

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
APCC-2019-4338-SPE-CU-CUB-SPP-1A	ENV-2019-4339-MND	13
PROJECT ADDRESS:		
1530 North Western Avenue (1524-1530 North Western Avenue and 5446 West Harold Way)		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Phil Patel ☐ New/Changed	323 788-1807	PHILPATEL@AOL.COM
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Eric Lieberman QES Inc	818 997-8033	ERICL@QESQMS.COM
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Doug Haines Joint With: La Mirada Ave. Neighborhood Association	310.281.7625	
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Valentina Knox-Jones	213.978.1741	valentina.knox.jones@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Specific Plan Exception (SPE), Conditional Use for hotel use (CU), Conditional Use for Alcoholic Beverages (CUB), Project Permit Compliance (SPP)		

FINAL ENTITLEMENTS NOT ADVANCING:**ITEMS APPEALED:**

Entire decision of APCC

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
☒ Letter of Determination	☐	☐ Categorical Exemption	☐
☒ Findings of Fact	☐	☐ Negative Declaration	☐
☒ Staff Recommendation Report	☐	☐ Mitigated Negative Declaration	☐
☒ Conditions of Approval	☐	☐ Environmental Impact Report	☐
☐ Ordinance	☐	☒ Mitigation Monitoring Program	☐
☐ Zone Change Map	☐	☐ Other	☐
☐ GPA Resolution	☐		
☐ Land Use Map	☐		
☒ Exhibit A - Site Plan	☐		
☒ Mailing List	☐		
☐ Land Use	☐		
☐ Other _____	☐		

NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:**☐ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☒ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
October 26, 2021	4 - 0
LAST DAY TO APPEAL:	APPEALED:
December 27, 2021	December 27, 2021
TRANSMITTED BY:	TRANSMITTAL DATE:
Etta Armstrong	January 4, 2022



CENTRAL AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **DEC 09 2021**

Case No. **APCC-2019-4338-SPE-CU-CUB-SPP**
CEQA: ENV-2019-4339-MND

Council District: 13 – O'Farrell

Project Site: 1530 North Western Avenue (1524-1530 North Western Avenue and 5446 West Harold Way)

Applicant: Phil Patel
Representative: Eric Lieberman, QES Inc

At its meeting of **October 26, 2021**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level. The project will reserve two units as affordable, including one Very Low Income Household unit and one Low Income Household unit. The project will include 47 overall parking spaces with a maximum of 12 residential parking spaces (including two guest spaces) designated for the proposed apartments, 24 bicycle parking spaces, and 1,343 square feet of open space. The site is located on a 14,478 square-foot lot that would include 26,080 square feet of total floor area with a Floor Area Ratio (FAR) of 1.8:1. There are four existing trees on the site, which are all unprotected fruit trees that would be removed as part of the project scope.

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-2019-4339-MND, as circulated on August 19, 2021 ("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**, pursuant to Section 12.24 W.24, of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit to allow a hotel within 500 feet from a Residential Zone;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption within 36 hotel rooms (mini bars) and a rooftop bar/lounge;
4. **Approved**, pursuant to LAMC Section 11.5.7 C, a Project Permit Compliance to allow for the demolition of an existing duplex and surface parking lot, and the construction, use, and maintenance of a new four-story, mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level;
5. **Approved**, pursuant to LAMC Section 11.5.7 F, a Specific Plan Exception from Section 9.A.1 of the Vermont/Western SNAP to allow commercial uses above the ground-floor and from Section 9.C of the Vermont/Western to allow the proposed building to exceed the Transitional Height limits for a project abutting a Subarea A lot;
6. **Adopted** the attached modified Conditions of Approval; and
7. **Adopted** the attached amended Findings.

This action was taken by the following vote:

Moved: Lindgren
Seconded: DelGado
Ayes: Chung-Kim, Gold
Absent: Lawrence

Vote: 4 – 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
Central Los Angeles Area 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 Central Los Angeles Area Planning Commission is appealable to the Los Angeles City Council within 15-days of the mailing date of this determination letter.

Any appeal not filed within the 15-day period shall not be considered by the City Council and the decision of the Central Los Angeles Area Planning Commission will become final and effective upon the close of the 15-day appeal period. Appeals shall be filed on forms provided at the Planning Department's Development Service Center 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: DEC 27 2021

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151 (c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not appealable to a City body, and the decision is final.**

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: Modified Conditions of Approval, Amended Findings, Interim Appeal Procedures

c: Jane Choi, Principal City Planner
Valentina Knox-Jones, City Planner
Jason Hernandez, City Planning Associate

CONDITIONS OF APPROVAL

(As modified by the Central Area Planning Commission on October 26, 2021)

Conditional Use Conditions

1. **Use.** The use of the subject property shall be limited to a mixed-use Hotel and Residential building, with a maximum of 36 guest rooms and 10 residential apartment units, including On-Site Restricted Affordable Units. The project shall maintain a hotel use and a dwelling unit use at all times. The residential apartment units shall not be used as a Transient Occupancy Residential Structure (TORS) use.
2. **On-Site Restricted Affordable Units.** One (1) unit shall be designated for Very Low Income Households and One (1) unit shall be designated for Low Income Households, as defined by the Los Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2).
3. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to designate one (1) unit for Very Low Income Households and one (1) unit for Low Income Households for rental as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file.
4. 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.
5. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
6. 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 Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
7. 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.
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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
9. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-

6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

10. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the maintenance, use and operation of:
 - (a). A 2,082 square-foot rooftop bar/lounge area containing 32 seats;
 - (b). Hotel room controlled-access liquor cabinets within a maximum of 36 guest rooms.
11. Rooftop:
 - (a). The covered bar and lounge area indicated on the roof plan stamped Exhibit "A", shall be designed to be able to be fully enclosed with noise-attenuating features (physical as well as operational) by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
 - (b). Prior to the issuance of a Certificate of Occupancy, the sound levels shall be measured consistent with the procedures in LAMC Section 111.02. Documentation of the measurements shall be submitted to the Department of City Planning for the file.
 - (c). A minimum six (6) foot high glass wall shall be installed around the perimeter of the rooftop deck, except where there is rooftop structure or other enclosed structure located at the perimeter of the building.
12. Hours of operation of the proposed hotel shall be 24 hours a day. Hours of Alcohol Sales shall be limited to 11:00 a.m. to 12:00 a.m., from Sunday to Thursday, and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. No after hour use of the facility, other than for routine clean-up and maintenance, is permitted.
13. No portion of the rooftop bar/lounge shall be deemed to be "private", for the purpose of dispensing alcoholic beverages to selected patrons.
14. Prior to the effectuation of the Conditional Use Permit, approval shall be obtained from the County Health Department to serve alcoholic beverages in conjunction with the proposed establishment. The applicant shall provide a copy of the Health Department approved plans to the Department of City Planning to be maintained in the Case File.
15. 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 21 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.

16. 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 outdoor rooftop bar/lounge patio area are permitted provided that an appropriate one-day permit is submitted for approval to LAPD and ABC.

No live entertainment or amplified music shall be permitted in any of the unenclosed or outdoor areas of the facility.

No amplified music shall be permitted in any outdoor portion of the subject premises. Any amplified or ambient music, sound, vibration or noise emitted that is under the control of the petitioner(s) shall not be audible or otherwise perceivable beyond the subject premises. Any sound, vibration or noise emitted that is under the control of the petitioner which is discernible outside of the subject premises shall constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance), including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The establishment operators shall 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. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.

17. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
18. No Conditional Use for dancing has been requested or approved herein. Dancing is prohibited. The applicant shall not accommodate, arrange or endorse any dancing features in any fashion.
19. This establishment is restricted from having private events at the location without prior approval from Los Angeles Police Department (LAPD). Any use of the property for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public shall be subject to the same provision and hours of operation unless further restricted LAPD.
20. There shall be no admission or cover charge be required at any time for the entrance into the rooftop bar/lounge.
21. No live entertainment of any kind including, but not limited to, patron dancing, live music, Disc Jockey, jukebox or karaoke nights is permitted.

No pay phone, coin-operated electronic, video or mechanical games, or pool or billiard tables shall be maintained upon the premises at any time.

22. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

23. A camera surveillance system shall be maintained at all times to monitor the common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
24. Only the front door(s) or entryway(s) shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
25. The applicant shall fully comply with all California State Department of Alcoholic Beverage Control (ABC) regulations governing the sale of alcoholic beverages for the restaurant.
26. **STAR/LEAD Training.** Within the first six months of already selling alcohol, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the LAPD to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. APCC-2019-4338-SPE-CU-CUB-SPP from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
27. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products, and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
28. Security. The applicant shall be required to provide a minimum of three (3) security guards on the premises during the all hours of hotel operation, or at least one Private security guard for every 75 patrons on a daily basis, which is more restrictive, in addition to the requirements delineated below:
 - a. 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 rooftop restaurant, bar and lounge areas on Thursday, Fridays and Saturdays.
 - b. The additional security employment required per this provision for the ground floor restaurant and bar/lounge areas as well as the rooftop restaurant and bar/lounge area, shall be employed in addition to and in enhancement of the two (2) security guards who are mandated to be employed on the hotel premises during all hours of operation. The security guards fulfilling this requirement 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.

