

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
ZA-2014-4048-CUB-CUX-ZV-1A-	ENV-2014-4049-MND	14 - Huizar
PROJECT ADDRESS:		
416 West 8 th Street		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jeremy Selman Freehand LA 416 West 8 th Street Los Angeles, CA 90014 Representative: Elizabeth Peterson Elizabeth Peterson, Co 400 South Main Street, Suite 808 Los Angeles, CA 90013 <input type="checkbox"/> New/Changed	646-307-9600 213-620-1904	jselman@sydell.com elizabeth@epgla.com
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jeremy Selman, Sydell Group #1 Representative: Elizabeth Peterson Elizabeth Peterson Group Inc 400 South N Main Street Suite 808 Los Angeles, CA 90013 Jesus Hermosillo #2 Unite HERE Local 11 464 South Lucas Avenue Los Angeles, CA 90017	213-620-1904 213-481-8530	elizabeth@epgla.com jhermosillo@unitedhere11.org
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Charlie J. Rausch, Jr.	213-978-1306	Charlie.Rausch@lacity.org

APPROVED PROJECT DESCRIPTION:

Mitigated Negative Declaration, Mitigation Monitoring Program, and related California Environmental Quality Act findings report from the Central Los Angeles Area Planning Commission (APCC) and an appeal filed by Jesus' Hermosillo of the United HERE Local 11 from the entire determination of the APCC in granting an appeal, pursuant to the Los Angeles Municipal Code (LAMC) Section, 12.27-B, a Zone Variance from Section, 12.14-a,1(b)(3), of the LAMC to permit an outdoor rooftop bar, pool, live entertainment and dancing in the C5 Zone.

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

On the July 12, 2016, the Central Los Angeles Area Planning Commission took the following action:

1. **Adopted** the modified Findings of the Zoning Administrator.
2. **Granted** the Appeal, in part with modified conditions.
3. **Sustained** the Zoning Administrator's decision to approve:
 - a. a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 117, 178 square-foot hotel/hostel with 226 guest rooms in the C5-4D Zone.
 - b. a Conditional Use to permit patron dancing and live entertainment within the ground floor restaurant, lobby bar and rooftop restaurant and bar, as modified.
 - c. a Zone Variance to permit an outdoor rooftop bar, live entertainment permit and pool in the C5 Zone.
4. **Adopted** the action of the Lead Agency in issuing the Mitigated Negative Declaration No. ENV-2014-4049-MND as the environmental clearance for the above referenced project.

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

Zone Variance

FINAL ENTITLEMENTS NOT ADVANCING:

None

ITEMS APPEALED:

Zone Variance

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

None

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:

July 12, 2016

COMMISSION VOTE:

3 - 0

LAST DAY TO APPEAL:

September 12, 2016

APPEALED:

Yes

TRANSMITTED BY:

Renee Glasco



TRANSMITTAL DATE:

September 28, 2016



CENTRAL LOS ANGELES AREA PLANNING COMMISSION

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

ZA-2014-4048 - CUB-CUX-ZV-ZA
www.planning.lacity.org

AUG 26 2016

ORIGINAL

Determination Letter Mailing Date: _____

Case No.: ZA-2014-4048-CUB-CUX-ZV-1A

CEQA: ENV-2014-4049-MND

Location: 416 West 8th Street

Council District: 14 - Huizar

Plan Area: Central City

Zone: C5-4D

APPLICANT: Jeremy Selman, Freehand LA
Representative: Elizabeth Peterson, Elizabeth Peterson Group, Inc.

APPELLANT #1: Jeremy Selman, Sydell Group
Representative: Elizabeth Peterson, Elizabeth Peterson Group, Inc.

APPELLANT #2: Jesus Hermosillo, Unite Here Local 11

At its meeting on July 12, 2016, the following action was taken by the Central Los Angeles Area Planning Commission:

1. **Adopted** the modified Findings of the Zoning Administrator.
2. **Granted** the Appeal, in part with modified conditions.
3. **Sustained** the Zoning Administrator's decision to approve:
 - a. a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 117, 178 square-foot hotel/hostel with 226 guest rooms in the C5-4D Zone.
 - b. a Conditional Use to permit patron dancing and live entertainment within the ground floor restaurant, lobby bar and rooftop restaurant and bar, as modified.
 - c. a Zone Variance to permit an outdoor rooftop bar, live entertainment permit and pool in the C5 Zone.
4. **Adopted** the action of the Lead Agency in issuing the Mitigated Negative Declaration No. ENV-2014-4049-MND as the environmental clearance for the above referenced project.

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

This action was taken by the following vote:

Moved: Commissioner Brogdon
Seconded: Commissioner Oh
Aye: Commissioner Chung-Kim
Nay:
Absent: Commissioner Chemerinsky

Vote: 3 - 0

Renee A. Glasco, Commission Executive Assistant
Central Los Angeles Area Planning Commission

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

FINAL APPEAL DATE: SEP 12 2016

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: Exhibit "A" pages 1-5

cc: Notification List
Charles Rausch

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, hereby APPROVE:

a Zone Variance to permit an outdoor rooftop bar, pool, live entertainment and dancing in the C5 Zone as otherwise not permitted by Section 12.14-A, 1(b)(3) of the Municipal Code.

