



APPLICATIONS:

APPEAL APPLICATION

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

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: ENV-2016-4752-CE

Project Address: 1529 - 1543 W. Olympic Blvd; 940 - 954 S. Union Ave; 943 S. Grattan Street

Final Date to Appeal: (None)

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

2. APPELLANT INFORMATION

Appellant's name (print): Michel Obama

Company: _____

Mailing Address: 1401 Ambassador Street

City: Los Angeles State: CA Zip: 90035

Telephone: 713-882-6363 E-mail: MichelObama@gmail.com

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

Self Other: _____

- Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): None

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

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

Are specific conditions of approval being appealed? Yes No

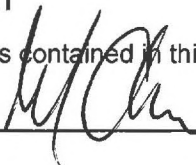
If Yes, list the condition number(s) here: _____

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: 

Date: 7/3/17

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

July 31, 2017

Los Angeles City Council
200 N. Spring Street – Room 395
Los Angeles, CA 90012

Justification of Appeal of July 24, 2017 Central Area Planning adoption of Categorical Exemption ENV-2016-4752-CE; 1529 - 1543 W. Olympic Blvd; 940 - 954 S. Union Ave; and 943 S. Grattan Street

I am a concerned citizen interested in ensuring that the City follows CEQA so that decision makers make informed decisions especially when it comes to potential impacts on sensitive uses.

I am appealing the Central Area Planning Commission's July 24, 2017 adoption of a Categorical Exemption for the Project proposed at 1529 - 1543 W. Olympic Boulevard, 940 - 954 S. Union Avenue, and 943 S. Grattan Street. The adoption is based on the Zoning Administrator's May 5, 2017 determination for Case No. ZA-2016-4751-ZAD-CUB-CU, attached.

Section 21151(c) of the California Public Resources Code permits an aggrieved party to appeal a determination by a non-elected, decision-making body that a project is exempt from review under the California Environmental Quality Act ("CEQA"). The aggrieved party is allowed under CEQA to appeal the non-elected body's decision to the agency's elected, decision-making body. Please note, however, that the Los Angeles City Council has not established any formal procedure for filing such appeals. The City therefore has no time limit, place of filing, or fee currently associated with CEQA appeals.

The Los Angeles City Council should determine that the underlying Categorical Exemption for this Project is inadequate and violates CEQA regulations because the Central APC imposed environmental mitigation measures.

The Categorical Exemption for the Project under Class 32 is inappropriate for numerous reasons including conflicting General Plan policies, unverified adequacy of parking demand relative to parking supply, impacts to adjacent properties in the Historic Preservation Overlay Zone, impacts to the operation of the adjacent elementary school, failure of the decision maker to impose applicable Citywide Commercial Design Guidelines, failure to acknowledge and review traffic volume increases at night (when the office use was not open), noise impacts on adjacent residential uses from nighttime use of the parking garage, impacts from construction traffic - especially involving safe access to the elementary school, noise impacts from construction, and potential air quality impacts on pedestrians and public safety impacts resulting from alcoholic beverage sales and consumption. In addition, some Conditions imposed on the project are clearly stated and/or intended to mitigate environmental impacts. On this basis, the environmental analysis undertaken for this project is significantly inadequate as well as incorrect in its application, rendering the Class 32 categorical exemption inapplicable.

As previously noted in our letter to the Central APC, The City's environmental review guidance states that a Class 32 Categorical Exemption cannot be issued if the project requires mitigation measures.

As stated on Form Community Plan-7828 [11.10.2016] Class 32 CE Specialized Instructions:

Every discretionary action requires environmental review pursuant to CEQA. However, the CEQA Guidelines include a list of classes of projects which have been determined to

not have a significant effect on the environment, also known as Categorical Exemptions. If your project falls within one of these classes, it is exempt from the provisions of CEQA and no environmental review is required.

The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the local General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. It may apply to residential, commercial, industrial, and/or mixed-use projects.

However, the Zoning Administrator imposed several environmental mitigation conditions, thus nullifying the validity of this Categorical Exemption.

Traffic.

DOT stated a traffic study is not needed because the existing office use generates more trips than a hotel. However, this study is flawed because in Finding No. 1 the applicant characterized the office use as having "low occupancy rates" (i.e., low traffic generation) whereas the decision maker concluded the opposite would result for the proposed hotel: "hotels in the area have seen drastic increases in demand as evidenced by the increase in construction activity and increase in hotel occupancy rates and average daily rates" (i.e., high traffic generation).

