

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

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2016-3064-ZC-CUB-CU-SPR	ENV-2016-3065-MND	10 – Wesson
<b>PROJECT ADDRESS:</b>		
679 – 687 South Harvard Boulevard		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Kwang Kyu Pak 3700 Wilshire Boulevard 730 Los Angeles, CA 90010  <input type="checkbox"/> New/Changed		
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Bill Robinson 3450 Wilshire Boulevard 1025 Los Angeles, CA 90010		
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Oliver Netburn	213-978-1382	<a href="mailto:oliver.netburn@lacity.org">oliver.netburn@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Zone Change		

**FINAL ENTITLEMENTS NOT ADVANCING:**

Conditional Use; Site Plan Review

**ITEMS APPEALED:**

None

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other \_\_\_\_\_

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**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

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
April 25, 2017	5 - 1
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
May 10, 2017	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
James K. Williams	May 17, 2017



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: APR 25 2017

Case No.: CPC-2016-3064-ZC-CUB-CU-SPR  
CEQA: ENV-2016-3065-MND  
Plan Area: Wilshire

Council District: 10 – Wesson

**Project Site:** 679 - 687 South Harvard Boulevard

**Applicant:** Kwang Kyu Pak  
Representative: Bill Robinson

At its meeting of **March 9, 2017**, the Los Angeles City Planning Commission took the following actions in conjunction with the approval of the following project:

Construction, use and maintenance of a seven-story, 110-room hotel with a 1,840 square-foot ground floor restaurant. The project includes 80 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-3065-MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **found** the mitigation measures have been made enforceable conditions on the project; and **adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved** and **recommended** the City Council **adopt** a Zone Change from R3P-2 to (T)(Q) RAS4-2, pursuant to Section 12.32-F of the Los Angeles Municipal Code (LAMC);
3. **Approved** a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 1,840 square-foot ground floor restaurant, pursuant to LAMC Section 12.24-W,1;
4. **Approved** a Conditional Use Permit for the construction, use and maintenance of a 110-room hotel within 500-feet of an R Zone, pursuant to LAMC Section 12.24-W,24;
5. **Approved** a Site Plan Review for a development project which creates or results in an increase of 50 or more guest rooms, pursuant to LAMC Section 16.05;
6. **Adopted** the attached modified Conditions of Approval; and
7. **Adopted** the attached Findings.



This action was taken by the following vote:

Moved: Mack  
Seconded: Millman  
Yes: Choe, Perlman, Dake Wilson  
Nays: Padilla-Campos  
Absent: Ambroz, Katz

**Vote: 5 – 1**



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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission as it relates to the Zone Change is final and not appealable. The decision as it relates to the Conditional Use and the Site Plan Review is appealable to the Los Angeles City Council 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 Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

**FINAL APPEAL DATE: MAY 10 2017**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

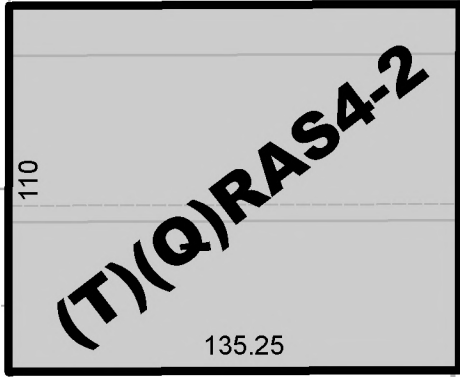
Attachments: Ordinance, Map, Modified Conditions of Approval, Findings  
c: Heather Bleemers, City Planner  
Oliver Netburn, City Planning Associate

**ORDINANCE NO. \_\_\_\_\_**

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

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

Section \_\_\_\_ Section 12.04 of the Los Angeles municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