Pursuant to Los Angeles Municipal Code Section 12.24-W, 1, I hereby APPROVE:

a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a ~~447,243~~ 117,178 square-foot hotel/hostel with 226 guest rooms in the C5-4D Zone, and

Pursuant to Los Angeles Municipal Code Section 12.24-W, 18, I hereby APPROVE:

a Conditional Use to permit patron dancing and live entertainment within the ground floor restaurant, lobby bar and rooftop restaurant and bar,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A" dated 07/29/15, except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. 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 Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.

7. Authorization.

- a. The sale and dispensing of a full line of alcoholic beverages for on-site consumption within: a) 2 separate basement guest lounges containing a total of ~~78~~ 57 seats in a combined ~~1,023~~ 1,009 square feet; b) a ground floor ~~1,573~~ 1,679 square-foot restaurant with 86 interior seats and a ~~563~~ 722 square-foot outdoor patio with ~~72~~ 66 seats; c) a ~~2,215~~ 2,585 square-foot lobby bar with ~~110~~ 96 interior seats ~~and a 270 square-foot outdoor patio with 40 seats~~; d) a ~~726~~ 725 square-foot mezzanine dining area with ~~62~~ 73 seats; e) a ~~6,625~~ 6,313 square foot roof-top including a ~~2,507~~ 3,816 square foot pool deck with ~~85~~ 191 outdoor seats and lounges, ~~a rooftop restaurant with a total of 4,118 square feet which will include a 103~~ 186 square-foot bar, ~~and a 308~~ 316 square-foot service kitchen ~~and 1,100 square feet of indoor restaurant service space with 153 seats and 1,464 square feet of bar and restaurant outdoor seating totaling 75 seats.~~ Alcohol may also be served on the pool deck; f) 3 portable bars for event service; and g) 228 in-room access cabinets (mini-bars).
- b. Hours of operation shall be 24 hours daily. The rooftop restaurant and bar shall close at 2:00 a.m. The outdoor patios on Olive and 8th Streets shall close at 11:00 p.m.

8. Live Entertainment.

- a. Live entertainment is authorized on the premises and may include, but is not limited to, movie screenings, live music, dance, and artistic performances.
- b. In accordance with the City Noise Ordinance (cited in Condition 8d below, outdoor live music is limited to unamplified, acoustic or piano, and such music shall not be permitted any later than 10:00 p.m., daily. Ambient recorded music may be played on the roof top and pool deck from 10:00 a.m. to 2:00 a.m. but must be in compliance with Condition 8 d. and may not be heard beyond the edges of the roof top.
- c. All sounds generated on the property shall be in full compliance with the City of Los Angeles Noise Regulations, as expressed in Chapter XI (beginning with Section 111.00) of the Los Angeles Municipal Code.
- d. No sounds generated on the property shall exceed the following presumed

ambient noise level, as measured from the nearest residential use: 50 dB(A) between 7:00 a.m. and 10:00 p.m. (Refer to L.A.M.C. Section 111.03)

9. The authorization granted herein for the sale and dispensing of a full line of alcoholic beverages for on-site consumption is for a period of ten (10) years from the date of the granting of the State Alcoholic Beverage Control licenses for the hotel. Thereafter, a new authorization to allow the on-site sale of a full line of alcoholic beverages will be required.

The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the sale of a full line of alcoholic beverages for on-site consumption.

10. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Condition Compliance Unit for attachment to the case file.
11. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music within the building shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. Amplified music shall not be audible beyond the outside of the premises and sound equipment shall be insulated and positioned away from walls to render vibrations and reverberations undetectable beyond the premises.
- a. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
12. Patron dancing and live music is permitted by this grant. Dancing and live entertainment, including live music, disc jockey, karaoke, or a piano bar shall be permitted within the first floor restaurant, the lobby bar and ~~the interior of the rooftop restaurant/bar~~ the roof top and pool deck. These uses shall be limited to the interior of the building, except for the roof top and pool deck, only so as to reduce any noise which can effect nearby residential units. Live entertainment limited to unamplified, acoustic or piano music or disc jockey shall be permitted on the rooftop pool deck or the outdoor restaurant and bar seating areas. Outdoor music or disk jockey may not be played beyond 10:00 p.m. Any music or recorded music shall not be audible beyond the indoor area of the hotel and live music or

entertainment including disk jockey played in on the rooftop restaurant and pool deck shall not be heard beyond the edge of the rooftop. Amplified music or speakers shall not be permitted on the outdoor patios on Olive Street and 8th Street.