Not only would high occupancy vs. low occupancy rates impact vehicle trips, but the comparison of an office use, typically operating from 8 a.m. to 5 p.m., Monday through Friday, against a hotel operating 24 hours daily, seven days a week is an apples to oranges comparison. As authorized by Condition No. 7, alcohol sales are permitted from 6 a.m. to 2 a.m. seven days a week, and the hotel would presumably operate 24 hours a day. Therefore, DOT's reported existing traffic volume apparently accepted without question or evidence by the decision maker, is inadequate justification to conclude there will be no increase in traffic. According to Condition No. 6, there would be in excess of 300 seats in the two restaurants and café. Some number of vehicle trips can be expected from the general public. The number is unknown. No study or analysis was submitted to the public record.

Condition No. 38 states that "The premises shall not be used exclusively for private parties in which the general public is excluded." Clearly, the general public is anticipated by the applicant to frequent the restaurants and café inside the hotel.

The traffic analysis was limited to automobile trips only. There is no discussion or analysis of pedestrian and bicycle trips and how those users might be impacted by the project through, for example, lane closures or detours.

Noise and Air Quality.

The Property is located in a high density neighborhood with high traffic volume, a shortage of off-street parking based upon a neighborhood largely built under old parking standards, an elementary school directly across the street and a large pedestrian population. Projects elsewhere in the City are typically required to mitigate noise and air quality impacts on adjacent residential and school uses through a

construction management plan that mandates the following common sense mitigation measures, but which are not required here:

- Schedule deliveries and hauling during non-peak travel periods including night and weekends to avoid impacts to businesses nearby;
- Coordinate deliveries and hauling to reduce potential of trucks waiting to load or unload for extended periods of time and not interfering with drop off and pick up of students at the elementary school; and
- Identify the location and number of construction parking spaces. While the project's parking garage can accommodate automobiles it cannot accommodate construction vehicles.

Condition No. 21 states, *"The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially noise derived from patron entry and exiting."* Condition No. 21 is, on its face, a noise mitigation measure which invalidates the adoption of any categorical exemption.

Condition No. 32 imposes noise mitigation if live entertainment is provided: *"In the event live entertainment is provided, door [sic] shall be provided with sound seals, vestibules shall be provided with sound absorptive ceilings, ceilings shall be provided with sound/acoustic material and sound absorption material shall be placed on the walls."* As noted with respect to Condition No. 21 above, Condition No. 32 is, on its face, a noise mitigation measure which invalidates the adoption of any categorical exemption.

As stated under Traffic, above, office use typically ends around 5 p.m. Monday through Friday, and the proposed uses would operate from 6 a.m. to 2 a.m. for the restaurants and café and 24/7 for the hotel, thereby introducing new noise impacts during the hours many, if not most, people are sleeping. There is no analysis of early morning/late night noise. Therefore, the categorical exemption is not applicable.

Public Safety.

The determination appears to require *"a security plan be submitted and reviewed to ensure the hotel operates safely, prevents and mitigates criminal activity"* (Finding No. 2, Page 17) but there is no Condition requiring same. Because this is an environmental mitigation measure involving public safety, reliance on a categorical exemption is not permitted.

Condition No. 23 requires all employees involved in the sale of alcoholic beverages *"enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR)."* This is also an environmental mitigation measure rooted in public safety, rendering a categorical exemption inapplicable.

Condition No. 39 requires that *"The owner/operator shall maintain video surveillance of all common areas of the business, including entrances and exits, and the patio eating area, and maintain a minimum of a three-week DVR library . . . and have the ability to make a copy of the content and provide it to law enforcement officers upon request."* This is yet another environmental mitigation measure rooted in public safety, rendering a categorical exemption inapplicable.