29. Private licensed security guards shall be provided. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guard must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services; and shall comply with the requirements of the California Business and Profession Code Section 7582.26(f). A copy of the security guard(s) credentials and contract shall be provide to the Department of City Planning, **within 30 days of the effective date of this grant.**
30. Staff will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff will also be responsible to constantly monitor and ensure patrons do not take open alcoholic beverages for on-site and off-site consumption beyond the entrance doors onto the sidewalk, rooftop bar/lounge, or guest rooms.
31. The applicant shall provide to the case file 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. The applicant, owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.
33. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
34. Operator and its personnel shall, at all times maintain a policy of not serving obviously intoxicated patrons and taking preventative measure to help avert intoxication-related problems.
35. No employee or agent shall be permitted to solicit or accept any alcoholic, non-alcoholic beverage, accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
36. 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 California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and no such sales will be made.
37. A "No Alcohol beyond this point" shall be posted at the rooftop bar/lounge exits.
38. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor 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.

39. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.
40. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
41. The business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived patrons existing and crowd control during entry and exiting.
42. The owner/manager operator shall at all times maintain the abutting public access ways free of obstruction as well as maintaining the premises and adjoining sidewalk free of debris or litter. Trash and recycling bins are locked.
43. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted outside of the subject facility. The applicant shall be responsible for ensuring persons are dissuaded from loitering on or immediately around the subject premises.
44. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the entry, customer service desk, and front desk or near the hostess station visible to the public.
45. Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to LAPD, law enforcement, and ABC personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.
46. A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety, the Department of City Planning, or the State Department of ABC.
47. These conditions of approval as well as a copy of any Business permit, insurance information, security and any emergency contact phone numbers shall be maintained in the office at all times and produced immediately upon request of the Police Department, the Department of City Planning, the Department of Building and Safety or other enforcement agency.

48. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
49. Line-queuing arrangements of hotel guests or rooftop bar/lounge patrons on the public expanses that encircle the subject property are strictly prohibited.
50. A security plan for the establishment and any parking area serving the restaurant, shall be approved by the Los Angeles Police Department **prior to the utilization of this grant**. The Applicant shall provide security both inside and outside the premises. Security provisions prepared by a State Licensed security firm, shall be reviewed by the Police Department Vice Unit and their recommendations submitted in writing shall be incorporated into the security plan for on and off-site security. A copy of the approved security plan shall be submitted to the Department of City Planning.
51. **One year after the beginning of operations**, the Applicant shall meet with LAPD to review the effectiveness of the security plan, and may modify any of the measures stated therein as approved by LAPD, Hollywood Vice Unit. A copy of any modified security plan approved by LAPD shall be submitted to the Department of City Planning for inclusion into the case file.
52. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal.
53. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC section 19.01 E.3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
54. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Department of City Planning.
55. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Central Area Planning

Commission, or their designee (Upon their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Department of City Planning may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

56. Should there be a change in the ownership and/or the operator of the business, the property owner, 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.
57. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
58. The Department of City Planning reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Department of City Planning may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes

Vermont/Western SNAP Specific Plan Conditions

59. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.

60. **Parks First.** Prior to the issuance of a Certificate of Occupancy, the applicant shall complete the following:
- a. Make a payment to the Department of Recreation and Parks (RAP) for the required Park Fee pursuant to LAMC Section 17.12. Contact RAP staff by email at rap.parkfees@lacity.org, by phone at (213) 202-2682 or in person at the public counter at 221 N. Figueroa St., Suite 400 (4th Floor), Los Angeles, CA 90012 to arrange for payment.
 - b. Make a payment of \$34,400 to the Parks First Trust Fund for the net increase of eight (8) residential dwelling units. The calculation of a Parks First Trust Fund Fee to be paid pursuant to the Vermont/Western SNAP shall be off-set by the Park Fee paid pursuant to LAMC Section 17.12 as a result of the project.
 - c. The applicant shall provide proof of payment for the Park Fee to the Department of City Planning (DCP), Central Project Planning Division staff to determine the resulting amount of Parks First Trust Fund Fee to be paid. DCP staff shall sign off on the Certificate of Occupancy in the event there are no resulting Parks First Trust Fund Fee to be paid.
 - d. In the event there are remaining Parks First Trust Fund Fee to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. Contact Justin Lawson of the CAO directly at (213) 473-7543 or justin.lawson@lacity.org to arrange for payment. The applicant shall submit proof of payment for the Parks First Trust Fund Fee to DCP staff, who will then sign off on the Certificate of Occupancy.

All residential units in a project containing units set aside as affordable for Very Low or Low Income Households that are subsidized with public funds and/or Federal or State Tax Credits with affordability covenants of at least 30 years are exempt from the Parks First Trust Fund.

61. **Density.** The project shall be limited to a maximum density of 10 residential dwelling units and 36 guest rooms.
62. **Height.** The project shall be limited to a maximum building height of 60 feet, as measured from grade and defined in LAMC Section 12.03, to the highest point of the parapet or structure. Architectural rooftop features as identified in LAMC Section 12.21.1 B.3 may be erected up to 10 feet above the height limit, if the structures and features are set back a minimum of 10 feet from the roof perimeter and screened from view at street level.
63. **Floor Area Ratio (FAR).** The maximum FAR shall be limited to 1.8:1, or 26,080 square feet. At no point shall the commercial FAR equate to more than 1.5:1 FAR of the overall 1.8:1 FAR allowed.
64. **Open Space.** The project shall provide a minimum of 1,000 square feet of usable open space, of which 250 square feet must be located at grade level or first habitable room level. The common open space shall be open to the sky, must be at least 600 square feet in size, and have a minimum dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area. Balconies shall have a minimum dimension

of six feet. Common open space areas or balconies not meeting the minimum dimension requirements when measured perpendicular from any point on each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement.

- a. **Roof Decks.** In order for roof deck open space to be counted towards the overall usable open space requirement, the roof decks must be setback 20 feet from any roof perimeter at the highest floor, while maintaining the minimum dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area.
65. **Automobile Parking.** The project shall provide a minimum of 10 residential parking spaces, and two (2) guest parking spaces for a total of 12 parking spaces; no more than 10 residential parking spaces, five (5) guest parking spaces, and 35 commercial parking spaces, for a total of 45 parking spaces per the SNAP.
- a. Any future guest parking spaces must be shared with designated commercial spaces and cannot be in addition to the commercial spaces.
66. **Bicycle Parking.** The project shall provide a minimum of 24 bicycle parking spaces on site, as shown in Exhibit "A."
67. **Setback.** No front, side or rear yard setbacks shall be required.
68. **Streetscape Elements.**
- a. **Street Trees.** Street trees must be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a Certificate of Occupancy.
 - i. Four (4), 36-inch box shade trees shall be provided in the public right-of-way along the project site, subject to the Bureau of Street Services, Urban Forestry Division requirements.
 - ii. A tree well cover shall be provided for each new and existing tree in the public right-of-way adjacent to the subject property to the satisfaction of the Bureau of Street Services.
 - iii. The applicant shall be responsible for new street tree planting and pay fees for clerical, inspection, and maintenance per the Los Angeles Municipal Code Section 62.176 for each tree.
 - iv. An automatic irrigation system shall be provided.

Note: Contact the Urban Forestry Division, Subdivision staff, at (213) 847-3088 for site inspection prior to any street tree work.
 - b. **Bike Racks.** Two (2) simple black painted bike racks shall be provided in the public right-of-way along the project site. Bike racks shall be installed three feet from the curb edge or per the City of Los Angeles Department of Transportation requirements.

69. **Curb Cuts.** Only one curb cut that is 20 feet in width for every 150 feet of street frontage is allowed when a project takes its access from a Major or Secondary Highway, unless otherwise required by the Departments of Public Works, Transportation, or Building and Safety. Approval by the Departments of Public Works, Transportation, or Building and Safety for a curb cut exceeding 20 feet in width must be provided to the Department of City Planning once received.
70. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the applicant for future underground service.
71. **Building Stepback.** The project shall be limited to 30 feet in height for the portion of the building located within 15 feet from the front property line along Harold Way, as seen in Exhibit A. The project shall set the second floor back from the first floor frontage by a minimum 10 feet along Western Avenue. No portion of any structure shall be allowed within the Stepback areas.
72. **Transparent Elements.** Transparent building elements such as windows and doors shall occupy at least 50% of the exterior surface of the ground floor facades of the front and side elevations.
 - a. At least 689 square feet of the ground floor façade shall be constructed with transparent building materials along Western Avenue, consistent with Exhibit A, Sheet A0.5.
 - b. At least 355 square feet of the ground floor façade shall be constructed with transparent building materials along Harold Way, consistent with Exhibit A, Sheet A0.5.
73. **Facade Relief and Elevations.** The southern and eastern elevations shall provide a break in plane for every 20 feet horizontally and every 30 feet vertically created by an articulation or architecture detail.
74. **Surface Mechanical Equipment.** All surface or ground-mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets, shall be screened from public view and treated to match the materials and colors of the building which they serve.
75. **Rooflines.** All rooflines in excess of 40 feet shall be broken up through articulation or architecture detail. Color change shall not be considered an appropriate means of break in roofline.
 - a. The eastern and southern façade rooflines shall be revised to comply with the roofline provision.
76. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure.