13. Dancing and live music shall not occur unless the applicant obtains the appropriate permit from the Police Commission as well as approval from the Central Area Vice Unit. Dancing and live music may occur if the Police Department determines that no Police Commission permit is required.
14. The hotel restaurants shall be maintained as bona fide eating establishments with an operational kitchen and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service and room service shall be available at all times during normal operating hours.
15. The first floor restaurant and lobby bar and the rooftop restaurant and pool deck shall not be used for private parties where the general public is excluded. The roof top and pool deck may be rented out for private parties for a maximum of five hours a day.
16. The conditions of this grant, any required police permits, a copy of the business licenses, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning's Condition Compliance Unit or its successor unit, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
17. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" program (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
18. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
19. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the hotel building.

20. The applicant/and any sub-leasing restaurant or bar operators shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
 - a. Posted at the entry, and the cashier or customer service desk.
 - b. Provided to the immediate neighbors, schools, the Neighborhood Council and the City Council Office.
 - c. Responded to within 24 hours of any complaints/inquiries received on this hot line, and
 - d. The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Condition Compliance Unit upon request.
21. The hotel shall always use an extensive Closed Circuit Television (CCTV) system, or its equivalent, integrated with an alarm network, which will feed into the central security control room. This multiple camera system will provide coverage of all public interior and rooftop areas, including all entrances and exits to the premises. The camera system will be activated and in use during any business activity. All data from the CCTV and alarm systems will be maintained for no less than a 30-day period. All tapes shall be made available to the Police Department upon demand. On-site security staff shall monitor the cameras.
22. There shall be no Adult Entertainment, except on in-room paid video entertainment systems, of any type pursuant to Section 12.70 of the Municipal Code.
23. No pool or billiard table may be maintained on the premises.
24. There shall be no video game machines permitted on the premises at any time. Video games as a part of in-room entertainment systems are permitted. Either free or coin operated skee ball, ping pong tables, bocce ball and shuffle board courts may be permitted on the south side of the rooftop outdoor seating area for the restaurant and bar adjacent to the next door parking structure.
25. The operator of the restaurants and bars shall not require an admission or cover charge.
26. Any music, sound or noise emitted from the subject businesses shall comply with the noise regulations of the Los Angeles Municipal Code (LAMC). All outside personnel associated with any live music especially that played on the roof deck, shall be appraised of the City's noise regulations and required to comply. The operator shall be responsible for mitigating the potential negative impacts of its

operation on surrounding uses, especially noise from the rooftop pool deck and that derived from patrons exiting the structure.

27. The applicant and its operator shall provide a detailed security plan to be approved by LAPD as a condition of this grant. Evidence of the LAPD's approval of the security plan shall be given to the Condition Compliance Unit prior to final sign-off on the conditions of approval.
28. All security personnel shall be licensed consistent with State law and the 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. All security personnel shall maintain order therein and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. The security personnel shall to the reasonable extent possible, encourage patrons to exit the premises quietly so as to not make disturbances on the public rights-of-way or nearby residential uses.
30. The operators of the restaurants and bars shall implement a Designated Driver Program (i.e., free soft drinks or coffee to a designated driver of a group) for patrons who are not staying in the hotel/hostel. The program shall be submitted to the Department of City Planning's Condition Compliance Unit for inclusion in the file. The availability of this program shall be made known to patrons either via a two-sided card placed on all table and service bars and on signs printed and posted in areas where alcohol is served, as well as in the public restrooms.
31. Security personnel shall take steps necessary to prevent departing guests, except patrons staying at the hotel who appear to be intoxicated from driving, including observing patrons as they are walking them to their cars and actively encouraging the alternative use of designated sober drivers and/or having the security personnel call a taxi cab or driving service.
32. The applicant/owner/operator and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal, criminal, and/or nuisance activity on the subject premises and any accessory parking areas which have been made available or are commonly utilized for patron parking.
33. No enclosed room, other than hotel rooms, restrooms and the two guest lounges in the basement, intended for use by patrons or customers is allowed. No enclosed customer booths shall be permitted. If booths exist and are separated by a partition and/or curtain or other opaque or semi-opaque material, said booths shall be completely open on at least one side. The doors to the aforementioned rooms, except the hotel rooms, shall remain unlocked and access to wait staff and

management staff shall always be permitted.

34. The exterior windows and glass doors of the ground floor restaurant shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the building by police and private security.
35. Operator shall meet quarterly with LAPD to discuss operational issues as well as compliance with approved conditions. At such meeting, LAPD shall be provided with internal security logs of events, incidents, evictions, and operational issues. In the event that LAPD is not able to meet each month, it is the responsibility of the owner to provide all logs to LAPD.
36. The approved conditions shall be retained in a conspicuous place in an office area on the premises at all times and be immediately produced upon request of any Los Angeles Police officer, Department of Alcoholic Beverage Control investigator, or the staff of the Department of City Planning's Condition Compliance Unit. The manager and all employees shall be knowledgeable of the conditions herein.
37. A clearly legible and easily readable copy of these conditions shall be posted in a conspicuous location in a well-lit portion of the lobby area where it can be easily and readily read by customers and employees.
38. Adequate lighting shall be installed in all public areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible.
39. A sign shall be located at the cashier's area or reception area of each restaurant indicating the name and phone number of a responsible person to be contacted in the event the operation of the facility is causing concerns or problems to the surrounding neighborhood. The phone number shall connect directly to the responsible person and not to an answering machine.
40. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with 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 customers. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
41. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
42. At least one on-duty manager with authority over the activities conducted 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 interior and exterior of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by ABC and the Conditional Use herein. Every effort shall be undertaken in managing the facility to discourage loitering as illegal and criminal activity on the subject premise and any exterior area over which the building owner exercises control.