Finding No. 4 acknowledges the need to mitigate public safety impacts: *“The grant imposes conditions which require that security measures such as a surveillance system and adequate lighting be implemented to mitigate the negative impacts commonly associated with the sale of alcohol beverages.”*

Finding No. 6 requires an analysis of why the decision maker believes the sale of alcoholic beverages *“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 Central APC determination lists 10 sensitive uses located within 600 feet of the Property and three other sensitive uses within 1,000 feet of the Property but provided no analysis as to why these uses would not be detrimentally affected. Therefore, because there is no land use assessment of the potential impacts to sensitive uses with respect to this Finding the adopted categorical exemption is inappropriate. In addition, the list of sensitive uses does not include the 650-student elementary school located directly across the street from the Property nor does it include dozens, if not hundreds of residential uses across the street and adjacent thereto. The annotated aerial photograph of the Property and these latter sensitive uses is provided in this letter. This is further reason to reject the categorical exemption.

Exterior Lighting.

Condition No. 18 is designed to mitigate negative impacts resulting from outdoor lighting:

“Exterior lighting shall be directed onto the property and shielded such that the light source does not disturb adjacent properties. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. No floodlighting shall be located as to be seen directly by persons on adjacent properties.”

This is an environmental mitigation measure that, as imposed, invalidates adoption of a categorical exemption.

Commercial Citywide Design Guidelines.

Finding No. 1 of the Central APC determination states that *“The project will enhance the built environment by renovating the building’s external appearance.”* No review of the renovation was undertaken by the decision maker. The Commercial Citywide Design Guidelines apply *“to all new developments and substantial building alterations that require approval by decision-making bodies and planning staff.”* Because the Design Guidelines were not assessed, it cannot be reasonably determined whether any impacts from potentially bad design elements would occur involving, for example, lighting, and ingress and egress. Therefore, at best, the aesthetic impact of the project’s exterior building design cannot be concluded without an initial review of the Guidelines, the corresponding checklist and a competent analysis.

Sensitive Uses Near Proposed Project Unmentioned in Finding No. 6



The Property is located within the Westlake Community Plan area. The Plan states as an Issue: *"Unsightliness of new construction due to the lack of landscaping, architectural character and scale."* Therefore, unless the Commercial Citywide Design Guidelines (the purpose of which are to implement the General Plan) are applied to the building's external appearance, the project could be developed contrary to the intent of the General Plan.

The Westlake Community Plan also identifies as an Issue: *"Inadequate transition between commercial and residential uses"* and the corollary Opportunity: *"Ensure appropriate transitions between commercial (mixed use) and adjoining uses, especially residential."* Implementation of the Design Guidelines could provide the means for ensuring a better transition to the abutting residential uses. While this would not necessarily be a physical change to an existing building, it could take the form of hours of operation or other programmatic condition of approval. As approved for this project the decision maker authorized the longest possible hours for the sale of alcoholic beverages - 6 a.m. to 2 a.m., notwithstanding the significant amount of residential development in the immediate vicinity. Because State law restricts alcohol sales to 6 a.m. to 2 a.m., the decision maker, in effect, imposed no

condition. Note that the apartment building in the photograph above identified as Residential No. 3 is 8 stories in height as shown below:



Class 32 Exceptions.

The Planning Department states that in order for a Class 32 Categorical Exemption to qualify, the applicant must be able to demonstrate that the project does not fall under the following Exception: *“The project and successive projects of the same type in the same place will result in cumulative impacts.”* Not only did the decision maker not demonstrate this to be true, the decision maker gave it no consideration. The conversion of jobs-rich office use with generally lower paid hotel and restaurant uses, on a larger scale, could be cumulatively impactful. Use of the same building for residential use, including affordable housing, would be far more responsive to the needs of local residents rather than the pleasures of hotel guests who live elsewhere, and would generate less automobile traffic. This conclusion is supported by the recent passage of Measure HHH for the homeless and Measure JJJ for affordable housing.

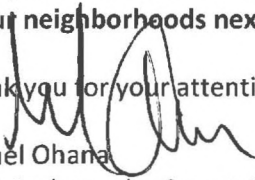
Conclusion

Therefore, based upon the facts presented above, I request the City Council should determine that the environmental clearance prepared for the project and adopted by the Central APC is contrary to CEQA, and that a new environmental clearance not based on a Categorical Exemption be prepared consistent with the requirements of CEQA.

I ask each commissioner, how can there be a process that allows for the granting of the CUP and liquor license for such a large hotel and rooftop bar without proper traffic and noise studies? And how can such a CUP be granted next to an elementary school that serves 650 kids under the age of eleven that occupies the entire block across the street without a single study on the effect of the use???