77. **Trash, Service Equipment and Satellite Dishes.** Trash, service equipment and satellite dishes, including transformer areas, shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. The trash area shall be enclosed by a minimum six-foot high decorative masonry wall. Each trash enclosure shall have a separate area for recyclables. Any transformer area within the front yard shall be enclosed or screened.
78. **Design of Entrance.** The applicant shall submit detailed elevations of the ground floor illustrating that all pedestrian entrances, including entries to commercial and retail stores, residential lobby area, and the pedestrian throughways, are accented with architectural elements such as columns, overhanging roofs, or awnings. The location of Entrances shall be in the center of the façade or symmetrically spaced if there are more than one.
79. **Landscape Plan.** The applicant shall submit a final landscape plan prepared by a licensed landscape architect showing enhanced paving such as stamped concrete, permeable paved surfaces, tile and/or brick within paved areas in front, side and rear yards.
80. **Irrigation Plan.** A final irrigation plan shall be prepared and included.
81. **On-Site Lighting.** The applicant shall install on-site lighting along all vehicular and pedestrian access ways. Installed lighting shall provide $\frac{3}{4}$ -foot-candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level and away from adjacent property windows. The maximum height of any installed lighting fixture shall not exceed 14 feet in height.
82. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The applicant shall be required to acquire approval from the Department of City Planning, Central Project Planning Division for the installation of any security devices on the exterior or the structure through a building permit clearance sign off.
83. **Noise.** Any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley shall be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition.
84. **Future Signage.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Design Guidelines. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment, Exception, or Amendment is required. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights (Digital Signs) are prohibited. Canned/Cabinet signs should not be used.

Environmental Conditions

85. **Implementation.** The Mitigation Monitoring Program (MMP), attached as Exhibit D and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been

implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

86. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

87. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The project shall be in substantial conformance with the project design features and mitigation measures in the MMP stamped Exhibit D attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with the project design features and mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the project design features and/or the mitigation measures, the Director of Planning shall provide a written justification supported by substantial evidence as to why the project design feature and/or the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the project is not in substantial conformance to the adopted project design features, mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.

88. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground

disturbance activities¹, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public

¹ Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity

Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

89. **Human Remains Inadvertent Discovery.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:
- Stop immediately and contact the County Coroner:
1104 N. Mission Road Los Angeles, CA 90033
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
 - If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
 - The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
 - The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
 - If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.
90. **Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
91. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures

recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

Administrative Conditions of Approval

92. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning. A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
93. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
94. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
95. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the Subject Property shall be complied with, except where granted conditions differ herein.
96. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
97. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
98. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
99. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement 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 at the time of Condition Clearance for attachment to the subject case file.

100. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iii) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

“Action” shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions 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.

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

In approving the instant grant, the Central Area 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 Central Area Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The Central Area 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 Central Area 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 Central Area Planning Commission.

- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No “Happy Hour” type of reduced-price alcoholic beverage shall be allowed at any time when sold individually..
- There shall not be a requirement to purchase a minimum number of drinks.
- There shall be no “fortified” wine greater than 16% alcohol content served.
- The applicant shall ensure no service, sales or possession and consumption of an alcoholic beverage on any sidewalk area, parking lot area, or on any adjacent property under the control of the applicant.
- Any alcohol sold or dispensed for consideration shall only be for consumption on the premises, within the subject rooftop bar/lounge and hotel guest rooms.

- No person under 21 years of age shall sell or deliver alcoholic beverages.
- No portable bar(s) shall be permitted at the location. A cashier shall conduct all alcoholic beverages service.
- No buckets of beer, no pitchers of beer, and no “all you can drink” sales and consumption.
- No employee, while working, shall solicit or accept any alcoholic, non-alcoholic beverage, monetary compensation, or any other thing of value from any customer for the purpose of sitting with or otherwise spending time with customers while on the premises.

FINDINGS

(As amended by the Central Area Planning Commission on October 26, 2021)

Entitlement Findings

1. Findings for Conditional Use per LAMC Section 12.24 W.

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

The subject property is a L-shaped lot encompassing a total of approximately 14,478 square-feet of lot area. The parcel is located at the southeast corner Western Avenue and Harold Way. The subject property is currently developed with a surface parking lot and a duplex. The applicant is requesting two Conditional Uses: one to permit the sale and dispensing of a full-line of alcoholic beverages in conjunction with 36 hotel guest rooms and a 2,082 square-foot rooftop bar/lounge containing 32 outdoor seats, and a second to permit a hotel within 500 feet of residential uses.

The project site is located in one of the most heavily trafficked areas in the city, along the central part of the Hollywood Walk of Fame. The area is a major tourist and commercial hub; as a commercial service, the project will contribute to the vibrancy and economic activity of the area. In addition, by providing alcoholic beverages, the proposed restaurant will provide a new and unique amenity and a viable dining destination for both visitors and residents alike, who wish to order beer or wine in conjunction with their meal. The abutting site is developed with a hotel that also offers alcoholic beverages to its occupants.

Although the project site is immediately adjacent to residential uses, the uses on Harold Way east of the site are multi-family buildings ranging in size from four (4) to 20 dwelling units. Single-family dwellings are located on North Serrano Avenue, over 300 feet away from the subject site. Immediately north of the site is another hotel with a bar and further north and northwest are a retail strip mall, a three (3) story apartment building, retail storefronts, a four (4) story apartment building, and a motel. Immediately south of the site is a five (5) story apartment building, a Walgreens drug store, a warehouse shoe store, and a Target retail store.

The residential dwelling units are located on the second floor of the building with balconies located on the eastern façade. Guestrooms are located on the higher floors of the building but do not have attached balconies. As such, the project is designed to avoid excessive noise from guestrooms which would be disruptive to the adjacent residential uses.

Conditions have been imposed to assure that the service of alcohol is not disruptive to the community. The proposed hotel is located in a part of Hollywood that continues to be the focus of rejuvenation efforts. The proximity of the proposed restaurant to movie and live theater venues, as well as other retail and restaurant uses, including a subway station stop at Hollywood and Highland, contributes to the potential viability of the project given the context of the area. As proposed, the use will continue to serve the public convenience and welfare and as sited, the location is compatible with the character of the surrounding uses. Therefore, in conjunction with the imposition of operational conditions for the hotel and the alcohol use, the request should result in the continuation of a use which is compatible with and an asset to the local neighborhood and the community at large.

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

The subject property is a L-shaped lot encompassing a total of approximately 14,478 square-feet of lot area. The parcel is located at the southeast corner Western Avenue and Harold Way. The subject property is currently developed with a surface parking lot and a duplex. The applicant is requesting a Conditional Use to permit the sale and dispensing of a full-line of alcoholic beverages in conjunction with 36 hotel guest rooms and a 2,082 square-foot rooftop bar/lounge containing 32 outdoor seats.

The surrounding properties are primarily zoned either C2-1 and located within the Vermont/Western SNAP Subarea C or [Q]R4-2 and located within the SNAP Subarea The property on the southeast corner of Harold Way and Western Avenue, to the north and west of the Project site, is a Super 8 Motel with 54 guest rooms and a cocktail bar. The property to the south is a 56-unit apartment building and corner shopping center containing a Walgreens pharmacy and a Verizon Wireless Retail Store. The property to the west, across Western Avenue, is a WSS Shoe Store. The properties to the east consist of a two-story, 10-unit apartment building and other multi-family buildings, and are located within Subarea A (Neighborhood Conservation) of the Vermont/Western SNAP. The project site is located in one of the most heavily trafficked areas in the city, in close proximity to the Hollywood Walk of Fame. The area is a major tourist and commercial hub; as a commercial service, the project will contribute to the vibrancy and economic activity of the area.

The grant authorized herein incorporates a number of conditions. These conditions are intended to ensure that the proposed operation with the full line of alcohol sales will be compatible with other uses in the surrounding community. While the hours of operation for the hotel will be 24 hours, the sale of alcohol will be limited to 11:00 a.m. to 12:00 a.m., from Sunday to Thursday, and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. No after-hour use of the facility is permitted other than for routine cleanup and maintenance. Conditions have also been imposed to control any ambient indoor and outdoor music/noise, and not permit it to be audible beyond the subject premises.

The sale of alcohol is regulated by the State of California through the issuance of an Alcoholic Beverage Control License. The Department of City Planning has recommended a set of Conditions related to alcohol sales and distribution for consideration by the State of California Department of Alcoholic Beverage Control and the LAPD that will safeguard adjacent properties while maintaining public health, safety, and welfare. These conditions include the prohibition of off-site alcohol sales, restrictions on signage and no incentives to promote alcohol sales and consumption. Such conditions are not imposed by the Department of City Planning in order to preclude intruding upon the jurisdiction of the ABC.

LAPD did not oppose the project. No opposition comment was submitted to the case file prior to the public hearing. It is anticipated that the subject Conditional Use will effectively regulate the on-site land use, mode and character, live entertainment, responsive operation, noise, site maintenance, loitering, lighting, and security issues. The land use conditions imposed herein, combined with the enforcement authority of ABC and the LAPD will ensure that the limited sale of alcohol will not be detrimental to the public health, safety, and welfare.