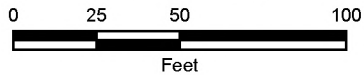
HARVARD BLVD

60  
62

62  
60

80

7TH ST

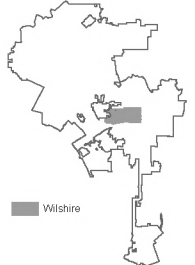


CPC-2016-3064-ZC-SPR-CU-CUB

AA/

031617

City of Los Angeles



## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

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

### Responsibilities/Guarantees.

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

a. Dedication Required -

**Harvard Boulevard (Collector Street)** - A 3-foot wide strip of land along the property frontage to complete a 32-foot wide half right-of-way in accordance with Collector Street standards of Mobility Plan 2035.

b. Improvements Required -

**Harvard Boulevard** - Construct additional concrete sidewalk in the dedicated area and repair any broken, off-grade or bad order concrete curb, gutter and sidewalk. Close all unused driveways with standard curb height, gutter and sidewalk and upgrade all driveways to comply with ADA requirements.

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

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

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



- c. Improvements Required -Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk through curb drains or connections to the catch basins.
  - d. Sewer lines exist in Harvard Boulevard. Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
  - e. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering at (213) 482-7050.
  - f. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
  - g. Submit parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
3. **Fire Department.** Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.
  4. **Bureau of Street Lighting.** No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street light; one (1) on Harvard Boulevard.

## (Q) QUALIFIED CLASSIFICATIONS

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

1. **Use.** The use and area regulations for the new development on-site shall be developed for the commercial uses as permitted in the RAS4 Zone as defined in LAMC Section 12.11.5, except as modified by the conditions in CPC-2016-3064-ZC-CUB-CU-SPR or any subsequent action.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated March 9, 2017, except as may be revised as a result of this action.
3. **Height.** The maximum building height shall be limited to 84 feet, six (6) inches (84'-6").
4. The project shall be limited to a maximum 110-room hotel with a 1,840 square-foot ground floor restaurant.

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission on 4-9-17)

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

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 March 9, 2017, 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. Any public telephones on the premises shall be located indoors.
7. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
8. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site.

### **Conditional Use - Beverage**

9. **Authorization.** Approved herein is the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with one (1) ground floor restaurant. The maximum floor area shall not exceed 1,840 square feet.
10. The hours of the sale of alcohol shall be limited to 7:00 a.m. to 2:00 a.m., daily.
11. No dancing or entertainment shall be permitted.
12. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Condition Compliance Unit, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.

13. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
14. 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.
15. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating "No Loitering or Public Drinking of Alcoholic Beverages" signs shall be posted throughout the subject property, including along the eastern perimeter wall, in the same language(s).
16. The Conditions of this grant shall be retained in a conspicuous place in an office area on each premises at all times and be immediately produced upon request of any Los Angeles Police Department officer or Department of Alcoholic Beverage Control investigator. The manager and all employees of each business shall be knowledgeable of the Conditions herein.
17. Condition Compliance Unit.
  - a. ***Prior to the beginning of operations for each establishment***, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the subject: of the email to include the case number, "**CPC-2016-3064-ZC-CUB-CU-SPR/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
  - b. ***Prior to the beginning of operations for each establishment***, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30-days of the beginning day of operation of the establishment. The statement shall read as follows:

*We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction the restaurant, known as [to be determined later], and agree to abide and comply with said conditions.*
  - c. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator,

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

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

18. **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.

19. 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 Zoning Administrator for attachment to the case file.

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

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

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

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

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

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

- Approval of a full line of alcohol.
- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- No cocktail lounge shall be maintained on the premises separate from the dining area.
- 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 alcohol shall be incidental to the sale of food.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- There shall be no cocktail lounge or separate bar area.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- Alcohol may only be served to patrons who are seated at a table or seated at the bar and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State Law prohibits sale of alcoholic beverages to persons who are under 21 years of age.



**Conditional Use - Hotel**

21. **Authorization.** Approved herein is the construction, use and maintenance of a 110-room hotel.
22. All loading and unloading of hotel guests shall be conducted on the subject property, as shown in Exhibit "A".