43. All of the mitigation measures identified in the Environmental Clearance Case No. ENV-2014-4049-MND have been adopted as conditions of the instant action and are listed below for the convenience of the reader:
- a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. **This condition shall not be construed to prohibit or condition the restoration of historic lighting on the structure or on the blade sign declaring the structure the "Commercial Exchange" Building.**
 - b. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
 - c. Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
 - d. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - e. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - f. No window openings on the first floor shall be permitted along the residential sides of the building.
 - g. The proposed facility shall incorporate noise-attenuating features (physical as well as operational) designed by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
 - h. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a

minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

- i. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
- j. Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- k. Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- l. Install/retrofit and utilize only restroom faucets of a self-closing design.
- m. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- n. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
- o. **The sound system for the roof-top deck shall include a volume limiter which shall be adjusted so that the noise level measured at the edge of the deck does not exceed the values shown in the table below.**

Table - Allowed Noise Levels (dBA) at Edge of Roof-top Deck

<u>Time of Day</u>	<u>8th Street (North)</u>	<u>Olive Street (West)</u>
--------------------	--------------------------------------	----------------------------

Daytime (prior to 10 p.m.) 89 88

Nighttime (10 p.m. to 2 a.m.) 87 86

Any speakers for the sound system must be mounted so that they can be aimed down and away from the property line.

44. Advice. The applicant is advised that the subject permit is a land use permit, not a license for the sale of alcohol. The conditions and requirements of the permit apply to the subject facility. The conditions shall be complied with in addition to any conditions or requirements imposed by the Department of Alcoholic Beverage Control, Los Angeles Police Department, or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change in conditions or change in the mode or character of the authorized use requires approval of the Zoning Administrator.
45. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Condition Compliance Unit for attachment to the case file.
46. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Condition Compliance Unit shall have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
47. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number, "ZA-2014-4048-CUB/Operation Notification". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
48. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the

beginning day of operation of the establishment. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction the hotel/hostel, known as [NAME OF VENUE][NAME OF FACILITY], and agree to abide and comply with said conditions.

49. Should there be a change in the ownership of the structure and/or the operator of the hotel and any sublet restaurant or bar on the site, the property owner and the business owner or operator shall provide the prospective new property owner or the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the operation.
50. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
51. MViP – Monitoring, Verification and Inspection Program. At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the

deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

52. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator,

Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Condition Compliance Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

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

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

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

- Alcohol sales shall be limited to the hours of 6:00 a.m. to 2:00 a.m. daily. Alcohol sales in the outdoor patios and the roof top shall comply with the hours of operation for these areas.
- No alcoholic beverage shall be consumed on any property adjacent to the licensed premises under the control of the licensee.

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender except from the in-room alcohol access cabinets.
- No persons under 21 years of age shall sell or deliver alcoholic beverages. No person under the age of 21 shall serve alcoholic beverages at a bar or lounge.
- Operators shall not require patrons to purchase a minimum number of drinks.
- The sale of distilled spirits by the bottle for same day or future consumption is prohibited; with the exception that such a sale may occur in the in-room alcohol access cabinets or through room service to registered guests of the hotel.
- Signs shall be posted that California law prohibits the sale of alcoholic beverages to persons who are under 21 years of age or to intoxicated persons and that no such sales will be made.
- The in-room alcohol access cabinets shall be permitted to operate 24 hours, daily. Keys to alcohol access cabinets shall not be given to registered guests under the age of 21 unless accompanied by a parent in the room.
- Happy hours offering steeply discounted alcoholic beverages are prohibited. Operators shall be allowed to offer Daily Specials during the hours of 5:30 p.m. and 7:30 p.m. in the restaurants, provided that there are no alcohol sale promotions offering 2 for 1 drinks or other substantial alcohol sale discounts. Daily specials may include but not be limited to food or appetizers.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for sale of a full line of

alcoholic beverages for on-site consumption with dancing and live entertainment .to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

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

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

The subject site is located in the Central City Community Plan and has a Regional Center Commercial land use designation. The rectangular-shaped lot is located at the southeast corner of Olive Street and 8th Street. The site is currently improved with a 13-story vacant building known as the Commercial Exchange Building.