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

The Hollywood Community Plan designates the property for Highway Oriented Commercial land uses with corresponding zones of C1, C2, P, RAS3, RAS4 and Height District 1. The project site is zoned C2-1 and consistent with the Plan. A hotel with a bar/lounge is permitted in the C2 Zone. Moreover, residential apartment units are also permitted within the underlying zone. The sale of a full line of alcoholic beverages and the hours of operation are permitted through the conditional use process, and all requests are subject to specific findings which have been made herein. Neither the operation of a hotel nor the sale of alcoholic beverages are specifically addressed in the Plan but are permitted subject to specific findings as noted herein. The proposed uses of the subject site is consistent with and advances the following policies, and objectives identified in the Hollywood Community Plan and the General 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.*

The request is also consistent with General Plan Framework Element objectives:

Objective 7.2: *Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

Objective 7.3: *Maintain and enhance the existing businesses in the City.*

Hollywood Community Plan's purpose is to "promote an arrangement of land use, circulation, and services which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community." The proposed project will activate the existing space by providing additional services for permanent residents and visiting tourists. The hotel will continue to be a convenient and unique option for not only visitors to Hollywood but also potential residents, thereby meeting the objective of the Community Plan. Therefore, the project substantially conforms with the purpose, intent and provisions of the General Plan and Hollywood Community plan.

Vermont/Western Station Neighborhood Plan Area (SNAP)

The Vermont/Western SNAP was adopted by the Los Angeles City Council and became effective on March 1, 2001. The proposed project meets the following purposes of the SNAP as outlined in Section 2 of the Specific Plan:

- A. *Implement the goals and policies of the Hollywood Community Plan, the Wilshire Community Plan, the City General Plan Framework Element and the Transportation Element, including the new formats and terminology regarding land use designations created by the General Plan Framework.*
- E. *Guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space and the economic and social well-being of area residents.*

There are multiple hotel uses, restaurants, and bars that sell alcohol within the vicinity. The proposed hotel will allow for sufficient guest rooms to be in place to accommodate the

touristic destination that is Hollywood. Furthermore, the additional 10 residential units will add to the current housing stock. The height of the proposed hotel will not be unusual for the area and the project proposes landscaping and open space for the residents.

ALCOHOLIC BEVERAGE FINDINGS

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

The property is designated for Highway Oriented Commercial with a corresponding C2 Zone within the Hollywood Community Plan. The property will be utilized for a hotel and residential use with the sale and dispensing of alcoholic beverages for on-site consumption. The hotel is capable and aimed to serve the local community as well as large number of visitors and tourists. The conditions of this grant will ensure that the development will not adversely affect the community.

The Central Area Planning Commission has imposed several security conditions in the grant to ensure the safety and the welfare of the immediate community. Therefore, it is anticipated that the proposed project will not adversely affect the welfare of the community.

3. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the State ABC licensing criteria, there are currently four (4) on-sale and two (2) off-sale active licenses in Census Tract 1905.10. Within 600-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (3) Type 41 On-Sale Beer and Wine for Bona Fide Public Eating Place
- (1) Type 47 On-Sale General for Bona Fide Public Eating Place
- (1) Type 48 On-Sale Beer and Wine – Public Premises

When factoring in the proposed project, the number of on-site licenses is above the number currently allocated (four (4) on-site and two (2) off-site), however, no evidence was submitted for the record establishing any link between the subject property and crime rates in the community. The location is within a predominantly commercial corridor, where a concentration of retail and restaurants exists. The project has been reviewed closely by the Police Department which did not oppose the request and submitted conditions of approval.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 648, which has jurisdiction over the subject property, a total of 231 crimes were reported in 2020, compared to the citywide average of 141 crimes and the high crime reporting district average of 169 crimes for the same period. In 2020, Part 1 Crimes for the reporting district included: Homicide (1), Robbery (21), Aggravated Assault (47), Burglary (15), Auto Theft (32), and Larceny (112). Part 2 Crimes for the reporting district include: Other Assaults (18), Narcotics/Drug Violations (21), DUI Related (3), and Misc. Other Violations (27).

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 property is located in an area of high crime and the number of ABC licenses exceeds the ABC threshold.

Overconcentration can be undue when the addition of a license will negatively impact a neighborhood; overconcentration is not undue when it benefits public convenience and the general welfare of the community. Though the number of active ABC license exceeds ABC thresholds, the sale of alcohol within the mini-fridges and the rooftop bar/lounge will not cause undue concentration. As such, it will continue to be a neighborhood- serving and visitor-friendly use, where operations are not solely centered on the sales of alcohol.

Nonetheless, conditions of approval have been imposed to mitigate any adverse impacts on the area, including a requirement for noise compliance, operators, surveillance cameras, prohibiting loitering, limited signs on exterior windows and glass doors to permit surveillance into the establishment, and limited hours of operation. As noted, the Police Department has also suggested operational and alcohol-related conditions to be considered by the State upon issuance of the alcohol license. Therefore, the request is anticipated to not adversely affect the welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages after giving consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration and crime rates in the area.

Standard Conditions of Approval from the Los Angeles Police Department have been included to the determination ensuring the use will not be materially detrimental to the character and the development in the immediate neighborhood.

Said conditions include, but are not limited to: limited hours of operation; the prohibition of entertainment and live music; and the requirement for on-site surveillance cameras, and a 24-hour hotline. Additional conditions have also been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sales of alcohol to prevent potentially negative impacts to neighborhood. Therefore, based on the information herein and in conjunction with the operational conditions, the proposed use will not adversely affect the welfare of the pertinent community.

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

The following sensitive uses are located within 1,000-foot radius of the project site:

Educational Facilities

Grant Early Education Center
Grant Elementary School

1559 N. St. Andrews Pl.
1530 N. Wilton Pl.

Residential Uses

Single-Family Dwellings,
Apartments, and Condos

Since the site is located in a prime commercial and tourist area, the diversity amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project and not authorized uses of the property which might create potential nuisances for the surrounding area. Such imposition of conditions will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case. The existing

restaurant is fully enclosed within the building. The entrance is oriented directly along Hollywood Boulevard and away from residential uses. This grant also imposes numerous conditions on the operation of the property, which will minimize nuisances for the surrounding residential uses.

To ensure that the nearby sensitive uses are adequately buffered from any potential adverse impacts of this project, conditions of approval have been imposed to ensure that nearby sensitive uses are adequately buffered from any potential adverse impacts of this project. These include prohibition on any form of coin-operated games or video machines on the premises. Additionally, any music, sound or noise shall not be audible beyond the subject premises. The applicant is also responsible for maintaining the premises and areas adjacent to premises, over which the applicant has control, free of litter and loitering. As such, the establishment will be within a contained environment where monitoring is facilitated through the enforcement of numerous conditions that will minimize the potential to create nuisances for the surrounding sensitive uses. Therefore, as conditioned, the proposed use will not detrimentally affect the nearby residentially zoned communities or sensitive uses in the neighborhood.

5. Findings for Specific Plan Exception per LAMC Section 11.5.7 F.

- a. **The strict application of the policies, standards and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.**

Commercial Uses

The proposed project includes the demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level, within Subarea C of the SNAP. Section 9.A.1 "Use. Commercial Uses" of the Vermont/Western SNAP requires that:

Commercial uses in a Mixed-Use Project shall be limited to the Ground Floor.

Section 9.A.1 of the SNAP restricts commercial uses to the ground floor in order to activate the public right-of-way and create a better pedestrian experience. This regulation has helped create a more vibrant pedestrian experience when new traditional mixed-use projects are proposed. However, the strict application of this regulation would make it difficult for a mixed-use building proposing hotel uses and residential uses to be constructed. A hotel use is considered a commercial use, which would restrict any guest rooms to the ground floor, only. Therefore, the 36 guest rooms that are being proposed could not be accommodated. The L-shaped lot would make it difficult to place all 36 guest rooms for an adequate hotel on the ground floor as the project needs to take into account the lobby, amenity rooms, and other hotel utilities.

In a non-SNAP designated lot, the proposed project would be allowed to place hotel rooms above the ground floor without this limitation. Additionally, if the project were not proposing residential units, there would be no limitation on the location of guestrooms above the ground floor. The surrounding area, including the building directly abutting the subject site, has existing hotels that are within the SNAP Subarea C. These hotels do not incorporate a mixed-use component that provides residential units. Thus, the proposed mixed-use building would not only serve visitors, but those searching for a permanent dwelling. Although the project team can decide to build a fully functioning hotel without being subject to the provision under Section 9.A.1, the City would not be able to add dwelling

units to its current housing stock. The strict application of Section 9.A.1 to the subject property will result in practical difficulties inconsistent with the general purpose and intent of the SNAP Subarea C.