**Site Plan Review**

23. **Landscaping.** Submit a revised Landscape Plan showing a climbing vine, such as Creeping Fig, at the base of the building along the side and rear yards and provide an automatic irrigation system. The revised Landscape Plan shall be submitted to the Project Planner for review and approval.
24. **Concrete Wall.** Submit revised Elevations to show a board-formed concrete wall at the base of the building. The revised Elevations shall be submitted to the Project Planner for review and approval.
25. **Pedestrian Access.** Maintain one (1) main entrance to the restaurant with direct access to the sidewalk.
26. **Vehicular Access.**
  - a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
  - c. Follow recommendations of LADOT's traffic assessment letter.
  - d. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3.
27. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
28. **Trash and Recycling.**
  - a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
  - b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.
  - c. Trash/recycling containers shall be locked when not in use.
29. **Mechanical and Rooftop Equipment Screening.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting

properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.

30. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point. None of the required EV Ready parking shall apply to parking spaces used for dealership vehicle storage.
31. **Solar Panels.** The project shall dedicate a minimum of 1,810 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A".

### **Environmental Conditions**

#### **32. Air Quality.**

- a. All off-road construction equipment greater than 50 hp shall meet US EPA Tier 4 emission standards, where available, to reduce NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions at the Project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- b. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO<sub>x</sub> emissions requirements.
- c. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
- d. On-site power generators shall either be plug-in electric or solar powered.

#### **33. Tree Removal (Public Right-of-Way).**

- a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).

- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.
- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

#### **34. Transportation/Traffic.**

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

#### **Administrative Conditions of Approval**

- 35. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 36. **Code Compliance.** Area, height and use regulations of the (T)(Q)RAS4-2 zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 37. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 38. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

39. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
40. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
41. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
42. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
43. **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.

## FINDINGS

### General Plan/Charter Findings

#### 1. General Plan.

- a. **General Plan Land Use Designation.** The subject property is located within the Wilshire Community Plan which was updated by the City Council on September 19, 2001.

The plan map designates the subject property as Regional Center Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The subject property is zoned R3P-2. The Zone Change to the (T)(Q)RAS4-2 Zone is consistent with the range of zones within the Regional Center Commercial land use designation.

Therefore, the project is consistent with the General Plan as reflected in the adopted Community Plan.

- b. **Land Use Element.**

**Wilshire Community Plan.** The Community Plan text includes the following relevant land use objectives and policies:

Goal 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire community through well-designed, safe and accessible areas, while preserving historic and cultural character.

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.2: Protect existing and planned commercially zoned areas, especially in Regional Commercial Centers, from encroachment by standalone residential development by adhering to the community plan land use designations.

Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.

Policy 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.

Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts

The Zone Change to the (T)(Q)RAS4-2 Zone preserves and strengthens the existing commercial development and provides additional opportunities for new commercial development and services within the surrounding area by allowing for the construction of a new 110-room hotel which will accommodate and attract visitors and tourists to the area. The mixed use project with short-term, overnight



accommodations and a ground floor restaurant will enhance and promote the pedestrian experience along Harvard Boulevard, connecting the residential neighborhood south of 7<sup>th</sup> Street with the commercial uses along Wilshire Boulevard. Therefore, the project is consistent with the Wilshire Community Plan.

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

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

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

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

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

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

Policy 3.2.2: Establish, through the Framework Long-Range Land Use Diagram, community plans, and other implementing tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

Policy 3.2.3: Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.

Policy 3.2.4: Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential

neighborhoods and enhance the character of commercial and industrial districts

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

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

The proposed Zone Change to the (T)(Q)RAS4-2 Zone allows for the development of a mixed-use project with short-term, commercial overnight accommodations and a ground floor restaurant, thereby contributing toward and facilitating the City's long-term economic viability and vision for a more liveable city.

The Zone Change is proper in relation to the project's location within a Regional Center and with its proximity to a major boulevard (Wilshire Boulevard) and to rail and bus services (Wilshire/Normandie Purple Line Metro Station and Metro Rapids 720). The proposed Zone Change would allow for more intense, mixed-use development of the subject property, while reducing vehicular trips to and from the project, vehicle miles traveled, and air pollution.

Additionally, the project's location on an existing, under-utilized, commercially and residentially zoned property enables the city to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts by allowing controlled growth away from such neighborhoods and districts.