The applicant is requesting a conditional use to permit: dancing throughout the hotel/hostel, including the ground floor restaurant, lobby bar, and rooftop restaurant; live entertainment throughout the hotel/hostel and rooftop; and the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 117,243 square-foot hotel/hostel with 226 rooms, with 24 hour operation and alcohol service from 6:00 a.m. to 2:00 a.m., daily including alcohol service in the basement level, within the ground floor level, the ground floor restaurant, the rooftop and rooftop outdoor restaurant, outdoor pool deck and bar, 228 in-room alcohol access cabinets and three portable bars for event service. In addition, the applicant is requesting a variance to permit the use of an outdoor rooftop bar and pool in a C5 Zone, however the Associate Zoning Administrator determined that the Variance is not necessary for the proposed uses. The variance is needed, however, for live entertainment and dancing on the rooftop.

The redevelopment of the Commercial Exchange Building will not only contribute a much needed hotel amenity with lower price points to the Central City, but also provide other much-needed hospitality amenities to the Central City area by providing a restaurant and café for dining needs as well as a rooftop bar and restaurant and event space for entertainment. The surrounding community offers small cafes, eateries and delis, but very limited sit-down dining establishments. The redevelopment of the Commercial Exchange Building would allow the currently vacant building to offer all-day and late-night dining, as well as patron dancing and live entertainment options for neighboring residents and tourists. The requested entitlements would benefit the surrounding area by allowing the applicant to offer amenities that are not only desired by patrons, but expected of quality restaurants and hotel spaces. Additionally, the renewed activity at the subject site will serve to create a positive pedestrian experience with outdoor dining throughout the day and

nighttime.

The requested permit for dancing and live music will not disturb surrounding newly developed residential buildings because all dancing and music will take place either within the walls of the structure or on the roof top of the structure which will have restrictions on the noise level which may reach nearby residential structures by controlling the noise level that is permitted at the periphery of the project's building. There will be two dance floors which can be set up in the first floor restaurant and in the lobby bar. There is also a rooftop dance floor. ~~that is limited to the interior of the rooftop restaurant/bar. Being in the interior of the building will limit noise from affecting adjacent properties.~~

Downtown Los Angeles has been subject to major revitalization efforts over the last decade which includes the addition of many hotels, residential buildings, restaurants and bars in the area. The existing building is in a convenient location for tourists and for people who live and work in the downtown area. The property is easily accessible via walking and many modes of public transit. The site is served by several Metro bus lines, subway and light rail lines as well as the LADOT Dash E line. As proposed, the hotel/hostel with restaurant and bar will provide a service that will benefit the community by offering a lower price point hotel which also includes hostel facilities where individual beds are rented to customers similar to the hostels familiar to European travelers as well as restaurants with a full line of alcoholic beverages incidental to food service and in independent bars. Therefore, as proposed and conditioned, the project will enhance the built environment and perform a service that is essential to the community.

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

The subject site is located within the Central City Community Plan area and has a Regional Center Commercial land use designation. The project site is 9,004 square feet in size. The property is a rectangular shaped parcel of land zoned C5-4D with a frontage of approximately 165 feet on the south side of 8th Street and 55 feet on the east side of Olive Street. The subject site is currently improved with an existing 13-story building, known as The Commercial Exchange Building. The building was designed by architects Walker & Eisen and built between 1923 and 1924. The site has no on-site parking, however it is adjacent to several public surface parking lots and parking structures. The site is located in the Downtown Center Business Improvement District, City Center Redevelopment Project Area, Central City Parking Area, Los Angeles State Enterprise Zone, and is within a Methane Buffer Zone.

Adjacent properties to the north of the subject property across 8th Street are zoned C5-4D and are currently improved with multi-story commercial and residential uses including: Hotel Bristol, Colori Kitchen, Hotel Lindy, and the Golden Gopher. The properties to the northwest of the subject property are zoned C2-4D and are currently under construction with a 700 unit mixed-use commercial and residential building, including a pool deck on the 8th floor. Adjacent properties to the west of the subject property across Olive Street are zoned C2-4D and are currently used for surface parking. This site is intended to be improved upon with a mixed-use residential building with a rooftop pool deck and lounge. Adjacent properties to the south of the subject property, directly adjacent to the site, are zoned C5-4D and improved with a seven-story parking garage. Adjacent properties to the east of the subject property are zoned C5-4D and improved with an existing commercial building and parking garage.

The Zoning Administrator has recommended a set of conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC) that will safeguard adjacent properties while maintaining public health, welfare and safety. Conditions regarding outdoor and live entertainment on the rooftop including an outdoor gaming area are limited by permitting only acoustic, ~~or~~ unamplified live music or a disk jockey on the pool deck that must end at 10:00 p.m. in accordance with the City's Noise Ordinance, no amplified music or speakers on the sidewalk patios and a restriction to limit out door gaming to the south side of the rooftop next to the existing parking structure and away from newly developed residential buildings in the area. The applicant requested that amplified live music be played from the rooftop. The Zoning Administrator limited such music to unamplified, acoustic, ~~or~~ piano music or disk jockey. Downtown Los Angeles has seen a large increase in residential development including the 8th and Grand project on the northwest corner of the intersection on which the project is located and another residential building to be built on a parking lot to the west of the site. Late night playing of amplified music is incompatible with such residential uses where residents can be disturbed by loud music after 10:00 p.m. and even before that time. The rooftop plans show no location for a stage for playing music, ~~nor is there an outdoor dance floor. Music is allowed within the rooftop restaurant which can be equipped with a dance floor.~~ Therefore as conditioned, with alcohol sales, patron dancing and live entertainment as incidental uses to a hotel/hostel, the project's location will continue to be compatible with and will not adversely affect or further degrade adjacent properties or the public health, welfare and safety.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles

Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Central City Plan Map designates the property for Regional Center Commercial land use with the corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4. The property is not currently within the area of any specific plans areas.

