review for project creating 50 units or more ("SPR"); and for City Council approval a Vested Zone Change and Height District Change from C4-2D-SN to (T)(Q)C2-2D-SN and removal of the existing "D" Limitation to allow a 88.5-foot, 3.06:1 floor area ratio ("FAR"), in lieu of the otherwise permitted maximum 45-foot, 2:1 FAR development ("VZC/HD") (collectively "Entitlements" or "Project Approvals").

To grant the discretionary Entitlements, the City must make specific findings under the Los Angeles Municipal Code ("LAMC" or "Code"), such as the Project being consistent and in harmony with the General Plan, serving the public's needs and convenience, promoting the general welfare and good zoning practices, necessary to protect the best interest and assuring development compatible with surrounding properties and neighborhood, preventing adverse environmental effects, and not adversely affecting the pertinent community. See LAMC §§ 12.24-W.1(a)(1), 12.32-C.7, -G.1(k), -G.2(a), -G.4(b). Additionally, under the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 *et seq.*, the City must find that the Project would not have a significant effect on the environment based on the Project's Initial Study/Mitigated Negative Declaration ("IS/MND").

Under CEQA, however, there is a strong presumption in favor of requiring preparation of an environmental impact report ("EIR"), especially when substantial evidence establishes a "fair argument" that a project may have a significant effect on the environment. *See Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75. Substantial evidence includes facts, reasonable assumptions, and expert opinions supported by facts. *See* Pub. Res. Code §§ 21080(e), 21082.2(c) and 14 Cal. Code Regs. ("CEQA Guidelines") §§ 15064(f)(5), 15384. The fair argument standard is a "low threshold" where lead agencies, like the Department of City Planning ("City Planning"), must prepare an EIR whenever there is a reasonable probability or inferences that a project may cause significant effects on the environment – regardless of other evidence in the record or even if the project is beneficial. *See e.g. No Oil, Inc.*, 13 Cal.3d at 83-84; *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768,776; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002; *see also* Pub. Res. Code §§ 21100, 21151; CEQA Guidelines §§ 15063(b)(1), 15384(a).

Here, substantial evidence – **including unrefuted expert commentary** – demonstrates serious deficiencies and inaccuracies in the IS/MND that underestimate greenhouse gas ("GHG") impacts, mask traffic impacts, and defer analysis for many other significant Project impacts. These deficiencies were neither cured nor adequately addressed in the LOD or City Planning's Response to Comments dated June 6, 2017 ("Response to Comment"). Because these impacts directly conflict with the various LAMC and CEQA findings, the Commission erred and abused its discretion when approving the Project based on the record before it.

Therefore, Appellant urges that the City Council reverse the Commission's decision and deny the requested entitlements until a Project-specific EIR is prepared and circulated in compliance with CEQA.

This Appeal application includes the entire administrative record for the Project, including all oral testimony and written documents previously provided such as Matt Hagemann, P.G., C.Hg. air quality and GHG expert comment letter dated May 11, 2017 ("SWAPE Letter"); Tom Brohard, P.E. traffic expert comment letter dated May 19, 2017 ("Brohard Letter"), and a letter submitted by Appellant dated June 8, 2017 ("Farmer Letter"). These materials have already been provided to the City; if not in its possession, let Appellant's lawyer know at once.

All said materials are incorporated by this reference in their entirety. Please ensure that all of these documents are included in the record for the Project and any future action taken by the City. As an appellate body to Commission's approval of a site plan review, the City Council must base its decision "upon evidence in the record, including testimony and documents produced at the hearing before [it]." *See* LAMC § 16.05-H.4.

I. REASONS FOR THIS APPEAL

Appellant challenges this Project chiefly on two grounds; (1) City Planning failed to properly assess the Project's environmental impacts, and (2) the Commission cannot make the necessary findings to grant the discretionary Project Approvals. As discussed below, the IS/MND failed to adequately assess various Project-specific environmental impacts—particularly traffic and GHG/air quality impacts in this heavily congested part of Hollywood. These run in the face of mandatory LAMC and CEQA findings. For these reasons, Appellant requests that the City Council reverse the Commission's Project Approvals and require the City to prepare an EIR compliant with CEQA.

II. APPELLANT HAS STANDING & IS AGGRIEVED

Appellant is a resident of the City of Los Angeles and lives approximately three miles from the Project location and regularly frequents the immediately adjacent areas for work and social events (e.g. eating at nearby restaurants and visiting Amoeba Music a block away from the Project site). Given this proximity, Appellant risk a host of environmental impacts including traffic congestion if the Commission's decision is not reversed and the Project is allowed to be built without further environmental review. Applicant therefore is considered "aggrieved" under LAMC sections 12.24.1-E and 12.24-I.2.

Furthermore, Appellant filled out a speaker card and submitted letters before the Commission during the Project hearing on June 8, 2017. Those comments and this Appeal are made to exhaust remedies under *Pub. Res. Code* section 21177 concerning the Project, and incorporate by this reference all written and oral comments submitted on the Project by any commenting party or agency. It is well established that any party, as Appellant did here, who participates in the administrative process can assert all factual and legal issues raised by anyone. *Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

III. COMMISSION ERRED & ABUSED ITS DISCRETION

When granting the Project Entitlements, the Commission: (A) erred in relying on an inadequate IS/MND and problematic LOD and (B) abused its discretion by failing to make the necessary findings.

An IS/MND was prepared for this Project, not a more comprehensive EIR pursuant to CEQA law. This means that the less deferential "fair argument" standard applies. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of a negative declaration, even if other substantial evidence supports the opposite conclusion. *Mejia v. Los Angeles* (2005) 130 Cal.App.4th 322; *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903. "Substantial evidence includes ... expert opinion." *Pub. Res. Code* § 21080(e)(1); CEQA Guidelines § 15064(f)(5). An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.

When making its decision on, the Commission knew there was a **"fair argument" that the Project's GHG analysis was incomplete and that it may cause traffic impacts in this congested part of Hollywood and that, as a matter of law, the City needed to prepare an EIR.** As indicated in traffic and GHG/air quality expert letters were several substantial issues affecting the validity of the IS/MND's conclusions and that a corrected analysis would reveal additional significant impacts not documented in the IS/MND. Not only was it suggested to prepare a modified GHG impact analysis into a revised environmental document, but also that the document already prepared on its face showed significant cumulative traffic impacts.

Because the MND and LOD were deficient under CEQA, the Commission erred when granting the Project Entitlements without proper analysis of the environmental impacts. Additionally, the Commission could not make the necessary findings on the record before it and therefore, abused its discretion when granting the Project Approvals.

IV. SPECIFIC POINTS AT ISSUE

A. Under CEQA, The Commission Erred When Relying On An Inadequate IS/MND, Which Council Should Reject And Require An EIR

Multiple impacts are inadequately analyzed under the Project's MND, which is not cured by the LOD that raises additional concerns, specifically the following:

1. GHG Impacts

The CEQA Guidelines and recent decisions by the California Supreme Court, including *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204 (commonly referred to as "*Newhall Ranch*"), confirm the importance of undertaking a robust GHG analysis for any and all projects. Here, the IS/MND fails to do this in a way that is supported by "substantial evidence."

i. ***Unsubstantiated Carbon Intensity Factor Cut Out Of Whole Cloth:*** As set forth in the SWAPE May 11, 2017 letter, the MND's GHG analysis relied upon calculations from the California Emissions Estimator Model ("*CalEEMod*") that included an incorrect carbon dioxide ("*CO₂*") intensity factor of 840 pounds per megawatt-hour ("*lb/MWhr*"), in lieu of the 1227.89 lb/MWhr, which "underestimated" the Project's operational emissions generated from electricity use. SWAPE letter, pp. 2-3. The MND's justification for this was Senate Bill 350 ("*SB-350*") requiring publicly owned utilities, like Los Angeles Department of Water and Power ("*LADWP*"), to provide 33 percent of its power demands by renewable energy sources by the year 2020. While SWAPE noted this purported justification, the experts indicated that the "840 lb/MWhr value [was] unknown" and that the IS/MND and associated appendices provided "no additional explanation or justification ... where this alternative intensity factor was taken from ... [or] that supports the use of this other CO₂ intensity factor in place of the CalEEMod default value." *Id.* In response, the City Planning merely restates its justification; stating the default value is based on historical LADWP emissions from 2006, that LADWP will increase renewable energy sources by 38 percent by 2019, and that this amount of increase "results in a decrease in the intensity factor" *See* LOD, F-18; Response to Comments, p. 1. Again, no calculations are provided or data demonstrating that LADWP emissions have appreciatively changed since 2006 – these bald statement that modification is consistent with current regulatory standards. *Id.*

ii. ***An Updated Analysis Indicate Ghg Emissions Exceeding Thresholds:*** In reality, when analysis is performed with proper CalEEMod carbon intensity factor, Project-related construction and operational emissions total 3,017 metric tons of CO₂ equivalents per year ("*MT CO₂e/year*") or 40.2 MT CO₂e per year per service population ("*MT CO₂e/sp/yr*"). *Id.* at 3-5. These exceed significant thresholds recommended by the South Coast Air Quality Management District ("*SCAQMD*") intended to meet GHG reduction goals of lowering statewide emissions to 1990 levels by 2020 pursuant to the California Global Warming Solutions Act of 2006 ("*AB-32*"). Neither the LOD nor Response to Comments address these expert comments, despite being clearly identified by SWAPE:

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Annual Greenhouse Gas Emissions	
Phase	MT CO ₂ e/year
Construction (Amortized) ⁵	31
Operational	2,986
Total	3,017
SCAQMD Screening Level	3,000
<i>Threshold Exceeded?</i>	<i>Yes</i>

Source	Emissions	Unit
Total Annual Emissions	3,017	MTCO ₂ e/year
Maximum Service Population	75	Employees
Per Capita Annual Emissions	40.2	MTCO₂e/sp/year
2020 SCAQMD Project Level Efficiency Threshold	4.8	MTCO ₂ e/sp/year
<i>Exceed?</i>	<i>Yes</i>	-
Per Capita Annual Emissions	40.2	MTCO₂e/sp/year
2035 SCAQMD Project Level Efficiency Threshold	3.0	MTCO ₂ e/sp/year
<i>Exceed?</i>	<i>Yes</i>	-

iii. ***Applicant Must Demonstrate Consistency With Executive Order B-30-15, S-3-05 And SB-32:*** In 2015, the Governor issued Executive Order B-30-15 reducing emission targets to 40 percent below 1990 levels by 2030,¹ which was made State law in 2016 with the passage of Senate Bill 32 ("***SB-32***").² Additionally, projects must consider long term reduction goals of 80 percent below 1990 levels by 2050 set forth by Executive Order S-3-05.³ By failing to demonstrate consistency with these mandates, the IS/MND is incomplete and should not be relied upon to determine Project' significance. At minimum, the IS/MND should have demonstrated compliance with the 2030 reduction goals by using one of the methods suggested in *Newhall Ranch*, such as scaling the 40 percent statewide reduction target down to a "project-level." 62 Cal.4th at 229-231. Furthermore, the Applicant may not rely on Project design features being consistent with any of the laws listed as AB-32 Reduction Measures (*see* IS/MND, pp. B-38-45), given none were adopted before the more aggressive targets of SB-32 were passed, nor adopted as a "regulatory programs designed to reduce [GHG] emissions from [this] particular activities." *Newhall Ranch*, 62 Cal.4th at 229.