Therefore, the Zone Change to the (T)(Q)RAS4-2 Zone is consistent with the Distribution of Land Use goals, objectives and policies of the General Plan Framework Element.

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

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

Policy 3.10.1: Accommodate land uses that serve a regional market in areas designated as "Regional Center". Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

The proposed Zone Change to (T)(Q)RAS4-2 would allow for the development of a mixed-use project that provides 110 guest rooms and a ground floor restaurant, all

within ¼-mile of existing regional transit services (Wilshire/Normandie Purple Line Metro Station and Metro Rapids 720). The project will attract visitors and tourist to the area and, along with the ground floor restaurant, will enhance the urban environment.

Therefore, the Zone Change is consistent with the Regional Center goals, objectives and policies of the General Plan Framework Element.

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

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

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

Policy 5.2.3: Encourage the development of housing surrounding or adjacent to centers and along designated corridors, at sufficient densities to support the centers, corridors, and the transit system.

The Zone Change to the (T)(Q)RAS4-2 Zone allows for the development of a new 100-room hotel with a ground floor restaurant within a Regional Center and within ¼-mile of existing regional transit services (Wilshire/Normandie Purple Line Metro Station and Metro Rapids 720). The hotel will attract future investment by offering short-term, overnight accommodations to visitors and tourists in the area. The ground floor restaurant will encourage more nighttime activity and will enhance and promote the pedestrian experience along Harvard Boulevard, connecting the residential neighborhood south of 7<sup>th</sup> Street with the commercial uses along Wilshire Boulevard. Therefore, the Zone Change is consistent with the Urban Form and Neighborhood Design goals, objectives and policies of the General Plan Framework Element.

- d. The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Harvard Boulevard, abutting the property to the east, is a Collector Street, dedicated to a variable width of between 60 and 62 feet and improved with asphalt roadway and concrete curb, gutter and sidewalk. A 3-foot dedication is required to complete a 32-foot wide half right-of-way in accordance with Collector Street standards of Mobility Plan 2035.

The project meets the following goals and objectives of Mobility Plan 2035:

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

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

The project's design, including ground floor restaurant, will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design. Furthermore, the project is required to provide a 3-foot dedication in order to achieve the 32-foot half right-of-way in accordance with the Collector Street standards of Mobility Plan 2035.

The loading area is located entirely on the subject property.

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

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

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

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

Policy 3.7: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.

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

The project's proximity to existing regional transit services (within ¼-mile of the Wilshire/Normandie Purple Line Metro Station and Metro Rapid 720 bus stop) will reduce vehicular trips to and from the project, vehicle miles traveled, and will contribute to the improvement of air quality. The adjacency of the regional transit services along with the creation of 110 hotel rooms and a 1,840 square-foot ground floor restaurant ties the proposed project into a regional network of transit and housing.

The project will provide a minimum of 10 bicycle parking spaces, including five (5) short-term and five (5) long-term spaces, in accordance with the Los Angeles Municipal Code. A separate bicycle room is located on the at-grade parking level for long-term bicycle parking. Short-term bicycle parking is located toward entrance of the lobby area.

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

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

Therefore, the Zone Change to the (T)(Q)RAS4-2 Zone is consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