Transitional Height

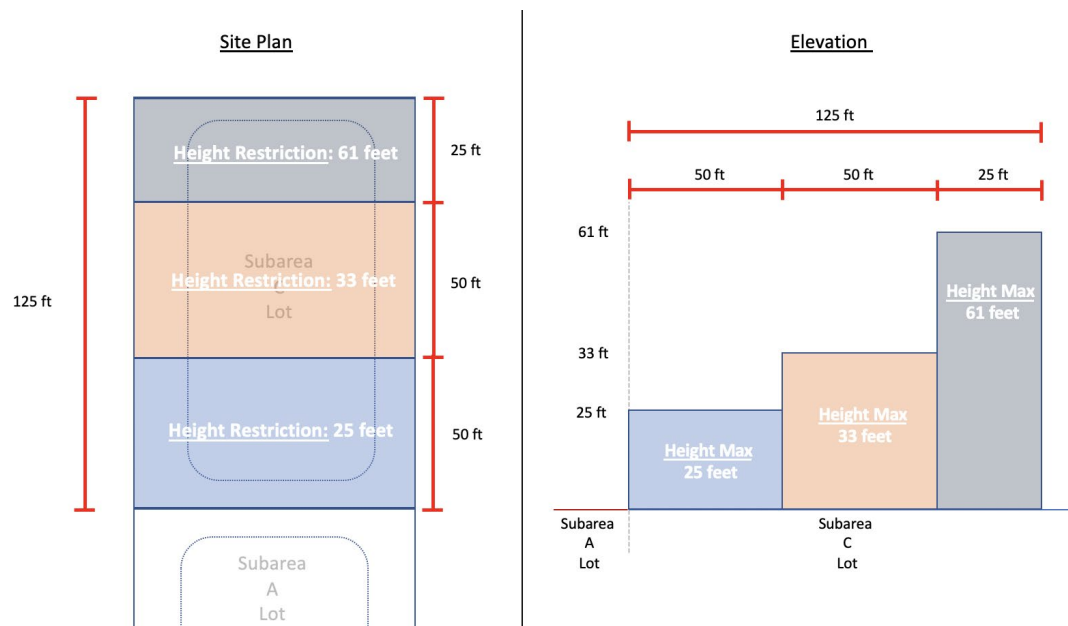
Under Section 9.C.1 of the Vermont/Western SNAP, Subarea C projects that are constructing a new building are subject to Transitional Height limitations if they abut a Subarea A lot. The Transitional Height limitations are set forth in Table 1 below.

Table 1

Distance (from Subarea Lot)	Height (restriction)
0 to 49 feet	25 feet
50 to 99 feet	33 feet
100 to 200 feet	61 feet

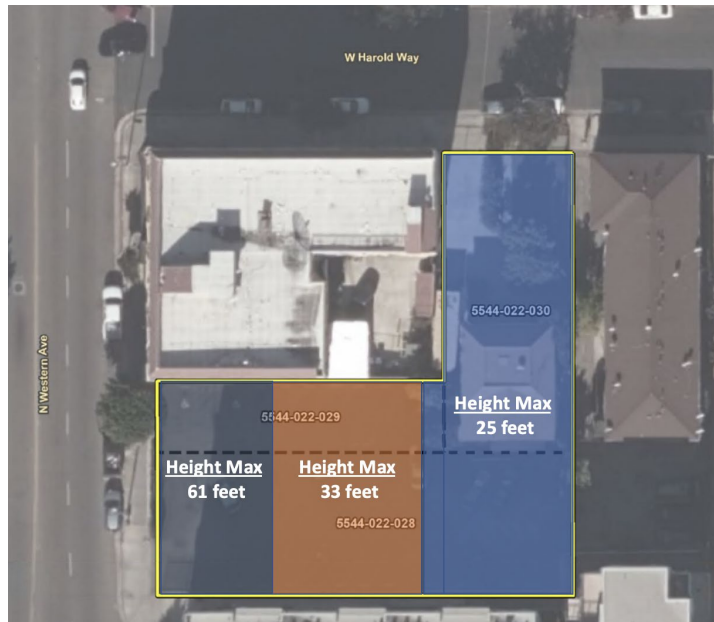
Figure 1 below illustrates the intention of the SNAP's provision.

Figure 1



The Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. However, the proposed location abuts a Subarea A lot to the east, which is the side yard. This reduces the maximum height allowed to 25 feet for the section of the lots that have a length of 50 feet or less. Due to the L-shaped design of the lot, the entirety of the lots closest to Harold Way cannot take advantage of the increase in height to 33 feet or 61 feet the same way the two lots facing Western Avenue can. Figure 2 below illustrates the Transitional Height restrictions for the subject site.

Figure 2



The proposed building will have a maximum height of 60 feet across the entire project site. The abutting hotel has a maximum height of approximately 50 feet and consists of four-stories. As stated above, the Transitional Height provision is meant to move the bulk and height of the proposed building away from the Subarea A lots. This is primarily because the buildings within Subarea A tend to have lower height restrictions. These height restrictions are commonly 30 feet or 45 feet. However, multi-family buildings along the north and south side of North Harold Way have heights of 45 feet or greater. The site directly east of the subject lot is zoned [Q]R4-2 which allows for an unlimited height. The Q classification on that property limits the height to a maximum of 45 feet. Therefore, if the proposed project is subject to the Transitional Height limitations, the hotel has the potential to be 20 feet lower in the first Transitional Height segment and 12 feet lower in the second segment than the site to the east if the property was redeveloped in the future. Therefore, it can be found that the strict application of the regulations of the Specific Plan creates an unnecessary hardship and would be in conflict with the purpose and intent of the Specific Plan.

- b. **There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.**

Commercial Uses

As previously mentioned, the proposed project includes the demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level, within Subarea C of the SNAP. Section 9.A.1 requires that all commercial uses be limited to the ground floor of any mixed-use building. A hotel use is considered a commercial use, which would keep the proposed project from adding guest rooms above the ground floor. This would make it difficult to build a mixed-use hotel and residential project on the subject site. If the project team proposed a hotel building only, this regulation would not keep the proposed hotel from placing hotel rooms at any floor. However, the applicant would like to add residential units to increase the housing stock in the City of Los Angeles along with the hotel use. Furthermore, two (2) of the units will be restricted to Very Low and Low Income

Households. The multiple existing hotels found within a 1,000-foot radius, such as the Super 8, Hollywood Stars Inn, The Dixie Hotel, Hollywood City Inn, etc., do not add a residential component that can benefit not only visitors, but those people looking for a permanent residence. Therefore, there is an exceptional circumstance to the intended use that does not apply to other properties within the SNAP.

Transitional Height

As previously mentioned, the Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. However, the proposed location abuts a Subarea A lot to the east, which is the side yard. This reduces the maximum height allowed to 25 feet for the section of the lots that have a length of 50 feet or less. Due to the L-shaped design of the lot, the entirety of the lots closest to Harold Way cannot take advantage of the increase in height to 33 feet or 61 feet the same way the two lots facing Western Avenue can. If the proposed project was built on the two (2) abutting lots that has the existing Super 8 hotel, those lots would not have to abide by the Transitional Height provisions because they are not abutting a Subarea A lot. A mixed-use building on those two (2) lots would be allowed a maximum height of 75 feet. There are no other lots within the vicinity that are L-shaped, developed with a hotel use, and are abutting a Subarea A lot, which would need to abide by the Transitional Height. Therefore, it can be found that there are special circumstances applicable to the site which do not generally apply to other properties within Subarea C of the Specific Plan.

- c. **The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The project site is located within Subarea C of the Vermont/Western SNAP. The applicant proposes the demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level. Two (2) of the units will be restricted to Very Low and Low Income Households. The applicant requests a Specific Plan Exception to allow commercial uses above the ground-floor, as well as, to allow the proposed building to exceed the Transitional Height limits for a project abutting a Subarea A lot.

Commercial Uses

The purpose of keeping commercial uses on the ground floor for mixed-use projects is to make sure the public right-of-way is activated for the pedestrian realm. However, the SNAP did not take into consideration a non-traditional mixed-use building made up of a hotel use and residential units. The SNAP would allow a 100 percent hotel to place its guest rooms on any floor and not be subject to the ground floor. Since a hotel use is considered a commercial use, a mixed-use building within Subarea C would restrict any guest rooms to the ground floor. Therefore, the 36 guest rooms that are being proposed could not be accommodated. The L-shaped lot would make it difficult to place all 36 guest rooms for an adequate hotel on the ground floor as the project needs to take into account the lobby, amenity rooms, and other hotel utilities.

Transitional Height

Based on the L-shaped configuration of the subject lot, the proposed building would not be able to achieve the height the SNAP designates as a maximum for mixed-use buildings. As previously mentioned, the Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. However, the proposed location abuts a Subarea A lot to the east, which is the side yard. The other lots within the vicinity that are within Subarea C and abut a Subarea A lot, abut the Subarea A lot to the rear. This allows for a better distribution of the building height and allows those lots to reach a maximum height of 61 feet. Therefore, it can be found that the requested Exception is necessary for the preservation and enjoyment of a substantial property right generally possessed by other properties within the Specific Plan.

- d. **The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.**

The proposed project includes demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level. The applicant requests a Specific Plan Exception to allow commercial uses above the ground-floor, as well as, to allow the proposed building to exceed the Transitional Height limits for a project abutting a Subarea A lot. As demonstrated in Finding No. 6 below, aside from the two (2) requests for the Specific Plan Exceptions to allow a commercial uses above the ground floor and exceed the Transitional Height provisions, the project otherwise complies with the Subarea C regulations and applicable Development Standards and Design Guidelines of the Specific Plan. Granting commercial uses above the ground floor for a hotel and allowing an increase in Transitional Height would not impact the public welfare. Therefore, it can be found that granting the Exception will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the property.

- e. **The granting of the exception is consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.**

As discussed in Finding No. 1.c., the granting of the exception would allow the construction of a new mixed-use development which would be consistent with principles, intent and goals of the SNAP and the applicable elements of the General Plan.

6. Findings for Project Permit Compliance per LAMC Section 11.5.7 C.

- a. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

(1) **Parks First.** Section 6.F of the Vermont/Western Specific Plan requires the applicant to pay a Parks First Trust Fund of \$4,300 for each new residential unit, prior to the issuance of a Certificate of Occupancy. The project proposes the demolition of an existing duplex and the construction, use and maintenance of a 10-unit mixed-use building, resulting in a net increase of eight (8) residential units. The project is therefore required to pay a total of \$34,400 into the Parks First Trust Fund. The calculation of a Parks First Trust Fund fee to be paid or actual park space to be provided pursuant to

the Parks First Ordinance shall be off-set by the amount of any fee pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 21.10.1, et seq. This requirement is reflected in the Condition of Approval. As conditioned, the project complies with Section 6.F of the Specific Plan.