The California Supreme Court has made it clear that a finding that GHG impacts are insignificant must be "based to the extent possible on scientific and factual data" and "in a manner calculated to adequately inform the public and decision makers." *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) __ Cal.5th __ [2017 Cal. LEXIS 5125, at *31-32]. Here, that finding cannot be made on the record before the Commission and Council.

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¹ Governor Brown Establishes Most Ambitious Greenhouse Gas Reduction Target in North America (Apr. 29, 2015) State of California, available at <https://www.gov.ca.gov/news.php?id=18938>.

² SB32 text available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32.

³ Executive Order S-3-05 text available at <https://www.gov.ca.gov/news.php?id=1861>.

iv. ***Applicant Cannot Be Credited For GHG Reductions Having Nothing To Do With The Project:*** It highly questionable whether the IS/MND can rely on statewide mobile source reduction programs and, most seriously, treating measures having nothing to do with the Project as mitigation for the Project impacts. According to California Air Pollution Control Officers Association ("CAPCOA") on quantifying project-related GHG emissions:

*"... in order for a project or measure that reduces emissions to count as mitigation of impacts, the reductions have to be 'additional.' Greenhouse gas emission reductions that are otherwise required by law or regulation would appropriately be considered part of the existing baseline. Thus, any resulting emission reduction cannot be construed as appropriate (or additional) for purposes of mitigation under CEQA."*⁴

This concept is known as additionality, whereby GHG emission reductions that are otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline section 15064.4(b)(1), a new project's emission should be compared against that existing baseline.⁵ ***Emissions reductions that would occur without the Project should not normally qualify as Project mitigation.*** Thus, this Project needs to do its own fair share, with enforceable, detailed Project-specific mitigations – aside from existing statewide and local measures – governed by performance standards to guarantee efficacy.

v. ***Project is Overparked Contrary to Smart Growth Policies:*** The Project includes 103 parking spaces, more than 37 percent above the 75 required under the Code. See LOD, p. F-17. This is the antithesis of Transit Demand Management ("TDM") and "smart growth" policies of limited parking supply, which encourage alternative forms of transportation, alleviate traffic demand on area roadways, thereby reducing mobile-source GHG emission and vehicles per mile traveled ("VMT")—recognized and advanced by CAPCOA,⁶ Southern California Association of Governments ("SCAG"),⁷ and expert Mr. Hagemann (see SWAPE Letter, p. 8).

vi. ***Feasible Mitigation Measures Are Available To Reduce GHG/NOx Emissions:*** As a result of the IS/MND's "incorrect and unreliable" analysis (*id.* at 1), the Project avoids numerous feasible and cost-effective mitigation measures that could reduce the Project's GHG and Nitrogen Oxide ("NOx") emissions (*id.* at 5-11).

By failing to accurately assess the Project's GHG emissions, demonstrate compliance with SB-32 reduction goals, and improperly credit for reduction measures that have nothing to with the Project's, Applicant's GHG analysis is insufficient.

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⁴ CAPCOA (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32 & A3, available at <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

⁵ OPR (DEC. 2009) Final Statement of Reasons, pp. 88-89, available at http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf.

⁶ CAPCOA, *supra* n#, pp. 61-62, 207-209.

⁷ SCAG (Apr. 2016) 2016-20140 RTP/SCS, pp. 25, 33, 58, 78, available at <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>.

2. Traffic Impacts

i. **No Analysis Of Potential Valet Operations:** The IS/MND provides no analysis of potential valet service, part of the revised LOD,⁸ discussing additional information analysis to be conducted in the future. First, a number of potential issues are raised by this operation, which **is exacerbated when the City waives the required dedication**, such as:

- How many on-street parking spaces may be eliminated by valet services taking part on the street, or caused by any overflow of vehicles queued to enter into the Project (e.g. ubers, lyfts, taxis, etc.)?
- What will be the impact of that parking loss on near-by businesses?
- Will operation adversely affect traffic flow along Wilcox as drivers enter and exit the pickup/drop-off zone?
- What happens when the pickup/drop-off zone is fully occupied and another vehicle arrives to take advantage of the valet operation? Will the right-hand lane on Wilcox be blocked to those attempting to access Hollywood Blvd.? Will this result in rear-end collisions or other safety hazards?
- What are the traffic and safety impacts associated with valets driving vehicles between the pickup/drop-off zone and the parking facility entrance/exit locations?

Second, failure to address this potential impacts and formulate mitigation measures amounts to improperly deferred analysis under CEQA. CEQA caselaw requires the City to "craft mitigation measures that would satisfy enforceable performance criteria." *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 407. The absence of performance standards here violates CEQA. CEQA disallows deferring the formulation of mitigation measures to post-approval studies with no performance standards to guide the mitigation. CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309. An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance." *Sundstrom*, 202 Cal.App.3d at 308; *see also Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only "for kinds of impacts for which mitigation is known to be feasible").

ii. **The City Masks Cumulative Traffic Impacts:** Germane to both land use consistency and CEQA purposes, the Project's traffic shows the Project will contribute to cumulative traffic impacts that exceed or nearly exceed the City's significance threshold at several intersections. *See* IS/MND, pp. B-114. However, as explained in traffic expert's May 19, 2017, letter, the traffic analysis "masks the overall significant cumulative traffic impacts that will occur during peak hours at three of the eight intersections studied ... [by] focus[ing] on the very small incremental addition to traffic ... generated by the [project]." *See* Brohard Letter, p. 2. In response, City Planning states the study was performed by a "registered professional engineer, consistent with LADOT's Traffic Study Policies and Procedures." *See* City Response, p. 1; *see also* LOD, p. F-18. However, applying the City's thresholds only to the Project's incremental contribution to the change in volume/capacity (" V/C ") (*see* IS/MND, p. B-114), divorced from the context of the 130 other related projects identified is legally inadequate.

⁸ See LOD, p. C-5 providing new condition 45.

Based on the data provided in the Project's traffic analysis,⁹ the table below summarizes the V/C impacts at the affected intersections. Accordingly, the cumulative impact of the Project and the 130 related projects (column I) exceed the City's thresholds (column H) at the identified intersection and therefore create a "collectively significant" traffic impact. See CEQA Guidelines § 15355. For example, during a.m. peak hours at Wilcox and Franklin, the existing condition of 0.781 V/C, LOS C (Columns B & C) increase to 0.882 V/C, LOS D (Columns F & G), caused by the Project and 130 related projects, amounting to a cumulative impact of 0.101 increase in V/C (Column I), which exceeds the 0.20 threshold (Column). Nearly six percent of this cumulative impact is attributable to the Project's incremental contribution (column J) and therefore is cumulatively considerable. See CEQA Guidelines § 15130(a).

Intersection	Peak Hour	Existing (E)		Future (F)		Future w/ Project (FP)		Thresholds	Cum. Impact	Project's Incremental Contribution	
		V/C	LOS	V/C	LOS	V/C	LOS	V/C Increase	FP - E	FP - F	PERCENT
Wilcox / Franklin	am	0.781	C	0.876	D	0.882	D	≥ 0.020	0.101	0.006	5.9%
Cahuenga / Franklin	am	0.921	E	1.039	F	1.043	F	≥ 0.010	0.122	0.004	3.3%
Cahuenga / Franklin	pm	0.855	D	0.960	E	0.967	E	≥ 0.010	0.112	0.007	6.3%
Cahuenga / Hollywood	am	0.792	C	0.940	E	0.946	E	≥ 0.010	0.154	0.006	3.9%

The City may not improperly focus only on the Project's relatively small contribution to the overall cumulative impact. See *Kings County Farm Bureau, supra*, 221 Cal.App.3d at 720-721 (rejecting determination that less than 1 percent to area emissions was less than significant because analysis improperly focused on the project-specific impacts and did not properly consider the collective effect of the relevant projects on air quality). Nor may the City ignore these comments by claiming discretion in adopting its own thresholds. For example, *East Sacramento Partnership for a Livable City v. City of Sacramento*, (2016) 5 Cal.App.5th 281, involved a residential infill project where an EIR (not performed here) showed cumulative traffic impacts resulting in a LOS of F at several intersections. There, commenters questioned the city's significance threshold, which found these traffic impacts to be less-than-significant because the project was consistent with the city's general plan. In setting aside the EIR, the court noted that while CEQA grants agencies discretion to develop their own thresholds of significance, "[t]hat discretion, however, is not unbounded, as the determination that the Project has no significant environmental impact must be supported by substantial evidence." *Id.* at 300. The court explained:

*"[T]he fact that a particular environmental effect meets a particular threshold **cannot be used as an automatic determinant** that the effect is or is not significant ... a threshold of significance cannot be applied in a way that would **foreclose the consideration of other substantial evidence** tending to show the environmental effect to which the threshold relates might be significant. [Citation.]" [Citation].*

Id. at 303-304 (emphasis added).

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⁹ *IS/MND* at Table B-22 & 23, pp. B-113-114.

Here, like in Sacramento, the City's application of LADOT policy automatically minimizes the Project's cumulatively considerable traffic impacts. A cumulative analysis is supposed to be more demanding than a project-only analysis whereby the "threshold of significance for project-related impacts on its own is higher than the threshold for assessing its cumulative impact." *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1072. Here, application of the same threshold to both (i) the Project's impact on existing conditions and (ii) the Project's incremental contribution to future conditions, but not (iii) the cumulative impact to future conditions (Project plus related projects), amounts to a less stringent cumulative analysis. *Id.* (upheld use of same thresholds when the application was "undoubtedly more stringent cumulative-impact threshold"). This policy automatically ignores and minimizes the continued deterioration of intersections, like Bundy and Santa Monica, suffering V/C increases cumulatively caused by this Project and the other related projects. *See Al Larson Boat Shop, Inc. v. Board of Harbor Comm'rs*, (1993) 18 Cal.App.4th 729, 749 (upheld where cumulative impacts were not minimized or ignored). This policy systematically labels projects' cumulative impacts as insignificant merely because that impact would be a "drop in the bucket" in an already existing environmental problem – an argument that has been repeatedly rejected by the courts. *Save Cuyama Valley*, 213 Cal.App.4th at 1073 (citing *Kings County Farm Bureau*, 221 Cal.App.3d 692; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98; *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019).