The site is located within the City Center Redevelopment Project area, established on May 15, 2002 per Ordinance No. 174,593. The City Center Redevelopment Plan's goal is to eliminate and prevent the spread of blight and deterioration, and improve the quality of live as well as preserve key landmarks which highlight the history and unique character of the City, and facilitating the adaptive reuse of existing structures. The Redevelopment Plan focuses on an array of goals to revitalize the project area including encouraging economic development and retaining and expanding retail uses and businesses. The project is restoring a vacant office space with the hotel, promoting pedestrian activity in the area, and providing a hotel use in close proximity to the Los Angeles Sports and Entertainment District, the Convention Center and the neighboring Financial District.

As previously mentioned, the subject site is located within the Central City Community Plan. The intended use for the subject site responds to many concerns faced by commercial spaces in this community plan. The site is currently vacant and in disrepair, the revitalization of this significant corner building will be in conformance with the General Plan. This re-imagination of the building will also work to instill a more positive Downtown image for visitors and residents. The project, as part of the Adaptive Reuse Ordinance, addresses the City's problem with aging office structures, and is actively working to reintegrate this building back into use through the requested entitlements. This property is helping to preserve and rehabilitate this vacant structure, preserving the heart of Downtown.

The proposed development project is in compliance with the following objectives set forth by the Central City Community Plan:

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

The subject site is in close proximity to the Downtown Financial District, allowing the site to serve this important hub of economic activity in Los Angeles. The proposed hotel/hostel is also within two blocks of the Fashion Institute of Design and Merchandising campus and is in near proximity to the Los Angeles Sports and Entertainment District, Convention Center and the Civic Core, providing access to these major business draws and economic centers.

Objective 2-4: To encourage a mix of uses which create an active, 24-hour

downtown environment for current residents and which would also foster increased tourism.

The intended use as a hotel/hostel will create an active 24-hour environment, fostering tourism and overnight stays in a lower price point hotel. The intended amenities within the hotel/hostel will also be open to neighboring residents and employees, offering new restaurants and event space.

Objective 2-4.1: Promote nightlife activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

The intended amenities for the hotel/hostel, including a restaurant, lobby bar, and a rooftop bar and restaurant, promote an active lifestyle for both visitors and residents of the area. The subject site is in close proximity to other nightlife establishments. The proposed hotel/hostel will foster positive activity while supplementing it with new and varied establishments of high caliber, attracting a range of residents and visitors to the area.

The Central City Community Plan text is silent with regards to alcohol sales, patron dancing and live entertainment except as contained in the above finding which encourages pubs, night clubs and restaurants. In such cases, the Zoning Administrator must interpret the intent of the Plan. Given the numerous conditions of approval, the recommended conditions related to alcohol sales for further consideration by the State of California Department of Alcoholic Beverage Control, the proposed project substantially conforms with the purpose, intent and provision of the General Plan.

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

The establishment of the hotel/hostel at this location results in the reuse of an existing but vacant structure. The building, formerly used for office space and a restaurant, has been vacant for some time thus attracting vandalism and neglect. Restoring the building and converting it into a hotel/hostel use with ancillary restaurants and bars will foster renewed economic activity within the area and improve the welfare of the neighborhood. With the intended use of hotel/hostel with restaurants and bars within a controlled and secured environment, the applicant will provide enhanced security for both the patrons of the hotel, restaurants and bars but also the surrounding community. The hotel/hostel will positively impact the financial health of the property and improve the economic vitality of the area via increases in taxable revenue and local employment for a minimum of 60 persons per shift. The project will provide much needed economic revitalization to the south central portion of the Central City area which is undergoing a resurgence in new construction and rehabilitation of existing older historic structures and will provide jobs for the community. Therefore the approval of the instant request as conditioned will not adversely affect the welfare of the community.

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

According to the State Department of Alcoholic Beverage Control (ABC), there are two off-site licenses and one on-site license allocated to Census Tract No. 2077.10 while there are a total of 104 licenses existing, 16 off-site licenses and 86 on-site licenses. Of the 104 licenses existing, 2 have been suspended. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the census tract is numerically over-concentrated, the project will not adversely affect community welfare because the proposed hotel is a desirable use and needed use in an area designated for such uses.

The census tract is also located in an active commercial area where there is a demand for licenses beyond the allocated number and where an over concentration of licenses is acknowledged. ABC license allocations are based on population which were determined before the residential resurgence in the Central City, and thus results in a low allocation for the area. The area has had an increase in restaurants and hotels with permits to serve both the expanding residential population of the area, nearby office worker population, and tourists.