- (2) Use.** Section 9.A of the Vermont/Western Specific Plan states that residential uses permitted in the R4 Zone by LAMC Section 12.11 and commercial uses permitted in the C4 Commercial Zone by LAMC Section 12.16 shall be permitted by-right on any lot located within Subarea C of the Specific Plan area. The subject site is 14,478 square feet in size, allowing a maximum of 36 base dwelling units per the underlying zone. The project proposes a total of 10 residential units. Two (2) of the units will be restricted to Very Low and Low Income Households. The project site is allowed C4 uses on the subject property and is proposing 17,380 square feet of hotel uses. A Hotel use that is within 500 feet of a R Zone property is allowed via a Conditional Use Permit. Any change of use within the project site, for a use allowed under the C4 designation, is required to obtain a Project Permit Compliance Review approval before any permit clearance is given. Therefore, as proposed and conditioned, the project complies with Section 9.A of the Specific Plan.

- (3) Height and Floor Area.** Section 9.B of the Vermont/Western Specific Plan requires that mixed-use projects shall not exceed a maximum building height of 75 feet and 100 percent commercial projects shall not exceed a maximum building height of 35 feet; except that roofs and roof structures for the purposes specified in Section 12.21.1 B.3 of the Code, may be erected up to 10 feet above the height limit established in this section, if those structures and features are setback a minimum of 10 feet from the roof perimeter and are screened from view at street level by a parapet or a sloping roof. The project proposes a four-story, mixed-use building with a maximum height of 60 feet, which is below the 75-foot maximum.

Moreover, a mixed-use project shall not exceed a 3:1 FAR of which 1.5:1 is the maximum allowed for commercial uses.

FAR Breakdown				
	Limit	Hotel	Residential	Overall Proposed
SNAP FAR Mixed Use Project	3:1	17,380 sf= 1.2:1	8,700 sf = 0.6:1	26,080 sf = 1.8:1

The project site contains 14,478 square feet, and the proposed building contains a combined floor area of 26,080 square feet, resulting in a FAR of 1.8:1, which is within the maximum allowable 3:1 FAR. Therefore, as conditioned, the project complies with Section 9.B of the Specific Plan.

- (4) Transitional Height.** Section 9.C of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea C adjoining or abutting a lot within Subarea A shall not exceed 25 feet in height, 33 feet in height, and 61 feet in height when located within 0-49 feet, 50-99 feet, and 100-200 feet respectively. The project site does abut a Subarea A lot to the east. The applicant is requesting a Specific Plan Exception to exceed two (2) of the height limitations set forth by Transitional Height. The table below shows the Transitional Height limitations and the proposed height for each segment.

Distance (from Subarea A Lot)	Height (restriction)	Height Proposed
0 to 49 feet	25 feet	60
50 to 99 feet	33 feet	60
100 to 200 feet	61 feet	60

As discussed in Finding No. 2 above, the Transitional Height provision is meant to move the bulk and height of the building away from the Subarea A lots. This works best when the Subarea C lot abuts a Subarea A lot to the rear. In a situation where the Subarea A lot abuts the Subarea C lot at the rear, the height distance restrictions are taken from the rear lot line towards the front lot line. The other lots within the vicinity that are within Subarea C and abut a Subarea A lot, abut the Subarea A lot to the rear. This allows for a better distribution of the building height and allows those lots to reach a maximum height of 61 feet. Thus, the applicant is requesting a Specific Plan Exception to allow the project to reach 60 feet in height in lieu of 25 feet and 33 feet when located within 0-49 feet and 50-99 feet from a Subarea A lot. The proposed building complies with the Transitional Height provision for the distances located 100 to 200 feet from the Subarea A lot. Therefore, in conjunction with the approval of the Specific Plan Exception, the project complies with Section 9.C of the Specific Plan.

- (5) Usable Open Space.** Section 9.D of the Vermont/Western Specific Plan states that residential projects with two or more dwelling units must provide specified amounts of common and private open space pursuant to the standards set forth in LAMC 12.21 G.2 of the Code. The Specific Plan further stipulates that up to 75 percent of the total open space may be located above the grade level or first habitable room level of the project, and that roof decks may be used in their entirety as common or private open space, excluding that portion of the roof within 20 feet of the roof perimeter. Units containing less than three (3) habitable rooms require 100 square feet of open space per unit. Units containing three (3) habitable rooms require 125 square feet of open space per unit. Units containing more than three (3) habitable rooms require 175 square feet of open space per unit. The Vermont/Western SNAP sets forth the minimum usable open space requirement, as shown in the table below:

SNAP Minimum Usable Open Space			
	Units	Sq. Ft. Required	Usable Open Space (sq. ft.)
Dwelling Units with Less than 3 Habitable Rooms	10	100	1,000
Dwelling Units with 3 Habitable Rooms	0	125	0
Dwelling Units with More than 3 Habitable Rooms	0	175	0
Total Minimum Usable Open Space			1,000
25% located at grade or first habitable room level			250

The project proposes a total of 1,596 square feet of usable open space with 580 square feet of open space located at grade or first habitable room level. Therefore, as conditioned, the project complies with Section 9.D of the Specific Plan.

- (6) Project Parking Requirements.** Section 9.E of the Vermont/Western Specific Plan sets forth a minimum and maximum parking standard for residential projects, as shown in the tables below:

SNAP Minimum Parking Spaces			
	Parking Space Per Square Feet / Unit	Units	Parking Spaces
Dwelling Units with Less than 3 Habitable Rooms	1	10	10
Dwelling Units with 3 Habitable Rooms	1	0	0
Dwelling Units with More than 3 Habitable Rooms	1.5	0	0
Total <u>Residential</u> Required Spaces			10
Guest	.25	10	2
Total Minimum Required Spaces (inclusive of guest parking)			12

SNAP Maximum Parking Spaces			
	Parking Space Per Square Feet / Unit	Units	Parking Spaces
Dwelling Units with Less than 3 Habitable Rooms	1	10	10
Dwelling Units with 3 Habitable Rooms	1.5	0	0
Dwelling Units with More than 3 Habitable Rooms	2	0	0
Total <u>Residential</u> Allowed Spaces			10
Guest	.50	10	5
Total Maximum Allowed Spaces (inclusive of guest parking)			15

The project will provide 10 residential parking spaces and five (5) guest parking spaces, which is within the minimum and maximum requirements. Therefore, as conditioned, the project complies with Section 9.E of the Specific Plan.

Bicycles. Section 9.E.2 of the Vermont/Western Specific Plan requires any residential project with two (2) or more dwelling units to provide one-half (0.5) bicycle parking space per residential unit. The proposed development consists of 10 residential units, thus, requiring five (5) bicycle parking spaces. Furthermore, the SNAP requires one (1) parking space for every 1,000 square feet of commercial floor area for the first 10,000 square feet, and one (1) parking space for every additional 10,000 square feet of floor area thereafter. The project proposes 17,380 square feet of commercial floor area, thereby requiring 11 commercial parking spaces. The applicant proposes 18 residential bicycle parking spaces and six (6) commercial bicycle parking spaces within the basement level of the building.

Commercial Vehicle Parking. Section 8.E.3 of the Vermont/Western Specific Plan requires two (2) parking spaces per 1,000 square feet of commercial floor area, which must be shared with any guest parking spaces being proposed. The project proposes 17,380 square feet of commercial floor area, thereby allowing a maximum of 35 commercial parking spaces. The project proposes 35 commercial parking spaces which does not exceed the maximum SNAP requirement of 35 commercial spaces allowed. Of the 35 commercial parking spaces, five (5) shall be shared with guest

parking spaces and the commercial parking spaces cannot be in addition to guest parking spaces.

Therefore, as proposed and conditioned, the project complies with Sections 9.E.1, 9.E.2, and 9.E.3 of the Specific Plan.

- (7) **Conversion Requirements.** Section 9.F of the Vermont/Western Specific Plan sets forth requirements pertaining to the conversion of existing structures to residential condominium uses. The project proposes the construction, use and maintenance of a four-story mixed-use hotel and residential project. Therefore, Section 9.F of the Specific Plan does not apply.
- (8) **Yards.** Section 9.H of the Vermont/Western Specific Plan specifies that no front, side or rear yard setbacks shall be required for the development of any project within Subarea C. The project proposes no yard setbacks. Therefore, the project complies with Section 9.H of the Specific Plan.
- (9) **Pedestrian Throughways.** Section 9.G states that applicants shall provide one public pedestrian walkway, throughway, or path for every 250 feet of street frontage for the project. The pedestrian throughway shall be accessible to the public and have a minimum vertical clearance of 12 feet and a minimum horizontal clearance of 10 feet. The proposed building occupies approximately 45 feet of frontage along the southerly side of Harold Way and approximately 75 feet on the easterly side of Western Avenue. As such, a pedestrian throughway is not required as part of the design of the project site. Therefore, Section 9.G of the Specific Plan does not apply.
- (10) **Development Standards.** Section 9.I of the Vermont/Western Specific Plan requires that all projects with new development and extensive remodeling be in substantial conformance with the following Development Standards and Design Guidelines. The proposed project conforms to Development Standards and Design Guidelines as discussed in the Findings below.