The City must explain, with substantial evidence, why the Project's 3.3 to 6.3 percent contribution in V/C increases is less than significant.

iii. ***Additional Related Projects May Have Further Underestimated Cumulative Impacts:*** The IS/MND identifies 130 related projects in its cumulative analysis (*see* IS/MND, p. B-137), while 139 related projects were identified in a similar project less than 0.2 miles away from the Project site,¹⁰ which may further underestimate the Project's cumulative traffic impact. The IS/MND does not adequately this, much less explain away with substantial evidence.

3. Land Use Inconsistency

The IS/MND must discuss any inconsistencies between the proposed Project and applicable General Plan. *See* CEQA Guidelines § 15125(d). This inconsistency is particularly acute here when it comes to taking away land zoned for housing, including affordable housing – a topic that the Project IS/MND ignores.

The Project's 133-guestroom hotel will take away the ability to develop housing on the site, especially affordable housing that would be allowed under the site's C4 zoning designation. This is a great concern. According to the UCLA Ziman Center, Los Angeles housing prices have grown about four times faster than incomes since 2000 and "affordable housing production and preservation needs to accelerate."¹¹ Los Angeles is the least affordable rental market in the country, according to Harvard University's Joint Center for Housing Studies, and has been ranked the second-least affordable region for middle-class people seeking to buy a home.¹² The City of Los Angeles' Housing Needs Assessment indicates that through September 30, 2021, 20,426 additional housing units are

¹⁰ *See* Tommie Hotel (Dec. 2016) ENV-2016-4313-MND, p. II-32, available at http://cityplanning.lacity.org/staffrpt/mnd/Pub_122216/ENV-2016-4313.pdf (last visited 6/7/17).

¹¹ *See* <http://www.anderson.ucla.edu/Documents/areas/ctr/ziman/2014-08WPrev.pdf>.

¹² *See* <http://www.latimes.com/opinion/editorials/la-ed-affordable-housing-part-1-20150111-story.html>.

needed in the City for very low-income, 12,435 for low-income and 13,728 are for moderate income.¹³

The City's General Plan reflects this urgent need for affordable housing. *See City of Los Angeles General Plan Housing Element* Goal 1 "A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs"; Policy 1.1.1 "Expand affordable home ownership opportunities and support current homeowners in retaining their homeowner status"; Policy 1.1.2 Expand affordable rental housing; Objective 2.5 "Promote a more equitable distribution of affordable housing opportunities throughout the City"; Policy 2.5.1 "Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers"; and Policy 2.5.2 "Foster the development of new affordable housing units citywide and within each Community Plan area."¹⁴

The same affordability concerns must be addressed under the governing Hollywood Community Plan and Redevelopment Plan. *See City of Los Angeles Hollywood Community Plan* Objective 3 "To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community . . . [a]dditional low and moderate-income housing is needed in all parts of this Community"; *Hollywood Redevelopment Plan* Goal 300.9 "Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes; and to provide home ownership opportunities and other housing choices which meet the needs of the resident population"; Goal 410.4 "At least fifteen percent (15%) of all new or rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be for persons and families of low or moderate income; and of such fifteen percent, not less than forty percent (40%) thereof shall be for very low-income households"; and Goal 412 "The social needs of the community include but are not limited to the need for day care facilities, housing for very low and low-income persons including the elderly, the homeless, and runaways, educational and job training facilities, counseling programs and facilities."¹⁵

By taking away the ability to build housing onsite, this Project likely is General, Community and Redevelopment Plan inconsistent, not in the "general welfare," and the City may be paying mere lip service to the mandates of its governing Plans. **If the City is going to bless this zero housing Project, real community benefits should be required.**

4. Aesthetic/Historical Resources Impacts

Here, the Project is surrounded by historical properties (LOD, F-4, F-14-15). However, the Project's shadow analysis fails to identify these buildings as sensitive uses or discuss potential shadow impacts this seven story building will cast. *See IS/MND*, B-8. These may cause "substantial adverse change in the significance" of these historical resources. Pub. Res. Code § 15064.5(b). It is well-established that architectural and historic resource impacts can be significant impacts that

¹³ See <http://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch1.pdf>.

¹⁴ See <http://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch6.pdf>.

¹⁵ See <http://planning.lacity.org/complan/pdf/HwdCpTxt.pdf>; <http://www.crala.org/internet/site/Projects/Hollywood/upload/HollywoodRedevelopmentPlan.pdf>.

must be studied under CEQA. See Guidelines App. G. Numerous cases deem impacts on these resources as significant. *Ocean View Estates v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 401; *Quail Botanic Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1603-1605. A

5. Deferred Mitigation/Non-Enforceable Performance Standards/ Pre-Commitment

As discussed above, CEQA disallows differed mitigation. In addition to improperly deferring analysis of a potential future valet service, the LOD anticipated a future "Plan Approval" between 18 months and two years after the Project receives its Certificate of Occupancy. See LOD, p. C-6, F-12. First, there are no performance standards included in this future Plan Approval. Second, this Plan Approval is not included in the adopted Mitigation Monitoring Program attached to the IS/MND (i.e. Exhibit B). Third, this amounts to improper pre-committed by the City that "as a practical matter" limited its ability to reject or take effective steps to mitigate Project impacts. *Save Tara v. City of W. Hollywood* (2008) 45 Cal.4th 116, 139.

B. Council Should Deny the Project Approval Because the Required Land Use Findings Cannot be Made

The CEQA, land use and other concerns addressed in this Appeal must be adequately addressed in order to make the required City Zoning Code, Community Plan, and Redevelopment Plan findings. **The entitlements are discretionary, not by right.** Absent compliance with the issues addressed herein, the Commission could not make the necessary findings and therefore should have rejected Applicant's requested discretionary entitlements. See LAMC § 12.32.F.1 (requiring for zone change "that the public necessity, convenience, general welfare or good zoning practice so require"); § 12.24.E (conditional use permit for alcohol requires that Project "will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood . . ." and "substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan . . ."); § 12.28.C.4 (zoning administrator adjustment "will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety" and "is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan . . ."); § 16.05.F (site plan review findings must show "that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan . . ." and "that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties"); and *Hollywood Redevelopment Plan* § 506.2.3 (in order to grant up to 6:1 FAR Project must be designed "to concentrate high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation facilities or which effectively utilize transportation demand management programs" and "[a]ny adverse environmental effects especially impacts upon the transportation and circulation system of the area caused by proposed development shall be mitigated or are overridden by other social, economic or physical considerations, and statements of findings are made").

/ / /

In particular, Appellant wants to call attention to the purported Redevelopment Plan section 506.2.3 required findings that impacts to transportation and circulation caused by the Project are overridden by other social, economic or physical considerations. This required statement of overriding considerations must be supported by substantial evidence in the record and the agency must present an explanation to supply the logical steps between the ultimate finding and the facts in the record. *See Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515. It has not.

Here, in exchange for giving this Project a host of discretionary development favors, the City is requiring close to nothing. First, the OPA¹⁶ or required Hollywood Redevelopment Plan section 506.2.3 and Ordinance No. 165,660 "D" Limitation DDA or "binding written agreement with the Agency . . . providing for, among other things, Agency review and approval of all plans and specifications, the compliance with all conditions applicable to development in excess of a 4:5:1 site FAR and the provision of adequate assurances and considerations for the purpose of effectuating the objectives of the Plan" are nowhere to be found.

In reality, the proposed findings make no attempt to determine the required "social, economic or physical considerations" of the Project. For example, identifying new jobs created by the Project, in either the construction phase or the operational phase, the likely salary and wage ranges, and whether employees will have the right to collectively bargain. Without this information, the City lacks substantial evidence to make any statement of overriding considerations. The City cannot find that the economic and social benefits of the Project outweigh the environmental costs.

V. CONCLUSION

Appellant appreciates the opportunity to provide these comments and respectfully urges the City to reverse the Commission's actions and ensure compliance with all LAMC, CEQA, and City Planning requirements. In sum, the record before the Commission established a fair argument that the Project may cause significant environmental impacts and, therefore, require the preparation of a Project-specific EIR. Without which, the genuine impacts cannot be adequately assessed, disclosed, and mitigated to the fullest extent feasible – as required by CEQA. *See* CEQA Guidelines § 15002(a)(2) & (3).

/ / /

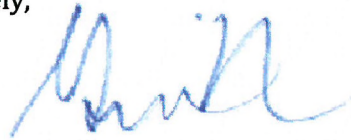
¹⁶ In light of CRA/LA dissolution, the appropriate action in order to remove the limitation requiring the OPA or otherwise divest the CRA/LA of its responsibility to enter into OPAs would be to: i) transfer the powers of the former CRA to the City, or ii) amend the Hollywood Redevelopment Plan. Neither has yet occurred. The City is in the process of considering an ordinance to take control from the former CRA's responsibilities. <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=13-1482-S1>; <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=11-0086-S4>; <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=12-0014-S4>. Once the City transfers authority, then it will have the ability to assume the role of the former CRA/LA. In the absence of a successor agency to administer redevelopment activities, the Applicant cannot cherry pick portions of Hollywood Redevelopment Plan that it likes (the FAR increase) while ignoring others (the OPA/DDA requirement).

Appellant reserves the right to supplement these comments at future hearings and proceedings for this Project. *See Cmtys. for a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 86 (EIR invalidated based on comments submitted *after* Final EIR completed); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Appellant, this Office requests, to the extent not already on the notice list, all notices of CEQA actions, Appeal hearing and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. *See* Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, gk@gideonlaw.net (cc: jordan@gideonlaw.net).

Thank you for consideration of this Appeal. We ask that they are placed in the administrative record for the Project.