- e. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

### **Zone Change Findings**

2. **Pursuant to Section 12.32-C of the Municipal Code, the zone change is in conformance with the public necessity, convenience, general welfare and good zoning practice.**
  - a. **Public Necessity:** In 2013, the Chief Legislative Analyst reported (Council File No. 13-0991) that Los Angeles Tourism and Convention Board (LATCB) sought to increase tourist visits from 42.2 million in 2013 to more than 50 million annual visitors by 2020, but that the City of Los Angeles incurred “a significant lack of hotel development in the City, with Los Angeles producing rates on average of only .7% per year for the last 25 years, compared to the national average of 1.4%.” Granting the Zone Change to the (T)(Q)RAS4-2 Zone would allow the construction of a 110-room hotel on an under-utilized site, thereby increasing the number of hotels room in the City and in support of increased tourism for the City, consistent with the goals of the Los Angeles Tourism and Convention Board. As such, the requested zone change will result in a hotel project that conforms with the public necessity, convenience, general welfare, and good zoning practices.
  - b. **Convenience:** Wilshire is one of the City’s most developed communities with large amount of existing and planned commercial office space. Wilshire is also one of the most transit-rich areas within the City, serviced by the Los Angeles County Metropolitan Transportation Authority bus system, the Metro Purple Line and the City of Los Angeles Department of Transportation DASH service. Two (2) Metro Purple Line stations, at Wilshire Boulevard and Normandie Avenue and at Wilshire Boulevard and Western Avenue, and local and regional bus lines along Wilshire Boulevard are all approximately one half mile from the project site. Granting the Zone and Height District Change to the (T)(Q)RAS4-2 Zone would allow the employees and guests of the hotel and restaurant patrons access and convenience to a variety of modes of transportation.
  - c. **General Welfare:** The Framework Element defines Regional Centers as areas intended to provide a significant number of jobs and many non-work destinations and function safely during both day and nighttime hours. The proposed 110-room hotel and restaurant will provide a significant number of jobs within approximately one half mile of a variety of modes of public transit and the project will improve pedestrian safety, comfort, and well-being along the street during evening hours.
  - d. **Good Zoning Practices:** Granting the Zone Change to the (T)(Q)RAS4-2 Zone would allow the redevelopment of an under-utilized site within a Regional Center. Regional Centers are intended to contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting service and the development of sites and structures integrating housing with commercial uses is encouraged. The proposed 110-room hotel will provide short-term, overnight accommodations for visitors and tourists to the corporate and professional offices as well as entertainment and cultural

facilities in the Wilshire area and the proposed restaurant will further support workers, residents and visitors to the Wilshire area with additional dining options.

### **Section 12.24 of the L.A.M.C. Findings (Alcohol and Hotel)**

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

The proposed project is the construction, use and maintenance of a seven-story, 110-room hotel with a 1,840 square-foot ground floor restaurant. The project consists of a total of 64,763 square feet of floor area with a maximum height of 84 feet, six (6) inches (84'-6"). The project includes 80 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

The subject property is a flat, rectangular, 14,877 square-foot interior lot with a 110-foot frontage along Harvard Boulevard with a depth of 135 feet. The property is currently improved with a surface parking lot which will be removed as part of the project.

The property is located within the Wilshire Community Plan and approximately 380 feet south of Wilshire Boulevard. The Metro Purple Line subway station and Metro Rapid 720 bus stop at Wilshire Boulevard and Normandie Avenue are approximately one-quarter mile to the east of the project site.

#### Alcohol

The applicant is seeking a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 1,840 square-foot restaurant. The maximum number of seats proposed for the restaurant would be 59 seats, with no outdoor seating provided. The hours of the sale of alcohol would be from 7:00 a.m. to 2:00 a.m., daily, consistent with the hours permitted by the California Department of Alcohol and Beverage (ABC).

The primary use of the restaurant will be the sale of food. Alcohol sales will be secondary to the restaurant's main menu offerings. The grant herein does not permit in-room mini bars/portable bars.

The authorization to sell alcohol in conjunction with the proposed restaurant will complement the proposed hotel as well as support the surrounding community by providing a service that is beneficial to employees, visitors and local residents.

#### Hotel

The applicant is seeking a Conditional Use to allow the construction, use and maintenance of a 110-room hotel within 500 feet of an R-zoned property. The proposed 110-room hotel will attract future investment by offering short-term, overnight accommodations for visitors and tourists to the corporate and professional offices in the Wilshire area, and consistent with the property's Regional Center Commercial land use designation. The hotel's proximity to downtown and Hollywood along with local and regional transit services will minimize the dependence of hotel guests on the automobile which will reduce roadway congestion.

Therefore, the hotel will perform a function and provide a service that is essential and beneficial to the community, city, and the region as a whole.



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

The proposed project is the construction, use and maintenance of a seven-story, 110-room hotel with a 1,840 square-foot ground floor restaurant. The project is a total of 64,763 square feet of floor area with a maximum height of 84 feet, six (6) inches (84'-6"). The project includes 80 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels. The site is currently improved with a surface parking lot which will be removed as part of the project.