Statistics from the Los Angeles Police Department reveal that in the subject Crime Reporting District No. 162, which has jurisdiction over the subject property, a total of 482 crimes were reported in 2014, compared to the citywide average of 163 crimes and 196 crimes in the high crime reporting district for 2014. Of the 482 crimes reported, 15 arrests were made for liquor laws, 13 arrests were for under the influence of alcohol, and 22 arrests were for driving under the influence. Thus, alcohol arrests constituted only 10% of the crimes reported in the district. Many of the customers in the restaurants and bars will be staying in both the on-site hotel and other hotels which are in the area. The area is also well served by transit which will cut down on the number of people driving while intoxicated. It should be pointed out that crime reporting districts contain multiple city blocks and this district includes a portion of Figueroa Street 2 blocks north of the Los Angeles Sports and Entertainment District with its large number of bars, restaurants, entertainment

facilities and the Staples Arena which will result in a number of the alcohol related crimes in the district.

Although LAPD did not submit a letter either supporting or objecting to the applicant's request, the approval by the Zoning Administrator is subject to conditions that are typically recommended by LAPD. In addition, the Zoning Administrator has recommended a number of conditions related to the sale and distribution of a full line of alcoholic beverages for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). Thus, it is not anticipated that the additional alcohol license would adversely affect the community welfare.

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

The following sensitive uses are located:

- Hope Preschool – 400 West 9th Street, Suite 102
- Grand Hope Park – West 9th Street and Hope Street
- Cathedral De La Fe – 703 South Broadway

The site is located in the Central City Plan area and the surrounding neighborhood has been and continues to be a neighborhood with a mixture of commercial, hotel, office, and high-density residential uses. The applicant is committed to help preserve the character of the Central City area through responsible service of alcohol in conjunction with the operation of a new hotel/hostel. Further, the operator has a long and successful track record operating hotels in Seattle, Portland, New York, and Palm Springs where the applicant has shown a commitment to improving the public health, welfare, and safety. The Zoning Administrator has also included conditions to reduce the impact to the surrounding neighborhood.

FINDINGS FOR A VARIANCE PURSUANT TO SECTION 12.27-D OF THE MUNICIPAL CODE.

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

The building itself complies with the floor area ratios of the area which would permit the construction of a roof top restaurant structure. The zone variance is required because the roof top structure originally proposed for this building was rejected by the Department of City Planning's Office of Historic

Resources as not being consistent with the Secretary of Interior's Standards for Rehabilitation or Additions to Historic Buildings. Thus, the building could not use its full allowed floor area ratio under the Zoning Code in-order to enclose the proposed roof top restaurant and bar. Because the Code allows roof-top dining and consumption of alcoholic beverages on roof tops in the C2 and more permissive zones but does not allow for roof top entertainment or dancing outside of an enclosed structure on a roof-top, the enforcement of the Secretary of Interior's Standards caused unnecessary hardships to the applicant inconsistent with the general purposes and intent of the zoning regulations which the applicant would otherwise have enjoyed.

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

The imposition of the Secretary of the Interior's Standards on new construction for this historic building precluded the development of the roof-top restaurant/bar structure which would have allowed roof-top live entertainment and dancing by right in the C5 Zone. This special circumstance does not apply generally to other property in the same zone and vicinity. Though there are other historic buildings in the immediate area, they are not being converted into hotels with roof-top recreation areas and restaurants. Properties on the west side of Olive Street were primarily surface parking lots in 2014 which are now being developed with residential mixed use buildings. These newer buildings do not have to comply with the Secretary's Standards and could have built out roof-top uses if so desired. The variance is needed for the roof-top dancing and music which is something that is provided for in hotels throughout the downtown Los Angeles area. But for the imposition of this special circumstance, this project is precluded from enjoying what other similar uses in the area have by right.

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

The variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property in the same zone and vicinity in that the enforcement of the Secretary of the Interiors Standards takes away the applicant's right to develop the property to its full Floor Area Ratio which other properties not fully developed to their FAR in the C5 Zone in the area have. The property is also being converted into a hotel under the City's Adaptive Reuse Ordinance. Because properties in the downtown area have fully developed their lots, the only place for outdoor recreation areas is on the roof of the structure. Hotel conversions through- out the Central City use

their roofs for swimming pools, restaurants and bars. Because the structure in question must comply with the Secretary of the Interior's Standards, it cannot build the enclosed restaurant which would otherwise be required for dancing and live entertainment. The granting of the variance to permit these uses without an enclosed structure allows the proposed hotel to compete with other hotels in not only the C5 Zone but also those in the Central City Community Plan area.

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

The granting of the variance will not be detrimental to the public welfare because the project, including the uses permitted by the variance, has been conditioned to comply with the City's Noise Ordinance in that live music and disk jockey uses have to cease operations at 10:00 p.m. and must comply with a condition that any music played on the roof-top may not be any louder than ambient street noise at the nearest sensitive receptor which are the residential units across Olive Street and the hotel units across 8th Street. In addition, the roof-top of the Commercial Exchange Building is at a higher level than these new structures westerly of the site. Because of roof level screening which will be a part of the roof-top level, any sound generated by uses on the roof-top will be deflected upwards and away from the residential structures. Required mitigation requires that the decibel level of any noise at the edge of the building be reduced to three decibels which does not constitute a significant impact and will be lower than ambient street noise.