Sincerely,



Gideon Kracov
Law Office of Gideon Kracov
Attorney for Appellant, Lauren "Elle" Farmer

Encl.:

Appeal Application Form CP-7769
Original Letter of Determination mailed December 5, 2016

Office: Downtown
 Applicant Copy
 Application Invoice No: 39284

City of Los Angeles
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: FARMER, LAUREN (B:213-4818530)
Representative: LAW OFFICE GIDEON KRAVOC - KRACOV, GIDEON (B:213-6292071)
Project Address: 1715-1721 N WILCOX AVE, 90028

NOTES: For a CEQA appeal for a MND on an approved CPC case

ENV-2016-2264-MND			
Item	Fee	%	Charged Fee
Other with Surcharges (per Ordinance No. 182,106) *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$107.69
Total Invoice	\$107.69
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$107.69

LA Department of Building and Safety
 LA ESTE 104115318 8/15/2017 3:01:23 PM
 PLAN & LAND USE \$89.00
 DEV SERV CENTER SURCH-PLANNING \$2.67
 PLAN & LAND USE \$5.34
 PLAN & LAND USE \$6.23
 PLAN & LAND USE \$4.45

Sub Total: \$107.69

Council District: 13
 Plan Area: Hollywood
 Processed by MACEDO, EDBE on 08/15/2017

Receipt #: 0104776446

Signature: _____

EMV Receipt Section
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 TVR: 8080008000
 AID: A00000000031010
 Reference No: 14353
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Receipt #: 0104776446
 Sub Total: \$1

PLAN & LAND USE
 DEV SERV CENTER SURCH-PLANNING
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 LA Department of Building and Safety
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Printed by MACEDO, EDBE



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUL 26 2017

Case No.: CPC-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR Council District: 13 – O’Farrell
CEQA: ENV-2016-2264-MND
Plan Area: Hollywood

Project Site: 1715 – 1721 North Wilcox Avenue

Applicant: Adolfo Suaya
Representative: Michael Gonzalez, Gonzalez Law Group

At its meeting of **June 8, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

The construction, use and maintenance of a seven-story, 88-feet, 6 inches (88’-6”) tall, 133-room hotel with 3,580 square feet of restaurant uses at the ground floor and on the rooftop. The project includes 103 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

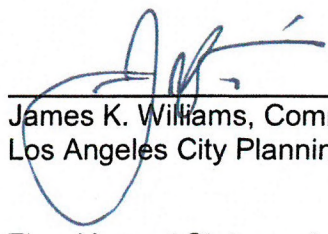
1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-2264-MND (“Mitigated Negative Declaration”), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **found** the mitigation measures have been made enforceable conditions on the project; and **adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved and recommended** that the City Council **approve**, pursuant to Section 12.32-F of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change and Height District Change from C4-2D-SN to (T)(Q)C2-2D-SN to remove the existing D Limitation and impose a new D Limitation permitting a maximum Floor Area Ratio (FAR) of 3.06 to 1, in lieu of the otherwise permitted FAR of 2:1 and a maximum building height of 88-feet, 6 inches (88’-6”), in lieu of the otherwise permitted 45-feet per the existing “D” Limitation;
3. **Approved** a Conditional Use Permit, pursuant to Section 12.24-W,1 of the LAMC, to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption within the hotel rooms (mini bars) and restaurant uses;
4. **Approved** a Conditional Use Permit, pursuant to LAMC Section 12.24-W,15, to allow commercial uses in the R5 Zone when located outside of the Central City Community Plan Area;
5. **Approved** a Zoning Administrator’s Adjustment, pursuant to LAMC Section 12.28, to permit a zero-foot southerly side yard setback (above the ground floor) in lieu of the otherwise required 10-feet side yard setback;

6. **Approved** a Waiver of Dedication and Improvements of the five-foot dedication requirement along the property's eastern frontage, pursuant to LAMC Section 12.37-I,3;
7. **Approved** a Site Plan Review, pursuant to LAMC Section 16.05, for a development project which creates or results in an increase of 50 or more rooms;
8. **Adopted** the attached Conditions of Approval as modified by the Commission; and
9. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Dake Wilson
Second: Ambroz
Ayes Choe, Katz, Mack, Millman, Mitchell, Padilla-Campos, Perlman

Vote: 9 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

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

Effective Date/Appeals: *The decision of the Los Angeles City Planning Commission is final and not appealable as it relates to the Vesting Zone Change and Height District. The decision of the Los Angeles City Planning Commission regarding the remainder of the decision is further appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.*

FINAL APPEAL DATE: AUG 15 2017

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.

Attachments: Ordinance, Map, Modified Conditions of Approval, Findings

c: Heather Bleemers, City Planner
Oliver Netburn, City Planning Associate

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

HUDSON AVE

WILCOX AVE

HOLLYWOOD BLVD

(T)(Q)C2-2D-SN

179.40

100

120

100

80

80

15

5

60



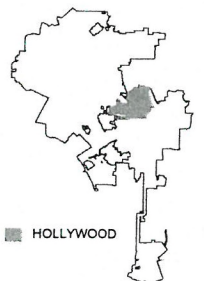
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CPC 2016-2263 VZC HD CUB CU ZAA WDI SPR

LH/cf

062617

City of Los Angeles



HOLLYWOOD

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary):

Responsibilities/Guarantees.

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. **Bureau of Engineering.** Prior to issuance of sign offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

a. **Dedication Required -**

- i. **Hudson Avenue (Local Street)** - A five-foot wide strip of land along the property frontage to complete a 30-foot half right-of-way in accordance with Local Street standards.

b. **Improvements Required -**

- i. **Wilcox Avenue** - Repair all broken, off-grade or damaged concrete curb and pavement. Close all unused driveways or upgrade open driveways to comply with ADA requirements.
- ii. **Hudson Avenue** - Construct a new driveway approach, concrete sidewalk, integral concrete curb and two-foot gutter along the property frontage. Flow line to join with existing improvements to the satisfaction of the City Engineer.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213)847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

- c. Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk through curb drains or connection to the catch basins.
 - d. Sewer lines exist in Wilcox Avenue and Hudson Avenue. Extension of the 6-inch house connection laterals to the new property line may be required. Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
 - e. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering at (213) 482-7050.
 - f. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
 - g. Submit parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
3. **Urban Forestry Division.** Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

(Q) QUALIFIED CLASSIFICATIONS

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification:

1. **Use.** The use and area regulations for the new development on-site shall be developed for the uses as permitted in the C2 Zone as defined in LAMC Section 12.14, except as modified by the conditions in CPC-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR or any subsequent action.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated June 8, 2017, except as may be revised as a result of this action.
3. The project shall be limited to a maximum 133-room hotel with 3,580 square feet of restaurant uses at the ground floor and on the rooftop.
4. **Sidewalk Easement.** A public sidewalk easement shall be provided and maintained on-site. The easement shall be a minimum of five (5) feet wide and run the entire length of the property line adjoin Wilcox Avenue. The building may project over the required sidewalk easement above a height of 40 feet and below a depth of five (5) feet. A covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.

“D” DEVELOPMENT LIMITATIONS

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Floor Area Ratio.** The total floor area of all buildings or structures on a lot shall not exceed a Floor Area Ratio (FAR) of 3.06:1.
2. **Height.** The maximum building height shall be limited to 89 feet (89').

CONDITIONS OF APPROVAL

As modified by the City Planning Commission on June 8, 2017

Pursuant to Sections 12.24, 12.28 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. The project shall be limited to a maximum 133-room hotel with 3,580 square feet of restaurant use at the ground floor and on the rooftop.
2. 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.
3. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated June 8, 2017, except as may be revised as a result of this action.
4. 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 Director of City Planning to impose additional corrective Conditions, if, in the Director's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
5. 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.
6. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
7. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site.
8. 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

Conditional Use - Beverage

9. **Authorization.** Approved herein is:
 - a. The sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a new 2,500 square-foot restaurant located at the ground floor with 80 interior seats and 20 exterior seats, for a total of 100 seats;
 - b. The sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a new 1,080 square-foot restaurant located at the seventh floor/rooftop level with 30 interior seats and 50 exterior seats, for a total of 80 seats, and
 - c. Access-cabinets in each of the 133 guest rooms within the hotel.
10. The hours of the operation for the ground floor restaurant shall be limited to 11:00 a.m. to 2:00 a.m., daily.

11. The hours of the operation for the seventh floor/rooftop restaurant shall be limited to 11:00 a.m. to 12:00 a.m., daily.
12. After-hour use of the two (2) restaurant spaces, including the seventh floor/rooftop area, other than routine clean-up and maintenance, is not permitted.
13. No dancing or live entertainment shall be permitted.
14. No disc jockeys or amplified sound shall be permitted.
15. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
16. There shall be no pool tables or billiard tables, coin-operated game machines, video machines permitted on any portion of the premises at any time.
17. The applicant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. The phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
 - posted at the entry, and the cashier or customer service desk,
 - responded to within 24-hours of any complaints/inquiries received on this hot line, and
 - The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department, the Zoning Administrator and the Condition Compliance Unit upon request.
18. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department (LAPD), the Condition Compliance Unit, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
19. Petitioner(s) shall install and maintain security cameras that covers all common areas of the business, high-risk areas, entrances and exits. The surveillance footage shall be maintained for at least a period of 60 days and shall be made available to the Los Angeles Police Department, or other law enforcement, upon request.
20. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.

21. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating "No Loitering or Public Drinking of Alcoholic Beverages" signs shall be posted throughout the subject property, including along the eastern perimeter wall, in the same language(s).
23. The conditions of this grant shall be retained in a conspicuous place in an office area on each premises at all times and be immediately produced upon request of any Los Angeles Police Department officer or Department of Alcoholic Beverage Control (ABC) investigator. The manager and all employees of each business shall be knowledgeable of the conditions herein.
24. The hotel manager(s) shall require proof of identification and age for all registered guests at check-in. Rooms where the registered guest is under twenty-one years of age, or where the age of the guest cannot be determined, shall have their in-room liquor cabinet disabled and locked if any such lockers are provided in the room.
25. The exterior windows and glass doors of the hotel premises/ground floor restaurant and bar/lounge areas shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and private security.
26. The applicant shall not sublet any portion of the subject premises to outside "promoters" for nightclub activity. The premises shall not be used exclusively for private parties in which the general public is excluded. Private parties hosted by the applicant, in which the general public is excluded from the entire ground floor restaurant or bar areas and/or the rooftop restaurant/lounge areas are permitted provided that an appropriate one-day permit is submitted for approval to LAPD and ABC.
27. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located as to be seen directly by persons on adjacent properties.
28. No amplified music is permitted in any portion of the subject premises with the exception of ambient music. Any ambient music, sound, or noise emitted that is under the control of the petitioner(s) shall not be audible beyond the subject premises. Any sound or noise emitted that is under the control of the petitioner which is discernible outside of the subject premises shall constitute a violation of Section 116.01 of the Los Angeles Municipal Code, including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The establishment will make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant or bar facilities located within the hotel facility, or any noise associated with the operation of the establishment, or equipment of the restaurants.
29. The ground floor hotel restaurant shall be permitted to provide ambient background music in the exterior seating areas only between the hours of 11:00 a.m. and 12:00 a.m., daily.
30. The Petitioner(s) shall at all times maintain the abutting sidewalk and any area controlled by the petitioner free of obstruction. Any sidewalk area or patio seating must be approved by a revocable permit from the Department of Public Works. The Petitioner(s) shall additionally ensure that any outdoor seating area that is situated within the property footprint is adequately

separated from the abutting sidewalk by installing retaining walls, fencing or some other type of dividing barrier.