I beg you to please stop developers from using loopholes like in this case to try to skirt proper studies of impacts such as noise, especially when the impact involves such large entitlements and conversions in our neighborhoods next to our elementary schools!!!

Thank you for your attention.


Michel Ohana
1401 Ambassador Street, Los Angeles, CA 90035



CENTRAL AREA PLANNING COMMISSION

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

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUL 24 2017

Case No.: ZA-2016-4751-ZAD-CUB-CU-1A

Council District: 1 – Cedillo

CEQA: ENV-2016-4752-CE

Plan Area: Westlake

Project Site: 1529-1543 West Olympic Boulevard; 940-954 South Union Avenue;
943 South Grattan Street

Applicant: Union and Grattan Properties, LLC
Representative: Elizabeth Peterson, Elizabeth Peterson Group,
Incorporated

Appellant: Alexandra Weyman, Unite Here Local 11

At its meeting of **July 11, 2017**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

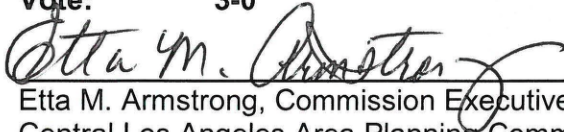
The adaptive reuse of an existing commercial office building for the conversion, use and maintenance of a hotel; the sale and dispensing of a full line of alcoholic beverages in conjunction with a ground floor café and restaurant, a rooftop restaurant and within access-cabinets in each of the 200 guest rooms and the construction, use and maintenance of a 200 room hotel.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **Sustained** the Zoning Administrator's determination to approve the adaptive reuse of an existing commercial office building for the conversion, use and maintenance of a hotel; the sale and dispensing of a full line of alcoholic beverages in conjunction with a ground floor café and restaurant, a rooftop restaurant and within access-cabinets in each of the 200 guest rooms and the construction, use and maintenance of a 200 room hotel;
3. **Adopted** the attached Conditions of Approval;
4. **Adopted** the attached amended Findings including a modification to the Exceptions Narrative for Class 32, Categorical Exemption.

This action was taken by the following vote:

Moved: Chemerinsky
Seconded: Chung-Kim
Ayes: Brogdon
Absent: DelGado; Mendez

Vote: 3-0



Etta M. Armstrong, Commission Executive Assistant I
Central Los Angeles Area Planning Commission

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

Effective Date/Appeals: The decision of the Central Los Angeles Area Planning Commission is final upon the mailing date of this letter, and it is not further appealable

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: Conditions of Approval; Amended Findings
c: Henry Chu, Associate Zoning Administrator

CONDITIONS OF APPROVAL

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", 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. Approved herein is the adaptive re-use of an existing five-story (with a penthouse), 126,460 commercial office building to a 200-room hotel with 6,900 square feet of café/restaurant space and the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with:
 - a. Access-cabinets in each of the 200 guest rooms within the hotel;
 - b. A 600 square-foot ground floor café with 40 seats;
 - c. A 4,200 square-foot ground floor restaurant with 132 seats, and
 - d. A 2,100 square-foot rooftop restaurant with a 6,300 square-foot garden terrace and 60 interior seats and 76 exterior seats.
7. Hours of operation for the two (2) restaurants and one (1) café are permitted from 6:00 a.m. to 2:00 a.m., daily. Afterhours use of the facilities, other than for routine clean-up and maintenance, is not permitted. The operating hours shall be posted at the entrance of the restaurants and café and on each menu, if applicable.
8. Approved herein are the following incentives and exceptions from the Municipal Code:

- a. The guest rooms shall not be subject to the lot area requirements of the zone or height district;
 - b. The Adaptive Re-use Project shall be exempt from the requirements for Site Plan Review set forth in Section 16.05;
 - c. The existing floor area which exceeds that permitted by the zone and height district shall be permitted;
 - d. The existing height which exceeds that permitted by the zone and height district shall be permitted; and
 - e. The existing observed yards which do not meet the yards required by the zone shall be permitted.
9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No deviations have been approved.
 10. 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 played on the roof deck, shall be apprised of the City's noise regulations and required to comply.
 11. In the event that valet parking service is provided, valet parking shall not park on residential streets or block driveways or vehicular access on any other properties. Street parking shall not be utilized.
 12. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
 13. Adult entertainment type uses are not permitted in the establishment.
 14. 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. Additionally, the licensee(s) shall not provide, permit or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
 15. Restaurant and store staff will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff will also be responsible