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

The proposed project is allowed by the Regional Center land use category of the Central City Community Plan. It is also consistent with the Plan Text's Objective 2-4.1 which seeks to "promote nightlife activity by encouraging restaurants, pubs, night clubs, small theaters and other specialty uses to reinforce existing pockets of activity. The development of the restaurants and bars in the hotel will help to promote the City Center as an area of 24 hour activity which has long been a goal of both the City and the former Community Redevelopment Agency. The conditions placed on the use of the roof-top for dining, live music and dancing are also consistent with the Noise Element of the General Plan which seeks to control excessive night time noise during normal sleeping hours of the day.

ADDITIONAL MANDATORY FINDINGS

12. The National Flood Insurance Program rate maps, which are a part of the Flood

Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in outside of a Flood Zone

13. On June 10, 2015, a Mitigated Negative Declaration (ENV-2014-4049-MND) was prepared for the proposed project. At the public hearing for the project Unite Here raised objections to the MND because it did not have mitigation for rooftop noise. ~~As has been previously stated in this determination, the playing of amplified music and dancing outside of an enclosed building is prohibited by the determination and thus the prohibition does not require mitigation.~~ On September 4, 2015, after the Office of Historic Resources refused to permit the construction of the roof-top restaurant structure, the applicant commissioned a Noise Study to be performed by Veneklasen Associates to determine the noise impacts of live music and outdoor dancing on surrounding properties. The study was provided to the Department of City Planning for inclusion in the project's environmental clearance ENV-2014-4049-MND. On May 19, 2016, an Addendum to the previously published MND was published and a 20 Circulation Period as commenced as the change in the project resulted in a new potential impact to exposure of people to noise in levels in excess of the Noise Element. Potential mitigation of the impact was proposed and adopted by the MND. The Noise Study analyzed the ambient Noise Level at the Bristol Hotel located across 8th Street from the site and from the 8 and Grand project located across Olive Street from the project. Because noise is reduced the further away from the source that a sensitive receptor is located, noise levels are decreased the further away from the site that the receptor is located. In addition, the Bristol Hotel is only six stories high while the project is 14 stories high. This results in additional noise attenuation. This additional mitigation measure is contained in the Conditions of Approval for the project as Condition No. 43-o.

It was also stated that the project did not have enough parking for the use per Code. Because this is an adaptive reuse of a commercial building for a residential use (hotels are considered to be a residential use by the Department of Building and Safety and the Code and are held to the residential density limits of the Code), Section 12.22-A,26(h)(3) permits the adaptively reused building to have the same number of parking spaces as it had on June 3, 1999. The subject commercial building had no assigned parking spaces as it was built with none and thus, it did not have to provide any parking spaces. Per Code.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration

reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

DETERMINATION LETTER
ZA-2014-4048-CUB-CUX-ZV-1A
MAILING DATE: 8/26/2016

Jeremy Selman
Freehand LA
416 West 8th Street
Los Angeles, CA 90014

Elizabeth Peterson
Elizabeth Peterson Group, Inc.
400 South Main Street, Suite 808
Los Angeles, CA 90013

Jesus Hermosillo
Unite Here Local 11
464 S. Lucas Avenue, Suite 201
Los Angeles, CA 90017

RJ Comer
Armbruster, Goldsmith, Delvac
12100 Wilshire Blvd., 16th Fl.
Los Angeles, CA 90025

Rachel Torres
464 S. Lucas Avenue, #201
Los Angeles, CA 90014

Gregory Lewis
464 S. Lucas Avenue, #201
Los Angeles, CA 90014

Council District 14
City Hall, Room 465
Mail Stop 223

Charles Rausch
Zoning Administrator
City Hall, Room 750
Mail Stop 395

GIS / Fae Tsukamoto
City Hall, Room 825
Mail Stop 395

YSHRE LA, LLC
30 West 26th Street
New York, NY 10010

Gabriella Rosco
CLUE
464 Lucas Avenue
Los Angeles, CA 90004

Andrea Perez
CLUE
464 Lucas Avenue
Los Angeles, CA 90004

Fatima Murrieta
Unite Here Local 11
640 N. New Hampshire Avenue
Los Angeles, CA 90004

Jessica Rozman
602 E. Plymouth Street
Glendora, CA 91740

Andrew
256 S. La Fayette Park Pl.
Los Angeles, CA 90057

Marco A.
464 Lucas Avenue
Los Angeles, CA 90017

Christina Sanchez
464 Lucas Avenue
Los Angeles, CA 90017

Paula A
921 Gaviota Avenue
Long Beach, CA 90813

Cecilia V
2916 Concord Avenue
Alhambra, CA 91803