31. The applicant shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.
32. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area or adjacent parking lot or alley way. There shall not be off-site sales of Alcohol beverages and the Petitioner(s) shall attempt to dissuade loitering activities and consumption of alcoholic beverages on the public expanses directly adjacent to the subject premises.
33. Loitering shall be prohibited on or around these premises as well as the properties adjacent to the subject premises. The applicant shall be responsible for ensuring that persons are dissuaded from loitering on or immediately around the subject premises. "No Loitering or Public Drinking" signs shall be posted containing the predominant language of the establishment's clientele. Any outdoor areas under the control of the applicant and those areas which are adjacent to the subject site shall be routinely patrolled by employees of the hotel or security personnel for the purpose of monitoring loitering. Any problems associated with the hotel or restaurant operation shall immediately be reported to the hotel manager who shall correct/remedy the problems.
34. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating that California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and that no such sales will be made.
35. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50-B,2(c). This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
36. The business operator and/or the operator's agents shall comply with California Labor Code Section 6404.5(c) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
37. The applicant shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, except for the restrooms, within the hotel ground floor restaurant and the rooftop restaurant and lounge areas.
38. Partitions separating booth/dining areas in the ground floor and rooftop restaurant areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth/dining areas within the interior space for the facility that restrict, limit, or obstruct the clear observation of the occupants.
39. All tables and booths arranged or situated within the hotel ground floor and rooftop restaurant areas shall be furnished with cutlery, condiments and other eating utensils available where food may be comfortably consumed by patrons.
40. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customer while in the premises, nor shall the applicant provide, permit, or make available either gratuitously or for

compensation, male or female patrons who act as escorts, companions, or guests of and for the customers.

41. The applicant or establishment operator shall not require an admission or cover charge to the hotel restaurant or bar facilities. Any and all advertisements for admissions or cover charges are likewise prohibited.
42. The applicant or establishment operator shall inform hotel guests and restaurant customers that the primary business of the restaurant facilities is the sale of food, which shall include, but not be limited to providing each customer with a menu, posting of signs on the premises, and advertising food services.
43. Applicant will ensure the continued placement of legible signs throughout the hotel and retained building structures alerting patrons entering and exiting the restaurant to keep noise to a minimum, and to be respectful of the Property's surrounding neighbors.
44. The hotel restaurant facilities shall be maintained as bona fide eating places (restaurants) with operational kitchens and both venues shall provide full menus containing an assortment of foods normally offered in such restaurants. Food service of the full menu shall be available at all times during all operating hours in both of the hotel restaurant facilities.
45. If valet service is used a copy of the contract with the valet company shall be submitted to the Office of Zoning Administration demonstrating that valet service is made available to customers/guests of the petitioner(s). If valet service is implemented the petitioner(s) will additionally be required to provide the Office of Zoning Administration with information pertaining to the valet rates or cost of valet service as it relates to customers utilizing said service. The availability of valet parking/service shall be made known to the public via the restaurant menu or hotel brochure, a posting of the information on readily visible locations in the hotel lobby and the hotel restaurant and on any hotel or hotel restaurant website.
46. During the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of two (2) security guards in the ground floor hotel restaurant Thursdays, Fridays and Saturdays. During the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of one (1) security guard in the ground floor hotel restaurant Sundays, Mondays, Tuesdays and Wednesdays. During the hours of 8:00 p.m. and 12:30 a.m., the applicant shall provide a minimum of two (2) security guards in rooftop restaurant area on Thursdays, Fridays and Saturdays. During the hours of 8:00 p.m. and 12:30 a.m., the applicant shall provide a minimum of one (1) security guard in the rooftop restaurant area on Sundays, Mondays, Tuesdays and Wednesdays.

The applicant shall be required to provide a minimum of two (2) security guards on the premises during the all hours of hotel operation. The applicant shall additionally be required to employ a third security guard to monitor the surveillance cameras of the premises and to coordinate the actions of the other security personnel employed at the facility during all operational hours. The additional security employ that is required per this provision will be employed in addition to and in enhancement of the two security guards that are mandated to be employed on the hotel premises during all hours of operation.

The security guards shall not have any other activities other than those that are security related. 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. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.

47. **Plan Approval.** The applicant shall file an Approval of Plans application within two (2) years, but not earlier than 18 months from the issuance of the Certificate of Occupancy to assess compliance with the conditions of the instant grant. The purpose of the plan approval will be to review the effectiveness of and the applicant's compliance with the conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new ones as appropriate and require a subsequent plan approval, as necessary. The applicant shall submit all required documentation of compliance with conditions as part of the application package for the review.

Further, at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

The applicant shall provide appropriate documentation to substantiate ongoing compliance of the applicant with each of the conditions contained herein at the time of filing the Plan Approval review application.

48. **Condition Compliance Unit.**

- a. ***Prior to the beginning of operations for each establishment***, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject: of the email to include the case number, "**CPC-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR /Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
- b. ***Prior to the beginning of operations for each establishment***, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30-days of the beginning day of operation of the establishment. The statement shall read as follows:

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction the [restaurant/access cabinets within each guest room], known as [to be determined later], and agree to abide and comply with said conditions.

- c. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in

a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30-days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.

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

49. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

50. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Development Services Center or the Condition Compliance Unit for attachment to the case file.

51. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.

Conditional Use - Commercial Uses in the R5 Zone

52. **Authorization.** Approved herein is the loading space, trash enclosure and LADWP transformer within the [Q]R5-2 Zone portion of the site, subject to the following conditions:

- a. A minimum six-foot high slumpstone or decorative masonry wall shall be constructed adjacent to the neighboring residential property, and
- b. Landscaping shall be installed in substantial conformance with the Landscape Plan marked Exhibit "A", dated June 8, 2017, except as may be revised as a result of this action.

Zoning Administrator's Adjustment

53. **Authorization.** Approved herein is a zero-foot southerly side yard (above the ground floor) in lieu of the otherwise required 10 feet.

Site Plan Review

54. **Pedestrian Access.** Maintain one (1) main entrance to the ground floor restaurant with direct access to the sidewalk.

55. **Seventh Floor/Rooftop Restaurant.** The rooftop deck shall be enclosed with a six- to eight-foot tall plexiglass perimeter wall along the northern edge of the building and shall include landscaping (i.e., shrubbery and trees) to minimize noise levels at off-site locations to the maximum extent feasible. Landscape planters shall be a minimum depth of 48" and shall be designed to include irrigation.

56. **Landscaping.** All tree planter wells shall be a minimum of 48 inches deep.

57. Vehicular Access.

- a. A minimum of a 40-foot reservoir space shall be provided between any security gate(s) and the property line or to the satisfaction of the Department of Transportation.
- b. Parking stalls shall be designed so that no vehicles are made to back into or out of any public street or sidewalk.
- c. The primary vehicular access to the hotel shall be from a two-way driveway on Wilcox Avenue, with a secondary access for deliveries on Hudson Avenue and hotel loading on Wilcox Avenue.
- d. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval, prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 North Figueroa Street, Suite 550.

58. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

59. Trash and Recycling.

- a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
- b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.

- c. Trash/recycling containers shall be locked when not in use.
- d. There shall be no depositing of cans or bottles in trash or recycling containers after 12:00 a.m.

60. **Mechanical and Rooftop Equipment Screening.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way.

61. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point. None of the required EV Ready parking shall apply to parking spaces used for dealership vehicle storage.

62. **Solar Panels.** The project shall dedicate a minimum of 1,000 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A".

63. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.

NOTE TO THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)

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

In approving the instant grants, the City Planning Commission 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 City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- Approval of a full line of alcohol.
- 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.
- The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- 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.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender when consumed within the restaurant spaces.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State Law prohibits sale of alcoholic beverages to persons who are under 21 years of age.
- No bottle service shall be permitted within any restaurant or bar portion of the hotel.

Environmental Conditions

64. Cultural Resources. A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the project site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

65. Noise.

a. The project shall include the following measures during construction period:

- 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.
- Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.

- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - Temporary noise barriers shall be used along the northern, eastern and western property boundaries to block the line-of-sight between the construction equipment and the adjacent residences. The noise barrier shall provide minimum 5 dBA noise reduction to the residences to the west (receptor R1) and northeast (receptor R3) and 15 dBA noise reduction to the residence to the north (receptor R1).
- b. The applicant shall retain the services of a qualified acoustical engineer with expertise in the design of building sound insulation, who shall submit a signed report to the City during a plan check for review and approval, indicating that the proposed building design sound insulation achieves an interior sound environment of maximum 45 dBA CNEL, per the City of Los Angeles Building Code (LAMC Section 91.1207).
- c. Retain the services of a qualified vibration consultant to monitor ground-borne vibration at the exterior of the adjacent buildings to the north, south and west of the project site during site grading/excavation (when the use of heavy construction equipment, such as a large bulldozer, drill rig, or loaded truck occurs) within 15 feet of the off-site building structures adjacent to the project site. If the measured ground-borne vibration levels exceed 0.2 inch/second (PPV) at the adjacent off-site structures, the project contractor shall evaluate and employ alternative construction methods, so that the ground-borne vibration levels would be below 0.2 inch/second (PPV) at the adjacent off-site structures to the north, south and west.

66. Transportation/Traffic.

- a. Plan construction and construction staging as to maintain adequate and safe pedestrian access on adjacent sidewalks throughout construction.
- b. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- c. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions of Approval

67. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
68. **Code Compliance.** Area, height and use regulations of the (T)(Q)C2-2D-SN Zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
69. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County

Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

70. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
71. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
72. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
73. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
74. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
75. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

General Plan/Charter Findings

1. General Plan.

- a. **General Plan Land Use Designation.** The subject property is located within the Hollywood Community Plan Area, adopted by the City Council on December 13, 1988. The plan map designates 19,141 square feet of the subject property for Regional Center Commercial land uses with corresponding zones of C2, C4, P, PB, RAS3, and RAS4 and 1,481 square feet of the subject property for High Density Residential land uses with corresponding zones of R4 and [Q]R5. The proposed Zone and Height District Change to the (T)(Q)C2-2D-SN Zone with a maximum 3.06:1 Floor Area Ratio (FAR) and a building height of seven-stories and 89 feet (89') for the Regional Center Commercial designated area is consistent with the current Regional Center Commercial land use designation. The General Plan Framework Element characterizes Regional Centers as including buildings with FARs of up to 6:1 with six- to 20-stories (or higher).

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan, as reflected in the adopted Framework Element and Community Plan.

b. Land Use Element.

Hollywood Community Plan. The Community Plan text includes the following relevant land use objectives and policy:

Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4: To promote economic well-being and public convenience through: a) allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

Policy: The focal point of the Community is the Hollywood Center located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street... This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.

As part of the requested Height District change, the new "D" Development Limitation with a 3.06:1 FAR and a building height of 89 feet (89') would allow for the redevelopment of a large parcel of land within the Hollywood Center with the proposed residential (a hotel) and commercial (restaurant) uses and will result in a demand for local workers and local goods and services. The project also promotes economic well-being and public convenience by providing short-term, overnight accommodations within proximity to many of Hollywood's entertainment-based tourist attractions while being within proximity to the Metro Red Line, providing access to North Hollywood, Universal Studios, Downtown Los Angeles and beyond.

Therefore, the project is consistent with the Hollywood Community Plan in that the project will implement the abovementioned, objectives and policy of the Plan.

- c. The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1 (Land Use Standards and Typical Development Characteristics).