- to constantly monitor the outdoor patio to ensure patrons do not take alcoholic beverages beyond the restaurant area into the rear alley of the business.
16. No self-service of alcoholic beverages is permitted, except for the access-cabinets within the guest rooms.
 17. There shall be no exterior advertising of any kind or type promoting or indicating the availability of alcoholic beverages, except that the restaurants may post a menu.
 18. Exterior lighting shall be directed onto the property and shielded such that the light source does not disturb adjacent properties. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. No floodlighting shall be located as to be seen directly by persons on adjacent properties.
 19. The subject facility shall be maintained and be kept free of trash and debris.
 20. No pay phone will maintained on the exterior of the premises.
 21. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially noise derived from patron entry and exiting.
 22. All guests and operators shall comply with the smoking regulations set forth by the State of California and the City of Los Angeles.
 23. 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 Zoning Administrator as evidence of compliance. All new employees shall complete the training within two months of hire then every 12 months thereafter.
 24. The premises shall maintain a bona-fide eating place, in conformance with Section 23038 of the California Business and Professions Code, with an operational kitchen, which complies with the definition in Section 91.0403 of the Los Angeles Municipal Code, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during normal operating hours.
 25. There shall be no pool table or billiards table, electronic games, coin-operated games, dart games, or video machines maintained upon the premises at any time.
 26. There shall be no entertainment such as a piano bar, jukebox, dancing, live entertainment, movies, etc. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows. Any background music

- or other amplified recorded-music shall not be audible beyond the area under the control of the applicant.
27. There will be no cover charge, admission fee or minimum drink purchase.
 28. At no time will the premises host raves, a dance club or other similar events.
 29. The subject alcoholic beverage license shall not be exchanged for a public premise license without the approval of a Zoning Administrator.
 30. There shall be a sign at the restaurant and store exit which reads "No alcohol consumption permitted beyond this point."
 31. No live entertainment and/or patron dancing shall be permitted inside the location without prior approval from Los Angeles Police Department, Rampart Division, Vice supervisor.
 32. In the event live entertainment is provided, door shall be provided with sound seals, vestibules shall be provided with sound absorptive ceilings, ceilings shall be provided with sound/acoustic material and sound absorption material shall be placed on the walls.
 33. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the applicant.
 34. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
 35. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. 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 posted at the entry, and the cashier or customer service desk, provided to the immediate neighbors, schools and the Neighborhood Council, and responded to within 24-hours of any complaints/inquiries received on this hot line.
 36. 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.
 37. No special events shall be held on the premises.
 38. The applicant shall not sublet the premises to outside "promoters" for nightclub activity. The premises shall not be used exclusively for private parties in which the general public is excluded.
 39. The owner/operator shall maintain video surveillance of all common areas of the business, including entrances and exits, and the patio eating area, and maintain a minimum of a three-week DVR library. All persons acting in the capacity of

- manager shall be familiar with the security system and have the ability to make a copy of the content and provide it to law enforcement officers upon request.
40. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department or City Planning. All employees working in the restaurant shall be knowledgeable of these conditions and shall sign a document acknowledging receipt of these conditions.
 41. The business operator shall maintain on the premises, and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information, and a valid emergency contact phone number for the valet and security company services used by the business operator.
 42. If at any time during this grant should documented evidence be submitted showing continued violations of any conditions of this grant, resulting in disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add, or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
 43. 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.
 44. **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-2016-4751(ZAD)(CUB)(CU)/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.
 45. **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 with the hotel, known as [THE BRICKS HOTEL], and agree to abide and comply with said conditions.

46. 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.
47. 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.
48. **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.

49. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

50. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the

applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

(AMENDED BY THE CENTRAL LOS ANGELES AREA PLANNING COMMISSION
ON JULY 11, 2017)

Following (highlighted) is a delineation of the findings and the application of the relevant facts to the 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.**

Adaptive Reuse and Hotel within 500 Feet of an R Zoned Parcel

The project will convert an existing building currently utilized for office/retail purposes into a hotel. The project will enhance the built environment by renovating the building's external appearance to bring revitalization of the building and streetscape. The renovations would also bring in a viable use within a building that has, according to the applicant, underperformed through low occupancy rates because of low office market demand. This is a reflection of the glut of office space currently affecting many parts of the Central City and the adjacent Central Business District. In contrast, hotels in the area have seen drastic increases in demand as evidenced by the increase in construction activity and increase in hotel occupancy rates and average daily rates in the City.