Properties surrounding the subject site are designated for High Medium Residential and Regional Center Commercial land uses, and are zoned R3P, PB, R3, R4, (T)(Q)C2, C2, (T)(Q)C4, (Q)C4 and C4, and are primarily developed with multi-story, multi-family dwellings and commercial buildings, surface parking lots and parking structures.

Other notable developments in the surrounding area include the following:

Address	No. of Stories	FAR
3600-3624 Wilshire Boulevard	21	8.1:1
3650-3660 Wilshire Boulevard	12	7.4:1
3576-3580 Wilshire Boulevard	18	19:1
3550-3564 Wilshire Boulevard	18	17:1
3640-42 Wilshire Boulevard (667-75 Harvard Boulevard)*	7	3.7:1
699 Harvard Boulevard, 694 Hobart Boulevard, 3531 -3533 7 <sup>th</sup> Street**	16 and 21	8.5:1

\* currently under construction

\*\* approved

### Alcohol

The applicant is seeking a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant. The proposed restaurant would be limited to 1,840 square feet with a maximum of 59 seats. No outdoor seating is proposed.

The hours of the sale of alcohol would be from 7:00 a.m. to 2:00 a.m., daily, consistent with the hours permitted by the California Department of Alcohol and Beverage (ABC). No dancing or entertainment has been proposed, and none has been approved.

Therefore, the proposed restaurant, including its hours of operation, will be compatible with the surrounding urban environment and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

### Hotel

The applicant is seeking a Conditional Use to allow the construction, use and maintenance of a 110-room hotel within 500 feet of an R-zoned property. As indicated above, the surround neighborhood include numerous building which are similar to or much larger than the proposed hotel building. The hotel's proximity to downtown and Hollywood along with

local and regional transit services will minimize the dependence of hotel guests on the automobile which will reduce roadway congestion.

Therefore, the proposed hotel, including its size, will be compatible with the surrounding urban environment and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

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

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Wilshire Community Plan which designates the property for Regional Center Commercial land uses with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The subject property is zoned R3P-2. The applicant has requested a Zone Change to RAS4-2 for the entire property, which is consistent with the range of zones associated with the land use designation of the site.

The Community Plan text is silent with regards to the sale of alcohol, nevertheless, as discussed in Finding No. 1, the project is consistent with many of the goals and objectives of the General Plan and the Wilshire Community Plan. The project is not located within any Specific Plan.

With regards to hotels, the Community Plan characterizes the Wilshire Center Regional Commercial Center as an area with "a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high-rise and low-rise apartment buildings. Nevertheless, while the Community Plan text is otherwise silent with regards to hotels, as discussed in Finding No. 1, the project is consistent with many of the goals and objectives of the General Plan and the Wilshire Community Plan. The project is not located within any Specific Plan.

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

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

The subject is planned for Regional Center Commercial land use with the corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The subject property is zoned R3P-2. The applicant has requested a Zone Change to RAS4-2 for the entire property. Restaurants are allowed by right in the RAS4-2 Zone if located at the ground floor. The sale of a full line of alcohol in the restaurant will be incidental to the sale of food. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application for a restaurant which will be compatible with the welfare of the community.

The City Planning Commission has imposed numerous conditions to integrate the uses into the community as well as protect surrounding uses from adverse potential impacts. Other conditions imposed will maintain the order and ensure cleanliness of the restaurant and its

surroundings. Therefore, the granting the sale of alcohol will not adversely affect the welfare of the pertinent community.

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

The applicant is requesting a Conditional Use to allow for the sale and distribution of a full line of alcoholic beverages within one 1,840 square-foot restaurant having 59 seats, located at the ground floor, within the proposed hotel.

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 2 on-sale and 1 off-sale licenses are allocated to subject Census Tract No. 2125.02. There are currently 19 on-site and 3 off-site licenses in this census tract which includes:

- (3) Type 21 Off Sale General
- (11) Type 41 On Sale Beer & Wine - Eating Place
- (1) Type 42 On Sale Beer & Wine - Public Premise
- (7) Type 47 On Sale General - Eating Place

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 2033, which has jurisdiction over the subject property, a total of 349 crimes and arrests were reported in 2015, compared to the citywide average of 181 and the high crimes and arrests reporting district average of 217 crimes for the same period.