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The project will contribute toward and facilitate the City's long-term fiscal and economic viability by adding 133 short-term, overnight hotel rooms within Hollywood's commercial and entertainment core for visitors and tourists. The project's proximity to the Metro Red

Line, the Metro Rapid 780 Line, and other transit connections, will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its location within an existing, high-intensity commercial district and on an Avenue III (Secondary Highway) will enable the city to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts. Such attributes support the increase in the allowable Floor Area Ratio from 2:1 FAR to 3.06:1 FAR and the allowable building height from 45 feet to 89 feet (89').

Goal 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

Policy 3.10.1: Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 (Land Use Standards and Typical Development Characteristics) and 3-6 (Land Use Designation and Corresponding Zones). Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

Policy 3.10.3: Promote the development of high-activity areas in appropriate locations that are designed to induce pedestrian activity, in accordance with Pedestrian-Oriented District Policies, and provide adequate transitions with adjacent residential uses at the edges of the centers.

The proposed hotel and restaurants will create new permanent jobs within Hollywood's commercial and entertainment core while providing additional lodging options for visitors and tourists to this popular destination. The project's design, including ground floor treatment, will encourage pedestrian activity and its location, toward the northern boundary of the Hollywood Center, will provide an appropriate buffer between the more intense uses within the Hollywood Center and the residential neighborhood north of Franklin Avenue, to the north.

Goal 5A: A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Policy 5.2.2: Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime. Additionally, develop these areas so that they are compatible with surrounding neighborhoods.

The project will support Hollywood's commercial and entertainment core for residents by providing additional dining opportunities, as well as enhance the urban environment,

encouraging daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design. Furthermore, the project's proximity to the Metro Red Line, the Metro Rapid 780 Line and other transit connections enable the project to function at both the local and region scale, thereby justifying the increase in the allowable Floor Area Ratio from 2:1 FAR to 3.06:1 FAR and the allowable building height from 45 feet to 89 feet (89').

- d. The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Hudson Avenue, abutting the property to the west, is a Local Street dedicated to a variable width of between 36 and 58 feet and is improved with asphalt roadway and concrete curb, gutter and sidewalk. The project will be required to provide a five-foot dedication of land and complete the necessary improvements to complete the right-of-way along its entire frontage with Hudson Avenue. Wilcox Avenue, abutting the property to the east, is designated a Modified Avenue III (Secondary Highway) and dedicated to a variable width of between 60 and 83 feet and improved with asphalt roadway and concrete curb, gutter and sidewalk. The applicant has requested a determination to waive the five-foot dedication and improvements along Wilcox Avenue. As discussed in further detail below, the dedication is physically impractical due to the historic status of the surrounding properties, which are highly unlikely to be redeveloped and thus, no roadway widening will occur on the properties surrounding the project site. Furthermore, a condition is recommended herein to require a five-foot sidewalk easement to run with the land in order to achieve the 15-foot wide sidewalk standard of the Mobility Plan 2035.

Wilcox Avenue is not included in any of Mobility Plan 2035's "Enhanced" Networks (i.e. the Bicycle Enhanced Network, the Transit Enhanced Network, the Neighborhood Enhanced Network and the Vehicle Enhanced Network). Nevertheless, the project as designed and conditioned meets the following policies of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

The project's design, including ground floor treatment, will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design. Furthermore, the project is required to provide a five-foot sidewalk easement to run with the land in order to achieve the 15-foot wide sidewalk standard required by the Mobility Plan 2035.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.4: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major

bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The project's proximity to the Metro Red Line, the Metro Rapid 780 Line and other transit connections will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its ground floor treatment will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design.

In addition, the project will provide Code-required bicycle parking thereby supporting "first-mile, last-mile solutions", enabling workers, hotel guests and patrons of the restaurants' improved access to the project.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, a minimum of 20% of all parking spaces will be installed as electric vehicle-ready.

Lastly, the Department of Transportation submitted a Traffic Impact Assessment of the proposed project dated March 29, 2016 that determined the impact of the trips generated from the project will be less than significant.

Therefore, the Zone Change to the (T)(Q)C2-2D-SN Zone is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

- e. The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project will use either plug-in electric or solar powered power generators during construction and will provide a minimum of 1,000 square feet of photovoltaics on the rooftop for solar energy.

- f. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer

has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Zone Change and “T” and “Q” Classification and “D” Limitations Findings

2. Pursuant to Section 12.32 of the Municipal Code, the zone change and classifications are necessary because:

- a. **Public Necessity:** In 2013, the Chief Legislative Analyst reported (Council File No. 13-0991) that Hollywood was one of several areas in the City with high demand for hotel rooms, stating that it had approximately 3,000 hotel rooms and that between 2009 and 2014, there was a projected growth in the occupancy rate of over 10% (from 70.1% in 2009 to a projected occupancy rate of 82.9% in 2014). Granting the Vesting Zone and Height District Change to the (T)(Q)C2-2D-SN Zone with an FAR of 3.06:1 and a building height of 89 feet (89') would allow the construction of a 133-room hotel on an under-utilized site, increasing the number of hotels room in Hollywood.
- b. **Convenience:** Hollywood is one of the City's largest tourist attractions where hundreds of thousands of people from around the world visit throughout the year. Hollywood is also one of the most transit-rich areas within the City, serviced by the Los Angeles County Metropolitan Transportation Authority bus system, the Metro Rail Red Line and the City of Los Angeles Department of Transportation DASH service. Two Metro Red Line Rail stations, at Hollywood Boulevard and Highland Avenue and at Hollywood Boulevard and Vine Street, and local and regional bus lines along Hollywood Boulevard, Vine Street and Highland Avenue are all approximately one half mile from the project site. Granting the Vesting Zone and Height District Change to the (T)(Q)C2-2D-SN Zone would allow the employees and patrons of the hotel and restaurant access and convenience to a variety of modes of transportation.
- c. **General Welfare:** Granting the Vesting Zone and Height District Change to the (T)(Q)C2-2D-SN Zone with an FAR of 3.06:1 and a building height of 89 feet (89') would allow the redevelopment of an under-utilized site within a Regional Center. The Framework Element defines Regional Centers as areas intended to “provide a significant number of jobs and many non-work destinations” and therefore require access to bus and rail transit and good quality street, area, and pedestrian lighting... to generating feelings of safety, comfort, and well-being necessary for ensuring public nighttime use of transit facilities.” The proposed 133-room hotel and restaurants will provide a significant number of jobs within approximately one half mile of a variety of modes of public transit. The project will also include a ground floor restaurant with approximately 350 square feet open to the sidewalk which would improve pedestrian safety, comfort, and well-being along the street during evening hours.
- d. **Good Zoning Practices:** Granting the Vesting Zone and Height District Change to the (T)(Q)C2-2D-SN Zone with an FAR of 3.06:1 and a building height of 89 feet (89') would allow the redevelopment of an under-utilized site within a Regional Center. Regional Centers are intended to contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting service and the development of sites and structures integrating housing with commercial uses is encouraged. The proposed 133-room hotel will provide short-term, overnight accommodations for visitors and tourists to the entertainment and cultural facilities in the Hollywood area and the proposed

restaurant will further support workers, residents and visitors to the Hollywood area with additional dining options.

- e. **"T" and "Q" Classification and "D" Limitations Findings:** Per Section 12.32-G, 1, 2 and 4 of the Municipal Code, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval and "D" development limitations. Such limitations are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the required actions. The conditions that limit the scale, design and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of the existing mixed-use development in the community, to secure an appropriate development in harmony with the General Plan as discussed in Findings Section 1, and to prevent or mitigate the potential adverse environmental effect of adding additional height or floor area to the established neighborhood.

Section 12.24 of the L.A.M.C. Findings (Alcohol and Commercial Uses in the R5 Zone)

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

The proposed project includes the demolition of an existing 593 square-foot restaurant and surface parking lot and the construction, use and maintenance of a seven-story, 88-foot, 6 inch (88'-6") tall, 133-room hotel containing 3,580 square feet of restaurant uses at the ground floor and on the rooftop. The project includes 103 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

The subject property is a flat, irregular-shaped, 20,622-square-foot through lot with a 100-foot frontage along Wilcox Avenue and a 32-foot frontage along Hudson Avenue.

The property is located within a Regional Center within the Hollywood Community Plan and approximately 120 feet north of Hollywood Boulevard. The Metro Red Line subway station and Metro Rapid 780 bus stop at Hollywood Boulevard and Argyle Avenue are approximately 1/3 of a mile to the east of the project site.

Alcohol

The applicant is seeking a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with two (2) restaurants, one (1) at the ground floor and one (1) at seventh floor/rooftop level, and for access-cabinets (mini bars) within each hotel room.

Hollywood Boulevard and the Regional Center within Hollywood is a major commercial center with a large number of businesses that provide commercial services to tourists, residents and workers in the Hollywood area. Restaurants are an intrinsic part of these service amenities necessary for the conservation, development, and success of a vibrant commercial center. The restaurants' emphasis will be food service and the proposed sale of a full line of alcoholic beverages for on-site consumption will offer an amenity incidental to food service to workers, visitors and residents in the Hollywood area.

The access-cabinets will provide a convenience to the hotel guests by allowing access to a limited assortment of alcoholic beverages within each hotel room.

The authorization to sell alcohol in conjunction with the proposed restaurants and through access-cabinets (mini bars) within each hotel room will complement the proposed hotel as well as support the surrounding community by providing an amenity that hotel guests have

come to expect and a service that is beneficial to employees, visitors and local residents.

Commercial Uses in the R5 Zone

The applicant is seeking a Conditional Use to allow certain ancillary commercial uses within the [Q]R5 zoned portion of the property, specifically the trash enclosure, LADWP transformer and a portion of the loading space. This area of the site will not contain any hotel rooms or restaurant space. The subject property is an irregular-shaped lot with a 30-foot wide strip of land connecting the main portion of the site to Hudson Avenue. Furthermore, the 30-foot wide strip of land is split-zoned with [Q]R5 and C4 making any use of the area impractical if limited only to those uses permitted within each zone.

By locating the trash enclosure, LADWP transformer and a portion of the loading space within the [Q]R5 portion of the property, the project is able to provide essential "back of house" functions and utility equipment 50 feet away from the public right-of-way and out of view to the public. In addition, the area would be heavily landscaped and screened with a minimum six-foot high slumpstone or decorative masonry wall adjacent to the neighboring residential property to the north.

Therefore, the use the R5 Zone with the ancillary commercial uses will perform a function that is beneficial to the community.