Development Standards

- a. **Landscape Plan.** The Development Standard for Subarea C requires that all open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped by lawns and other ground coverings, allowing for convenient outdoor activity. All landscaped areas shall be landscaped in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor. The landscape plan in Exhibit "A" shows that adequate landscaping will be provided throughout the project site. The project will provide one (1) new street tree along Harold Way and two (2) new street trees along Western Avenue. The 1st Floor, 2nd Floor, and Roof will be landscaped with shrubbery and trees. The applicant has been conditioned to submit a final landscape plan prepared by a licensed landscape architect and a final irrigation plan. Therefore, as conditioned, the project complies with this Development Standard.
- b. **Usable Open Space.** This Development Standard requires that common usable open space must have a dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area and a minimum common open space area of 400 square feet for projects with less than 10 dwelling units and 600 square feet for projects with 10 dwelling units or more. Balconies shall have a minimum dimension of six feet. Common open space areas or

balconies not meeting the minimum dimension requirements when measured perpendicular from any point on each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement. The Development Standard further stipulates that private usable open space, such as balconies with a minimum dimension of six feet, may reduce the required usable open space directly commensurating with the amount of private open space provided. The applicant proposes a total of 1,596 square feet of open space, of which 763 square feet is common open space and 580 square feet of private open space. Therefore, the project complies with this Development Standard.

- c. **Streetscape Elements.** The Development Standards require that any project along Vermont Avenue, Virgil Avenue, Hollywood Boulevard between the Hollywood Freeway and Western, or referred to in the Barnsdall Park Master Plan, or projects along another major and secondary highways, to conform to the standards and design intentions for improvement of the public right-of-way.
- I. **Street Trees.** The Development Standards require that one 36-inch box shade tree be planted and maintained in the sidewalk for every 30 feet of street frontage. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue, thus, requiring four (4) street trees along the public right-of-way of the project site. The project proposes a total of three (3) street trees, with two (2) street trees placed along Western Avenue and one (1) along Harold Way. The project has been conditioned to provide the required four (4) street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.
 - II. **Tree Well Covers.** The Development Standards require that a tree well cover be provided for each new and existing street tree in the project area. The project proposes a total of three (3) street trees, with two (2) street trees placed along Western Avenue and one (1) along Harold Way. The project has been conditioned to provide the required four (4) street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.
 - III. **Bike Racks.** The Development Standards require one bike rack for every 50 feet of street frontage. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue, thus, requiring two (2) bike rack along the public right-of-way. The project has been conditioned to provide two (2) bike rack along the public right-of-way of the project site. Therefore, as conditioned, the project complies with this Development Standard.
 - IV. **Trash Receptacles.** The Development Standards require one trash receptacle be provided in the public right of way for every 100 feet of lot frontage along a Major or Secondary Highway. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue. Therefore, this Development Standard does not apply.

- V. **Public Benches.** The Development Standards require that one public bench be provided in the public right of way for every 250 feet of lot frontage on a Major or Secondary Highway. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue. Therefore, this Development Standard does not apply.
- d. **Pedestrian/Vehicular Circulation.** The Development Standards require that projects fronting on a main commercial street shall avoid pedestrian/vehicular conflicts by adhering to standards related to parking lot location, curb cuts, pedestrian entrances, pedestrian walkways and speed bumps. The subject property fronts along Vermont Avenue. Therefore, the following Development Standards apply.
- I. **Parking Lot Location.** The Development Standards require that surface parking lots be placed at the rear of structures. The project does not propose a surface parking lot, but rather vehicle parking within one subterranean level and one at-grade parking area which is enclosed. Therefore, this Development Standard does not apply.
- II. **Waiver.** The Director of Planning may authorize a waiver from the requirement to provide parking in the rear of the lot for mid-block lots that do not have through access to an alley or public street at the rear. The project lot has access through the alley. Therefore, this Development Standard does not apply.
- III. **Curb Cuts.** The Development Standards allow one curb cut that is 20 feet in width for every 150 feet of street frontage when a project takes its access from a Major or Secondary Highway, unless otherwise required by the Departments of Public Works, Transportation or Building and Safety. The project proposes its vehicle ingress and egress along Western Avenue and Harold Way. The applicant proposes a 24-foot curb cut along Western Avenue and Harold Way. The project has been conditioned to provide a 20-foot curb cut unless otherwise required by the Departments of Public Works, Transportation or Building and Safety. Therefore, as conditioned, the project complies with this Development Standard.
- IV. **Pedestrian Entrance.** The Development Standards require that all buildings that front on a public street shall provide a pedestrian entrance at the front of the building. As shown on "Exhibit A" the project proposes a main pedestrian lobby entrance along Western Avenue. Therefore, the project complies with this Development Standard.
- V. **Design of Entrances.** The Development Standards require that entrances be located in the center of the façade or symmetrically spaced if there are more than one and be accented by architectural elements such as columns, overhanging roofs or awnings. The entrance for the hotel along Western Avenue is located approximately at the center of the façade and will primarily lead residents from the street to the lobby area, mailboxes, and stair and elevator access points. The entry along the Harold Way façade is also approximately located at the center of the facade. Therefore, as proposed, the project complies with this Development Standard.

- VI. **Inner Block Pedestrian Walkway.** The Development Standards require that applicants provide a pedestrian walkway, throughway or path for every 250 feet of street frontage for a project. The pedestrian path or throughway shall be provided from the rear property line or from the parking lot or public alley or street if located to the rear of the project, to the front property line. The pedestrian walkway shall be accessible to the public and have a minimum vertical clearance of twelve feet, and a minimum horizontal clearance of ten feet. The project site has approximately 45 feet of frontage along the southerly side of Harold Way and 75 feet of frontage along the easterly side of Western Avenue. Therefore, this Development Standard does not apply.
- VII. **Speed Bumps.** The Development Standards require speed bumps be provided at a distance of no more than 20 feet apart when a pedestrian walkway and driveway share the same path for more than 50 lineal feet. The proposed project does not contain a pedestrian walkway and driveway that share the same path for more than 50 lineal feet. Therefore, this Development Standard does not apply.
- e. **Utilities.** The Development Standards require that when new utility service is installed in conjunction with new development or extensive remodeling, all proposed utilities on the project site shall be placed underground. The project does not propose any installation of new utility service at this time. However, in the event new utility lines are to be installed on the site, the Conditions of Approval require all new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made for future underground service. Therefore, as conditioned, the project complies with this Development Standard.
- f. **Building Design.** The purpose of the following provisions is to ensure that a project avoids large blank expenses of building walls, is designed in harmony with the surrounding neighborhood, and contributes to a lively pedestrian friendly atmosphere. Accordingly, the following standards shall be met:
 - I. **Stepbacks.** The Development Standards require that 1) no portion of any structure exceed more than 30 feet in height within 15 feet of the front property line, and 2) that all buildings with a property line fronting on a Major Highway, including Hollywood Boulevard, Sunset Boulevard, Santa Monica Boulevard, and Vermont Avenue, shall set the second floor back from the first floor frontage at least ten feet. The proposed building has a front property line along Vermont Avenue, which is classified as an Avenue I, previously classified as a Secondary Highway. Therefore, the proposed project is subject to the first requirement along Harold Way and second stepback requirement along Western Avenue. As seen on Sheet A-3.2 of "Exhibit A", the project satisfies Stepback No. 1 along Harold Way. However, as seen on Sheet A-3.1 of "Exhibit A", the project does not fully comply with Stepback No. 2 along Western Avenue. The building is setting back the second floor by 15 feet in a segment of the façade, however, that portion is covered with a trellis. The other half of the stepback section is enclosed. As stated above, no portion of any structure can be within the stepback areas. As such, the project has been conditioned to revise these elevations in order to fully comply with Stepback No 2 along Western Avenue. Therefore, as conditioned, the project complies with this Development Standard.
 - II. **Transparent Building Elements.** The Development Standards require that transparent building elements such as windows and doors occupy at least 50

percent of the ground floor facades on the front and side elevations and 20 percent of the surface area of the rear elevation of the ground floor portion which has surface parking in the rear of the structure. Moreover, a “side elevation ground floor façade” has been interpreted by Staff to only mean those facades which face a street or alley and not facades along interior lot lines that face other buildings. The subject site currently has a northern and western façade that face a street. The southern and eastern façades are along an interior lot line that face existing buildings, not a street or surface parking area. Per Exhibit A, Sheet A-0.5, the project has a ground floor elevation area of 1,199 square feet along Western Avenue and is providing 689 square feet of transparency. The project also has a ground floor elevation area of 526 square feet along Harold Way and is providing 355 square feet of transparency. Therefore, as conditioned, the project complies with this Development Standard.