The proposed project is the adaptive re-use of an existing five-story (with a penthouse), 126,460 commercial office building to a 200-room hotel with approximately 24,600 square feet of café/restaurant and commercial space at the ground floor and rooftop. The project would include 239 automobile parking spaces and 20 bicycle parking space. Each guest room will include a toilet and bathing facilities, fulfilling the adaptive reuse standard for guest rooms within an adaptive reuse project. As part of the request, the applicant seeks relief from the allowable density (guest rooms), maximum floor area and height limits of the zone and height district, as well as minimum yard requirements. These renovations will help revitalize the appearance and safety of a building that built in 1964, which makes the building eligible for adaptive reuse.

The project will bring a viable use to the area that will enhance the appearance of the block, while bringing in a café and restaurant for hotel guests and residents and employees of the area to consider as a dining option. The conversion of the building will help activate the street by bringing in a presence that would be there during the day and evenings to deter criminal activity. As such, the adaptive reuse of the subject will be beneficial to the community, while bringing in revenues for the City, which could be used to enhance services to residents. Being within 500 feet of an R-zoned parcel, the hotel will provide its own parking on site and will not utilize any street parking. This would enable the existing street circulation to be

maintained. With R-zoned properties north and south of Olympic Boulevard, the hotel use will serve as a buffer from the public right-of-way to R uses. It may serve as another dining option to surrounding residences and may also provide lodging for friends and relatives who may wish to stay in town for some time.

Alcohol Sales

The project involves the sale of a full line of alcoholic beverages at the ground floor cafe, ground floor restaurant, a rooftop restaurant and within access cabinets in each of the 200 guest rooms of the hotel. According to the applicant, both venues will not be open to the public and are to be used for guests only.

As such, the conversion of the existing building to hotel with sale of a full line of alcohol within a ground floor restaurant and ground floor bar, within access cabinets in each guest room (200 guest rooms), and rooftop bar will expand the dining options in the area since some diners prefer to have alcohol with their meals or simply want to enjoy an evening with a drink, while making the hotel competitive with other hotels in and near this part of the City. Furthermore, proposed full line of alcohol will contribute to the hotel revitalizing the block and will help bring more eyes on the street to deter possible criminal activity. Also, the West Lake area is lacking in full service hotel rooms. The project site is ideally situated in between regional destinations of downtown Los Angeles and Koreatown, and is located along a major corridor

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 project site is a flat, irregular-shaped parcel containing approximately 48,829 square feet. The site is located on the north side of Olympic Boulevard between Union Avenue and Grattan Street and is within the Westlake Community Plan. The site has approximately 243 feet of frontage along Wilshire Boulevard (a designated Boulevard II) and approximately 195 feet of frontage along Grattan Street to the east (a Local Street) and along Union Avenue to the west (a designated Avenue III). The subject site is currently improved with a 5-story commercial office building that was constructed in 1965 and a 3-story parking garage that was constructed in 1967. The parking garage currently provides 239 automobile parking spaces.

Adaptive Reuse

Granting the request will not result in any changes to the total floor area, building setbacks and height of the existing building. No adverse impacts on the public health or safety are identified in conjunction with the proposed conversion from commercial office to hotel. As mentioned previously, the project seeks relief from the allowable density (guest rooms), maximum floor area and height limits of the zone and height district, as well as minimum yard requirements.