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

The proposed project includes demolition of an existing 593 square-foot restaurant and surface parking lot and the construction use and maintenance of a seven-story, 88-foot, 6 inch (88'-6") tall, 133-room hotel containing 3,580 square feet of restaurant uses at the ground floor and on the rooftop. The project includes 103 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

A mixture of high density residential, commercial retail, restaurant and entertainment uses make up the general character of the surrounding neighborhood. The properties to the north are zoned [Q]R5-2 and are developed with two- to multi-story multi-family buildings. The properties to the east, south and west are zoned C4-2D-SN and are developed with multi-story multi-family buildings and one- to four-story commercial retail, restaurant and entertainment uses. Immediately east of the subject property are two Historic Cultural Monuments: Warner Brothers Hollywood Theater Building (HCM-572) and William Stromberg Clock (HCM-316); and approximately 120 feet south of the subject property is the Hollywood Walk of Fame (HCM 194).

Alcohol

The applicant is seeking a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with two (2) restaurants, one (1) at the ground floor and one (1) at seventh floor/rooftop level, and access-cabinets (mini bars) within each hotel room.

The proposed hours of operation for the restaurants would be from 7:00 a.m. to 2:00 a.m., daily. The ground floor restaurant will be comprised of 2,500 square feet of floor area with an additional 350 square feet open to the sidewalk for outdoor seating. The ground floor restaurant would have 60 interior seats and 20 exterior seats, for a total of 80 seats. The seventh floor/rooftop level restaurant includes 1,080 square feet of interior space and 3,250

square feet of outdoor covered space. The seventh floor/rooftop level restaurant would have 30 interior seats and 50 exterior seats, for a total of 80 seats.

With regard to the seventh floor/rooftop level restaurant, the project locates the interior space and the “back of house” along the northern edge of the building occupying 92 feet of the 159-foot length of the rooftop area in an effort to reduce the transmission of rooftop noise to the residential properties to the north. The remaining portions of the rooftop along the northern edge of the building will include a six-to-eight foot tall plexiglass perimeter wall in an effort to further reduce the transmission of noise. Nonetheless, as discussed Mitigated Negative Declaration (Case No. ENV-2016-2264-MND) and found in Appendix E of the MND, the rooftop activities would not have a significant adverse effect on adjacent properties.

The access-cabinets simply provide a convenience to the hotel guests by allowing access to a limited assortment of alcoholic beverages within each hotel room.

Therefore, the proposed restaurants and access-cabinets will be compatible with the surrounding urban environment and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

Commercial Uses in the R5 Zone

The applicant is seeking a Conditional Use to allow certain ancillary commercial uses within the [Q]R5 zoned portion of the property, specifically the trash enclosure, LADWP transformer and a portion of the loading space. These uses would only be used by hotel and restaurant employees and would be regulated such that any impact on adjacent property would be minimal. In addition, these areas would be adequately screened with a minimum six-foot high slumpstone or decorative masonry wall adjacent to the neighboring residential property to the north and abundant landscaping to buffer noise transmission.

Therefore, the proposed use of the [Q]R5 zoned portion of the property for certain commercial uses will be compatible with the surrounding urban environment and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Hollywood Community Plan which designates 19,141 square feet of the subject property for Regional Center Commercial land uses with corresponding zones of C2, C4, P, PB, RAS3 and RAS4 and 1,481 square feet of the subject property for High Density Residential land uses with corresponding zones of R4 and [Q]R5.

Alcohol

The Community Plan text is silent with regard to the sale of alcohol, nevertheless, as discussed in Finding No. 1, the project, including the sale of alcohol beverage in conjunction

with the proposed restaurants and access-cabinets, is consistent with many of the goals and objectives of the General Plan and the Hollywood Community Plan.

Commercial Uses in the R5 Zone

With regard to the hotel and restaurant uses using residentially zoned properties, Footnote No. 13 of the Community Plan states that “[t]he Plan contemplates that certain commercial uses maybe allowed on properties designated as High density.” The request herein is precisely that. Very limited, ancillary uses to the hotel and restaurant uses, specifically the trash enclosure, LADWP transformer and a portion of the loading space, are to be located with the High Density Residential portion of the site.

The project is not located within any Specific Plan.

Therefore, the project is in substantial conformance with the purpose, intent and provisions of the General Plan and the applicable community plan.

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

Alcohol

The proposed sale of alcohol would be within an established commercial center. Alcoholic beverages have come to be expected by diners seeking restaurants in Hollywood. In addition, the new restaurant will serve the local community, employees and patrons of adjacent retail. The requested approval is for a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption within two (2) proposed restaurants and access-cabinets within each hotel room. In addition, the availability of alcoholic beverages within hotel rooms by way of mini bars, has become an expected amenity that hotel guests have come to expect. The approval of the conditional use will not adversely affect the welfare of the community as all consumption will occur on the project site. The subject property is zoned for commercial uses and will be utilized as such with the sale of alcoholic beverages in conjunction with bona fide restaurants and those conditions otherwise imposed by the California Department of Alcoholic Beverage Control (ABC).

The grant authorized herein incorporates a number of conditions which have been imposed upon the restaurant uses to maintain its compatibility with the character of the immediate neighborhood. The Zoning Administrator reserves the right, or if at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties.

Both the Conditions of Approval and the requirements of ABC are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the grant herein will not adversely affect the welfare of the pertinent community.

7. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control’s guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of

narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

Alcohol

The applicant is seeking a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with two (2) restaurants, one (1) at the ground floor and one (1) at seventh floor/rooftop level, and access-cabinets (mini bars) within each hotel room.

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, two (2) on-sale and one (1) off-sale licenses are allocated to subject Census Tract No. 1902.01. There are currently 18 on-site and four (4) off-site licenses in this census tract.

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 a license benefits the public welfare and convenience. In active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of neighboring properties. The project has been conditioned to comply with various measures that will ensure that the hotel and restaurant functions are compatible with surrounding uses.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 636, which has jurisdiction over the subject property, a total of 2,790 crimes and arrests were reported in 2015, compared to the citywide average of 181 and the high crimes and arrests reporting district average of 217 crimes for the same period.

In 2015, there were 165 Narcotics, 873 Liquor Law, 123 Public Drunkenness, 1 Disturbing the Peace, 18 Disorderly Conduct, and 96 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The crime rate numbers are higher than those rates identified for the citywide average. Conditions have been incorporated into this action to help safeguard the community and provide for a responsible operation. Such conditions will also help further to mitigate any potential negative impacts. In addition, While the site is located in a census tract where the number of existing ABC licenses exceeds ABC guidelines and within a reporting district where the crime rate is higher than the citywide average, no evidence was submitted for the record by the LAPD or adjacent residents indicating or suggesting any link between the subject site and the neighborhood's crime rate. Furthermore, given the size of the proposed restaurants and their association with the proposed hotel as well as the in-room access-cabinets, the sale and consumption of alcohol is not expected in add to the existing crime levels in the area.

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

Alcohol

The following sensitive uses are within 1,000 feet of the subject property:

- | | |
|---|-------------------------------|
| • The Second City (kids classes) | 6560 West Hollywood Boulevard |
| • Los Angeles Make-up School | 1624 North Wilcox Avenue |
| • Selma Avenue Elementary School | 6611 West Selma Avenue |
| • Yucca Mini Park, Community Center and Playgrounds | 6671 West Yucca Street |
| • Selma Park | 6567 West Selma Avenue |
| • Hollywood Wilshire YMCA | 1553 North Schrader Boulevard |
| • Frances Howard-Goldwyn Regional Branch Library | 1623 North Ivar Avenue |
| • Oasis - Zion Kids Club | 1725-27 North Ivar Avenue |
| • Kings College | 1555 North Cassil Place |

While concerns were raised by nearby residents with regard to increased noise due to the roof deck, as conditioned, the operation of the restaurants and in-room access-cabinets at this location will not detrimentally affect nearby sensitive uses. The project has been conditioned with a requirement that a Plan Approval be filed within two (2) years, but not earlier than 18 months of the issuance of the Certificate of Occupancy to review the effectiveness of and the applicant's compliance with the conditions of this grant. Further, at any time, should the operation of the restaurants or the in-room access-cabinets result in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the filing of a Plan Approval to address specific deficiencies. Furthermore, there were no objections raised by any of the other nearby sensitive uses to the requested sale of a full line of alcoholic beverages within the proposed restaurants or in-room access-cabinets.

The sale of alcohol will be in conjunction with the two (2) proposed restaurants and in-room access-cabinets all within the proposed hotel. Alcohol sales with appropriate conditions of approval will not substantially impact the welfare of the area. As such, included in this grant are a number of general conditions that will act to minimize any impacts that might be generated by the sale and consumption of alcohol.

Therefore, as conditioned, the proposed project is not anticipated to have a detrimental effect on any sensitive use in the area.

Zoning Administrator's Adjustment Findings

9. **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 applicant is requesting relief from Section 12.11-C,2 of the L.A.M.C. to allow a zero-foot side yard on the southerly property line for the second floor level and above, in lieu of the otherwise required 10 feet. More precisely, the applicant is requesting a zero-foot side yard for only two (2) 25-foot long segments of the building along a 180-foot long property line, or 14% of the property line. In addition, the building has been designed such that the remaining portion of the building, approximately 108 feet in length (or 68% of the length of the building), is setback back 20 feet from the southerly property line, 10 feet more than what is otherwise required.

The subject property is 100 feet in width. If a 10-foot side yard were required for both the northerly and southerly side yards, the building would need to be designed with a central courtyard space in order to provide adequate access to light and air for each of the hotel guest rooms. This design, however, would diminish the access to light and air for the adjacent properties.

Therefore, in granting a zero-foot setback for the two (2) 25-foot long segments of the building, the building is able to a much larger setback for the majority of the length of the building. This not only provides greater access to light and air for both the property to the south, but also to the guests of the hotel, consistent with the intent of the setback regulation.

10. 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.

The proposed zero-foot side yard along the southerly property line for the two (2) 25-foot long segments of the building along with the 20-foot setback (10 feet more than otherwise required) for the remaining 68% of the length of the building will not adversely affect or further degrade adjacent properties. As stated above, the additional 20-foot setback provided for the majority of the building will provide the abutting property to the south with greater access to light and air. As well, the location of the reduced side yard is to the north of the most affected property and will not interfere in any way with the abutting property's access to sunlight.

Furthermore, with the exception of the relief granted herein, and with respect to all other development standards, the proposed project conforms to the requirements of the Municipal Code. A Mitigated Negative Declaration (ENV-2016-2264-MND) was prepared for the proposed project and on the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND there is no substantial evidence that the proposed project will have a significant effect on the environment.

Therefore, the project as a whole, including any mitigation measures imposed will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The Hollywood Community Plan designates 19,141 square feet of the subject property for Regional Center Commercial land uses with corresponding zones of C2, C4, P, PB, RAS3 and RAS4 and 1,481 square feet of the subject property for High Density Residential land uses with corresponding zones of R4 and [Q]R5. The Community Plan text is silent with regard to reductions in yard adjustment. In such cases, the City Planning Commission must interpret the intent of the Plan.

The proposed project addresses the following relevant land use objectives and policy of the Hollywood Community Plan:

Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4: To promote economic well-being and public convenience through: a) allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

Policy: The focal point of the Community is the Hollywood Center located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street... This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.