- III. **Façade Relief.** The Development Standards require that exterior walls provide a break in plane for every 20 feet horizontally and every 30 feet vertically. As seen in “Exhibit A” the project proposes horizontal and vertical plane breaks through the use of the façade incrementally stepped away from the street, change in material, recessed windows, transparency, and lineal orientation of the façade construction. Therefore, the project complies with this Development Standard.
- IV. **Building Materials.** The Development Standards require that building facades be comprised of at least two types of complimentary building materials. The project proposes the use of cement, wood, metal, and glass on all elevations of the structure. Therefore, the project complies with this Development Standard.
- V. **Surface Mechanical Equipment.** The Development Standards require that all surface or ground mounted mechanical equipment be screened from public view and treated to match the materials and colors of the building which they serve. The plans do not indicate the location of surface mechanical equipment. However, in the event surface mechanical equipment is constructed, the Conditions of Approval require surface mechanical equipment to match the colors and materials of the building which they serve. Therefore, as conditioned, the project complies with this Development Standard.
- VI. **Roof Lines.** The Development Standards require that all rooflines in excess of 40 feet are broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means. As seen in Exhibit A, Sheet A-3.1 – A3.2, the western façade facing Western Avenue and the northern façade facing Harold Way have roof lines that are continuously broken up to not exceed a horizontal roof line of 40 feet or greater. However, sections of the eastern façade and southern façade have horizontal roof lines of 40 feet or greater. As such, the project has been conditioned to revise these elevations in order to fully comply with this provision. Therefore, as conditioned, the project complies with this Development Standard.
- g. **Rooftop Appurtenances.** The Development Standards require that all rooftop equipment and building appurtenances shall be screened from public view or architecturally integrated into the design of the building. The proposed project will have no mechanical equipment placed on the roof. In the event that rooftop mechanical

- equipment is constructed, a Condition of Approval has been included requiring said equipment and ducts be screened from view from any street, public right-of-way or adjacent property and the screening shall be solid and match the exterior materials, design and color of the building. Therefore, as conditioned, the project complies with this Development Standard.
- h. **Trash and Recycling Areas.** The Development Standards require that trash storage bins be located within a gated, covered enclosure constructed of identical building materials, be a minimum of six feet high, and have a separate area for recyclables. The proposed project provides a minimum six-foot trash and recycle enclosure located within the basement garage level. Therefore, the project complies with this Development Standard.
 - i. **Pavement.** The Development Standards require that paved areas not used as parking and driveway areas consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers. The project site does not currently contain areas not being used as parking and driveway access that would require enhance paving at the ground level. Therefore, as conditioned, the project complies with this Development Standard.
 - j. **Freestanding Walls.** The Development Standards require that all freestanding walls contain an architectural element at intervals of no more than 20 feet and be set back from the property line adjacent to a public street. This project does not propose any freestanding walls. Therefore, this Development Standard does not apply.
 - k. **Parking Structures – Required Commercial Frontage.** The Development Standards require that all of the building frontage along major or secondary highways, for a parking structure shall be for commercial, community facilities, or other non-residential uses to a minimum depth of 25 feet. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
 - l. **Parking Structures – Façade Treatments.** The Development Standards require parking structures be designed to match the style, materials and colors of the main building. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
 - m. **Parking Structures Across from Residential Uses.** The Development Standards require parking structures abutting or directly across an alley or public street from any residential use or zone conform to standards regarding the façade facing the residential use or zone. This Development Standard applies to standalone parking structures, which the project does not propose. Therefore, this Development Standard does not apply.
 - n. **Surface Parking Lots.** The Development Standards require at least 10 percent of the surface parking lot to be landscaped with: one (1) 24-inch box shade tree for every four parking spaces, spaced evenly to create an orchard-like effect; a landscaped buffer around the property line; and a three and a half foot solid decorative masonry wall behind a three-foot landscaped buffer. The trees shall be located so that an overhead canopy effect is anticipated to cover at least 50 percent of the parking area after 10 years of growth. The project does not propose a surface parking lot. The parking for the project is located within a subterranean level and at-grade parking areas which are enclosed. Therefore, this Development Standard does not apply.

- o. **Surface Parking Abutting Residential.** The Development Standards require surface parking abutting or directly across an alley or public street from any residential use or zone conform to standards regarding a decorative wall and landscaping buffer. The project does not propose a surface parking lot. The parking for the project is located within a subterranean level and at-grade parking areas which are enclosed. Therefore, this Development Standard does not apply.
- p. **On-Site Lighting.** The Development Standards require that the project include on-site lighting along all vehicular and pedestrian access ways. The Development Standards specify that the acceptable level of lighting intensity is $\frac{3}{4}$ foot-candle of flood lighting measured from the ground, a maximum mounting height of light sources shall be 14 feet, and "white" color corrected lamp color shall be used for ground level illumination. A Condition of Approval has been included to ensure that any lighting shall meet the on-site lighting standards mentioned above. Therefore, as conditioned, the project complies with this Development Standard.
- q. **Security Devices.** The Development Standards require security devices to be screened from public view. The proposed project does not contain any type of security devices at this time. In the event that additional security devices are installed in the future, a Condition of Approval has been included requiring all proposed devices to be integrated into the design of the building, concealed and retractable. Therefore, the project complies with this Development Standard.
- r. **Privacy.** The Development Standards require that buildings be arranged to avoid windows facing windows across property lines, or the private open space of other residential units. The applicant has provided an elevation, Sheet A-0.5, which depicts the windows of the existing adjacent structure to the northwest superimposed onto the proposed project. Given the constraints as an infill development located in an urbanized area, the applicant has demonstrated efforts to arrange windows to avoid directly facing windows across property lines or private open space of other residential units. Any overlap that may occur is minor and would be less than significant. Therefore, the project complies with this Development Standard.
- s. **Hours of Operation.** The Development Standards require that parking lot cleaning and sweeping, trash collection and deliveries be limited between 7:00 a.m. - 8:00 p.m. Monday through Friday, and 10:00 a.m. - 4:00 p.m. on Saturdays and Sundays. The applicant has been required in the Conditions of Approval to comply with this Development Standard. Therefore, as conditioned, the project complies with this Development Standard.
- t. **Noise Control.** The Development Standards require that any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. The developer, as an alternative, may retain an acoustical engineer to submit evidence, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room. The proposed building has multiple windows along the façades with a line of sight directly to Harold Way and Western Avenue. The project team has not submitted any evidence by an acoustical engineer specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room during the case processing. Therefore, the alternative method of noise control cannot be taken into account for this project. As such, a Condition of Approval has been included requiring any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley to be

constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. Therefore, as conditioned, the project complies with this Development Standard.

- u. **Required Ground Floor Uses.** The Development Standards states that 100 percent of street level uses within Subarea C must be commercial uses up to a depth of 25 feet. The applicant proposes a Specific Plan Exception to allow for commercial uses above the ground floor. Therefore, with approval of the Specific Plan Exception, the project complies with this Development Standard.

Design Guidelines

- v. **Urban Form.** The Design Guidelines encourage transforming commercial streets away from a highway oriented, suburban format into a distinctly urban, pedestrian oriented and enlivened atmosphere by providing outdoor seating areas, informal gathering of chairs, and mid-block pedestrian walkways. The Guidelines also indicate that streets should begin to function for the surrounding community like an outdoor public living room and that transparency should exist between what is happening on the street and on the ground floor level of the buildings. The project is designed to enhance the pedestrian experience along Western Avenue and Harold Way by providing over 50 percent transparency increasing visibility into the ground floor from the street. The project has also been conditioned to include bike racks and shade trees along the public right-of-way. Therefore, as proposed, the project complies with this Design Guideline.
- w. **Building Form.** The Design Guidelines encourage every building to have a clearly defined ground plane, roof expression and middle or shaft that relates the two. The ground plane of the project is defined by facades that consist of glass aluminum cladding. The upper floors are defined by various planes that consist of different material, windows, and projections. The roof plane varies in height and material, which adds articulation to the building. Therefore, as proposed, the project complies with this Design Guideline.
- x. **Architectural Features.** The Design Guidelines encourage courtyards, balconies, arbors, roof gardens, water features, and trellises. Appropriate visual references to historic building forms – especially Mediterranean traditions – are encouraged in new construction. The proposed project provides multiple private balconies on the second floor. Furthermore, all street-facing elevations employ a variety of building materials and articulation by way of changes in building plane and transparency. Therefore, the project complies with this Design Guideline.
- y. **Building Color.** The Design Guidelines encourage buildings be painted three colors: a dominant color, a subordinate color and a “grace note” color. The proposed project includes colors such as grey and blue. Therefore, the project complies with this Design Guideline.
- z. **Signs.** The Design Guidelines provide extensive guidance related to the placement, type, and style of signage to be used for projects. The Guidelines identify appropriate signs for the Specific Plan area to include: wall signs, small projecting hanging signs, awnings or canopy signs, small directory signs, and window signs. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights (digital signs) are prohibited. The applicant does not propose signs as part of this application. However, all future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western SNAP and Design Guidelines. Filing for a Project Permit

shall not be necessary unless a Project Permit Adjustment, Exception, or Amendment is required. Therefore, as conditioned, the project complies with this Development Standard.

- aa. **Plant Materials on Facades.** The Design Guidelines encourage facade plant materials in addition to permanent landscaping. Plants can be arranged in planters, containers, hanging baskets, flower boxes, etc. The applicant does not propose any plant materials on facades. Therefore, this Design Guideline does not apply.
- b. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

The Department of City Planning found, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, Case No. ENV-2019-4339-MND, as circulated on August 19, 2021, ("Mitigated Negative Declaration"), and all comments received, there is no substantial evidence that the project will have a significant effect on the environment.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



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

OPTION 1: Online Appeal Portal

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

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

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

Metro DSC

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

Van Nuys DSC

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

West Los Angeles DSC

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

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

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