In 2015, there were 8 Narcotics, 4 Liquor Law, 13 Public Drunkenness, 1 Disturbing the Peace, 0 Disorderly Conduct, and 2416 DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. While the site is located in a census tract where the number of existing ABC licenses exceeds ABC guidelines and within a reporting district where the crime rate is higher than the citywide average, no evidence was submitted for the record by the LAPD or adjacent residents indicating or suggesting any link between the subject site and the neighborhood's crime rate. Furthermore, given the size of the proposed restaurant and its association with the proposed hotel, the sale and consumption of alcohol is not expected in add to the existing crime levels in the area. No Revocation proceedings have been initiated within the City of Los Angeles and suspensions of alcohol licenses have occurred within the census tract in recent years.

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

A multi-family residential neighborhood is located approximately 300 feet to the south of the subject property and numerous sensitive uses, such as churches, synagogue and school exist within the surrounding neighborhood. While the proposed project is located in proximity to these sensitive uses, the site does not have direct access to these uses. These uses are located a substantial distance from the site and will not be directly affected by activities on the site.

Nevertheless, included in this grant are a number of general conditions that will act to minimize any impacts that might be generated by alcohol serving establishment. Furthermore, all mitigation measures identified in environmental clearance for the project have been incorporated as conditions of this grant. As conditioned, the proposed project is anticipated to not have a detrimental effect on any sensitive use in the area.

#### **Site Plan Review Findings**

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

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

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The Wilshire Community Plan designates the subject property for Regional Center Commercial land uses with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5.

The Community Plan text is silent with regards to the sale of alcohol, nevertheless, as discussed in Finding No. 1, the project is consistent with many of the goals and objectives of the General Plan and the Wilshire Community Plan. The project is not located within any Specific Plan.

With regards to hotels, the Community Plan characterizes the Wilshire Center Regional Commercial Center as an area with "a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high-rise and low-rise apartment buildings. Nevertheless, while the Community Plan text is otherwise silent with regards to hotels, as discussed in Finding No. 1, the project is consistent with many of the goals and objectives of the General Plan and the Wilshire Community Plan. The project is not located within any Specific Plan.

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

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

The proposed project is the construction, use and maintenance of a seven-story, 110-room hotel with a 1,840 square-foot ground floor restaurant. The project is a total of 64,763 square feet of floor area with a maximum height of 84 feet, six (6) inches (84'-6"). The project includes 80 automobile parking spaces within one (1) at-grade and two (2) subterranean parking levels.

The subject property is a flat, rectangular, 14,877 square-foot interior lot with a 110-foot frontage along Harvard Boulevard with a depth of 135 feet. The property is currently improved with a surface parking lot which will be removed as part of the project.

In addition to the 1,840 square-foot ground floor restaurant, the project provides approximately 11,000 square feet of common area on the second floor, including meeting rooms, a business center, a guest library, guest lounge and outdoor terrace. On the third floor the project includes a fitness room and a courtyard garden area.

The guest rooms primarily range in size between 291 and 392 square feet and include one (1) or two (2) beds. Five (5) guest rooms are 540 square feet and one (1) guest room is 1,096 square feet and includes two (2) bedrooms and a full kitchen.

The proposed project is required to provide a total of 65 automobile parking spaces. The project provides 80 automobile parking spaces within one (1) at-grade and on two (2) subterranean levels. The at-grade parking level includes the pick-up and drop-off area for guests and a total of eight (8) parking spaces - three (3) electric vehicle and five (5) handicap accessible spaces. The two (2) subterranean levels are fully automated. Access to the parking area is via a two-way driveway along Harvard Boulevard.

The proposed project is required to provide a total of 10 bicycle parking spaces, including five (5) short-term and five (5) long-term spaces. A separate bicycle room is located on the at-grade parking level for long-term bicycle parking. Short-term bicycle parking is located toward entrance of the lobby area.