The adjustment for a zero-foot side yard allows for the redevelopment of a large underutilized parcel of land within Hollywood Center with residential and commercial uses while at the same time maintaining adjacent properties access to light and air.

Furthermore, the location of the reduced side yard is to the north of the most affected property and will not interfere in any way with the abutting property's access to sunlight.

The project is not located within any Specific Plan.

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

Waiver of Dedication and Improvements

12. The dedication or improvement requirement is physically impractical.

The project is located on Wilcox Avenue which is a designated Modified Avenue III (Secondary Highway) with a 60-foot right-of-way and a 36-foot roadway width. In accordance with Mobility Plan 2035, Wilcox Avenue should be fully dedicated to a 70-foot right-of-way with a 40-foot roadway width. Accordingly, the project is required a five-foot dedication in order to complete a 35-foot foot half right-of-way consistent with the Modified Avenue III Street Standard.

Given the subject property's location within the core of Hollywood, it is surrounded by historic properties that will likely never be redeveloped therefore, the streets abutting the buildings will not be widened. Wilcox Avenue's northern and southern intersections are both constrained by historic resources. At the north end of the street segment, the property on the western side of Wilcox Avenue (6500 Yucca Street) is improved with the Lido Apartments. This property was surveyed for historic significance by Chattel Architecture in March of 2009 (the "Chattel Survey"). The Chattel Survey's findings are maintained by the City's Office of Historic Resources as part of SurveyLA, a comprehensive program to identify significant historic resources throughout the City. The Chattel Survey identified 6500 Yucca as a resource which appears eligible for the National Register of Historic Resources both individually and as a contributor to a National Register eligible district (the Hollywood North Multi-family Residential Historic District).

The property's southern neighbor, located at 6501 Hollywood Boulevard (the northwestern corner of Wilcox Avenue and Hollywood Boulevard) is located within the boundaries of the Hollywood Boulevard Commercial and Entertainment District. This district was placed in the

National Register of Historic Places on April 4, 1985. A noteworthy feature within this district are the famous stars on the "Hollywood Walk of Fame." A star is located up against the corner of Wilcox Avenue, making any widening of that intersection on the west side of Wilcox Avenue highly unlikely. Additionally, the northeastern corner of Hollywood Boulevard and Wilcox Avenue (6425 Hollywood Boulevard) is improved with the Warner Brothers Hollywood Theater Building which is individually designated a Los Angeles Historic Cultural Monument (HCM-572), and located within the Hollywood Boulevard Commercial and Entertainment District.

Due to the historic nature of these surrounding properties, the dedications and improvements that would be required for these properties will likely never be obtained as redevelopment of these sites is unlikely. Therefore, requiring the dedication or improvements for the subject property would be physically impractical and the waiver should be granted.

Site Plan Review

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Hollywood Community Plan designates 19,141 square feet of the subject property for Regional Center Commercial land uses with corresponding zones of C2, C4, P, PB, RAS3 and RAS4 and 1,481 square feet of the subject property for High Density Residential land uses with corresponding zones of R4 and [Q]R5.

The Community Plan text does not specifically address hotel/restaurant projects, nevertheless, as discussed in Finding No. 1 of this report, the project is consistent with many of the goals and objectives of the General Plan and the Hollywood Community Plan.

The project will promote the economic well-being and public convenience by providing short-term, overnight accommodations within proximity to many of Hollywood's entertainment-based tourist attractions and will be located within proximity to the Metro Red Line which provides access to North Hollywood, Universal Studios, Downtown Los Angeles and beyond. In addition to providing a service to visitors, the project will support Hollywood's commercial and entertainment core for residents by providing additional dining opportunities, as well as enhance the urban environment, encouraging daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design.

Therefore, the project is in substantial conformance with the purpose, intent and provisions of the General Plan and the applicable community plan.

14. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that are or will be compatible with existing and future development on adjacent properties and neighboring properties.

The proposed project includes demolition of an existing 593 square-foot restaurant and surface parking lot and the construction use and maintenance of a seven-story, 88-foot, 6 inch (88'-6") tall, 133-room hotel with 3,580 square feet of restaurant uses at the ground floor and on the rooftop. The project includes 103 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

The subject property is a flat, irregular-shaped, 20,622-square-foot interior lot with a 100-foot frontage along Wilcox Avenue and a 32-foot frontage along Hudson Avenue.

A mixture of high density residential, commercial retail, restaurant and entertainment uses make up the general character of the surrounding neighborhood. The properties to the north are zoned [Q]R5-2 and are developed with two- to multi-story multi-family buildings. The properties to the east, south and west are zoned C4-2D-SN and are developed with multi-story multi-family buildings and one- to four-story commercial retail, restaurant and entertainment uses. Immediately east of the subject property are two Historic Cultural Monuments: Warner Brothers Hollywood Theater Building (HCM-572) and William Stromberg Clock (HCM-316); and approximately 120 feet south of the subject property is the Hollywood Walk of Fame (HCM 194).

Within the general vicinity of the subject site, parcels are developed with four- and five-story multi-family buildings. Directly across Wilcox Avenue is the four-story Warner Brothers Hollywood Theater Building; and within 1,000 feet of the subject property to the east along Hollywood Boulevard are two (2) office building at six (6) stories and 12 stories.

Height, Bulk and Setbacks

The proposed 62,918 square-foot (3.06:1 FAR), seven-story, 88-foot, 6 inch (88'-6") tall hotel, on an approximately 20,588 square-foot lot is compatible with the existing and future surrounding developments. The table below includes a list of existing developments within 1,000 feet of the subject property.

Address	Floor Area	Lot Size	FAR	Height
<i>Proposed Project</i>	62,918	20,588	3.06	7
1775-1777 Wilcox Avenue	93,635	23,707	3.9	5
1805 Wilcox Avenue	35,246	9,425	3.7	4
1707-1709 Hudson Avenue	63,374	15,600	4.1	4
1708-1718 Wilcox Avenue	136,933	42,172	3.2	4
6381-6385 Hollywood Boulevard	62,432	11,750	5.3	6
6329-6333 Hollywood Boulevard	110,749	11,250	9.8	12

Accordingly, the height and FAR of the proposed project is consistent with several existing developments within the surrounding area, as shown above.

The applicant, in response to community input, eliminated a request for a zero-foot side yard along the northerly property line. Thus, with the exception of the request for a zero-foot side yard along the southerly property line, the project complies with all applicable provisions of the Municipal Code.

Therefore, the height, bulk and setbacks of the proposed hotel will be compatible with the existing and future developments in the neighborhood.

Off-Street Parking Facilities

The proposed project is required to provide a total of 75 automobile parking spaces. The project provides 103 automobile parking spaces within one (1) at-grade and on two (2) subterranean levels. The at-grade parking level includes the pick-up and drop-off area for guests and a total of seven (7) parking spaces. Access to the parking area is via a two-way driveway along Wilcox Avenue.

Therefore, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Loading Areas

The at-grade parking level includes the pick-up and drop-off area for guests and the loading area for commercial goods. The loading area is located entirely on the subject property. In addition, the project has been conditioned to provide all loading activities on the project site. Therefore, the loading area will be compatible with the existing and future developments in the neighborhood.

Lighting

Outdoor lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The proposed project is not required to provide any on-site landscaping, nevertheless, the project does include landscaping throughout the development. Specifically, the project includes abundant landscaping along the driveway exiting onto Hudson Avenue and within the outdoor decks on the second floor level. In addition, the project includes nine (9) 60-inch box olive trees.

Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the L.A.M.C. The trash collection is located at the ground level out of view from the public.

The project has been conditioned to ensure that trash and recycling facilities will not be visible from the public right-of-way. Compliance with this condition will result in a project that is compatible with existing and future development.

Therefore, the arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on neighboring properties.

15. That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The proposed hotel includes 133 guest rooms, including 13 suites. The standard guest rooms range in size between 293 and 344 square feet of floor area. At the ground level, the project includes a 2,500 square-foot restaurant. At the second floor level there will be approximately 6,000 square feet of deck area for hotel guests. At the fifth and sixth floors there will be additional decks for hotel guests. At seventh floor/rooftop level there will be a rooftop restaurant with 1,080 square feet of interior space and 3,250 square feet of outdoor covered space.

These on-site amenities enable the hotel to provide desired services to the hotel guest and will help to minimize impacts on neighboring properties.

Environmental Findings

- 16. Environmental Findings.** A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2016-2264-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). On October 27, 2016, the Department of City Planning published Mitigated Negative Declaration No. ENV-2016-2264-MND (MND) in compliance with the California Environmental Quality Act (CEQA) for a 20-day public review and comment period ending on November 17, 2016. During that time, only one comment was received raising concerns about potential fire safety and noise impacts. No other comments were received during the public comment period.

On May 19, 2017, UNITE HERE submitted two (2) comment letters challenging the adequacy of the analysis provided in the MND relating to Greenhouse Gas Emissions and Transportation/Traffic.

With regard to Greenhouse Gas Emissions, the comment questions why the default CalEEMod carbon dioxide intensity factor (intensity factor) was changed from 1227.89 pounds per megawatt-hour (lbs/MW hr) to 840 lbs/MW hr. The CalEEMod default intensity factor is based on historical LADWP power generation emission from year 2006, however, in compliance with current State Law (Senate Bill 350 - Clean Energy and Pollution Reduction Act of 2015), by 2019, approximately 38 percent of the total energy provided by LADWP would be from renewable sources. This increase in the amount of renewable energy provided results in a decrease in the intensity factor from 1227.89 lbs/MW hr to 838 lbs/MW hr (840 lbs/MW hr rounded up). Therefore the modification in the intensity factor is consistent with current regulatory standards.

With regard to Transportation/Traffic, the comment questions why the Traffic Study did not find potentially significant impacts when comparing existing conditions with future conditions, including ambient growth, related projects and the proposed project. The Traffic Study was prepared in coordination with LADOT and consistent with their Traffic Study Policies and Procedures. In determining potential traffic-related impacts, consistent with LADOT's Traffic Study Policies and Procedures, the study compared future conditions without the project, including ambient growth and related projects, to future conditions with the project, including ambient growth, related projects and the proposed project. Using LADOT's Traffic Study Policies and Procedures, the study, which was accepted by LADOT (see attached letter dated March 29, 2016), found that the project would not result in any significant impact to the eight (8) intersections that were studied.

The comment letter also stated that the project should provide a fair-share contribution to the deterioration of traffic flow and congestion in Hollywood. LADOT does not have a process by which to require fair-share contributions for development projects and, nevertheless, as provided in the Traffic Study, the proposed project would not exceed any of LADOT's thresholds for requiring any traffic mitigation.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds in its independent judgment and analysis that this project was environmentally assessed in Case No. ENV-2016-2264-MND. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

17. **Flood Insurance.** 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 Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain. Currently, there are no flood zone compliance requirements for construction in these zones.