The property is located within the Wilshire Community Plan and approximately 380 feet south of Wilshire Boulevard. The Metro Purple Line subway station and Metro Rapid 720 bus stop at Wilshire Boulevard and Normandie Avenue are approximately one-quarter mile to the east of the project site.

Properties surrounding the subject site are designated for High Medium Residential and Regional Center Commercial land uses, and are zoned R3P, PB, R3, R4, (T)(Q)C2, C2, (T)(Q)C4, (Q)C4 and C4, and are primarily developed with multi-story, multi-family dwellings and commercial buildings, surface parking lots and parking structures.

Other notable developments in the surrounding area include the following:

Address	No. of Stories	FAR
3600-3624 Wilshire Boulevard	21	8.1:1
3650-3660 Wilshire Boulevard	12	7.4:1
3576-3580 Wilshire Boulevard	18	19:1
3550-3564 Wilshire Boulevard	18	17:1
3640-42 Wilshire Boulevard (667-75 Harvard Boulevard)*	7	3.7:1
699 Harvard Boulevard, 694 Hobart Boulevard, 3531 -3533 7 <sup>th</sup> Street**	16 and 21	8.5:1

\* currently under construction

\*\* approved

### Height, Bulk and Setbacks

The height and bulk of the proposed project, at seven (7) stories and 84 feet, six (6) inches (84'-6") tall, as well as its FAR of 4.4 to 1 (4.4:1), are consistent with numerous other buildings in the immediate vicinity, as indicated above. The project, with five-foot (5') front, rear and side yards is consistent with the minimum allowable yards in the RAS4 Zone. The project does not include any reduction in any of the yard requirements. For that matter, the project does not include any deviation from the development standards of the RAS4 Zone.

Therefore, the height, bulk and setbacks of the mixed-use building will be compatible with the existing and future developments in the neighborhood.

### Off-Street Parking Facilities

The proposed project is required to provide a total of 65 automobile parking spaces. The project provides 80 automobile parking spaces within one (1) at-grade and on two (2) subterranean levels. The at-grade parking level includes the pick-up and drop-off area for guests and a total of eight (8) parking spaces - three (3) electric vehicle and five (5) handicap accessible spaces. The two (2) subterranean levels are fully automated. Access to the parking area is via a two-way driveway along Harvard Boulevard.

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

### Loading Areas

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

### Lighting

Outdoor lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential



properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

#### On-Site Landscaping

The proposed project is not required to provide any on-site landscaping, nevertheless, the project does include landscaping along the southern and western property lines as well as within the central courtyard garden area. The project proposes no other outdoor open space in which landscaping would otherwise be located.

The project will be required to provide street trees as in conformance with the standards of the Urban Forestry Division of the Board of Public Works. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

#### Trash Collection

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the L.A.M.C. The trash collection is located at the ground level within the back of house area. Trash would be taken along the northern side yard to the street during pick-up.

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

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

### **11. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The proposed hotel includes 104 guest rooms which range in size between 291 and 392 square feet and include one (1) or two (2) beds, five (5) guest rooms are 540 square feet and one (1) guest room is 1,096 square feet and includes two (2) bedrooms and a full kitchen. In addition to the 1,840 square-foot ground floor restaurant, the project provides approximately 11,000 square feet of common area on the second floor, including meeting rooms, a business center, a guest library, guest lounge and outdoor terrace. On the third floor the project includes a fitness room and a courtyard garden area. Although a Hotel is defined as a residential building per the L.A.M.C. Section 12.03, only residential projects containing dwelling units are required to provide open space pursuant to L.A.M.C. Section 12.21-G.

The proposed project provides landscaping at the ground floor and within the third floor courtyard garden. Additionally, as the project conforms to the required setbacks, impacts on neighboring properties will be minimized.

Therefore, as conditioned, the project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

**Environmental Findings**

12. **Environmental Finding.** On February 2, 2017, a Mitigated Negative Declaration (ENV-2016-3065-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.
  
13. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain. Currently, there are no flood zone compliance requirements for construction in these zones.