The adaptive reuse of the existing commercial building to a hotel use will not be detrimental to the surrounding neighborhood, public health, welfare and safety. At the April 5, 2017 public hearing, the one person from the public raised the issue of noise and traffic the project would potentially create during construction and operation. The project will be subject to City of Los Angeles' regulations for construction, especially for noise and dust, and be required to retrofit the building, and during operation, will be subject to the noise ordinance of the City. During operation, the hotel will have a point of contact posted at the front entry of the hotel to complain about any issues caused by the operation of the hotel. Also, the approval includes a condition that would require the applicant show conformance of the conditions of this grant should evidence of non-conformance be submitted. In regards to traffic and safety, the project provides 239 automobile parking spaces and 20 bike parking spaces. There are no circulation or parking issues anticipated for the surrounding areas as a result of the conversion of to the hotel. Also, in regards to traffic analysis, Wes Pringle of the Department of Transportation stated in November 30, 2016 communication that the project would not require a traffic study since the trip credit for the existing office use would be greater than the amount of trips the adaptive reuse to hotel project would create. Traffic caused by the adaptive reuse of the office building to the hotel would not exceed the threshold that would trigger the need for a traffic analysis. Finally, the LAPD has required a security plan be submitted and reviewed to ensure the hotel operates safely, prevents and mitigates criminal activity. The applicant has worked with LAPD's Sergeant Min, Officer-in-Charge, of the Rampart Area Vice.

Alcohol Sales

The applicant seeks authorization to sell a full line of alcoholic beverages for on-site consumption in a proposed new ground floor restaurant and 11th floor rooftop bar venue. The venues would be contained within the existing 11-story commercial office building and would consist primarily of tenant improvements. The remodeling of the structure will not be detrimental to other development in the area as it will lead to the upgrading of the current structure.

Restaurant and bar uses are permitted by-right in the C1.5 and C2 Zones. The approval of the conditional use for alcohol sales will provide an amenity for hotel guests consistent with other establishments in the surrounding neighborhood. Alcohol will only be sold and dispensed within the restaurant, cafe, and rooftop bar, and will be within cabinets of each guest room. The Los Angeles Police Department has reviewed the application for the sale of alcohol within the proposed hotel, and submitted recommended conditions to promote the safety of other hotel guests, patrons, and the surrounding neighborhood. Also, the LAPD has required a security plan be submitted and reviewed to ensure the hotel operates safely, prevents and mitigates criminal activity.

The grant authorized herein incorporates a number of conditions that are intended to mitigate potential impacts that are associated with the sale of alcoholic beverages including STAR training for employees and limited operating hours. These conditions seek to establish and promote a use that will be compatible with other uses in the surrounding community.

Hotel within 500 Feet of an R-Zoned Parcel

As stated previously, the applicant has been working with LAPD on the proposed operation of the alcohol request and the security plan for the operation of the hotel. By working with LAPD, the applicant will be able to address potential criminal activity and ensure the safety of surrounding people. The hotel itself brings an active use to a block where occupancy of the office building is low. People will walk the area and bring in a presence to help deter criminal activity. Generally, people may walk down Olympic Boulevard but may walk through some of the residential streets to explore neighborhoods. The hotel will not have any significant effects to any R-zoned properties. Also, in regards to traffic and noise, the project will be subject to all City regulations for construction to ensure construction impacts are mitigated, and will be subject to current City noise ordinances to ensure noise from the hotel, including the rooftop are bounded by these ordinances. The Department of Transportation has determined the adaptive reuse of the building for a hotel use will not trigger a need for a traffic study. Also, the building already has 239 parking spaces, exceeding the Code requirement by 88 spaces, which will serve patrons and employees of the hotel. There will be no significant impact on street parking and circulation in the area,

3. **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 twelve 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. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Westlake Community Plan Map designates the property for Highway Oriented Commercial land uses with the corresponding C2, C1, CR, RAS3, RAS4, and P Zones. The property is zoned [Q]C1.5-1 and C2-1. The permanent [Q] designation on the property identifies was part of a zone change from PB-1 to [Q]C1.5-1 for subarea 6210 that imposed restrictions on the use of the property be limited to those uses permitted in the P or PB Zones.

The subject site is designated for Highway Oriented Commercial land uses by the Westlake Community Plan and is zoned [Q]C1.5-1 and C2-1. Neither the Community Plan text nor any other element of the General Plan specifically addresses Adaptive Reuse Projects and conditional uses for alcohol sales and a hotel within 500 feet of an R-zoned property. However, the project substantially conforms with the purpose, intent, and provisions of the General Plan.

Objective 2-1 states: "Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas," and Policy 2-1.1 states: "New commercial uses should be located in existing established commercial areas or shopping centers." The instant project is in line with both of these policies in that

the project will allow for the rehabilitation of an existing commercial building, on a site that is planned, zoned, and currently used for commercial purposes. Also, the project has been reviewed by the Department of City Planning, the Los Angeles Police Department and the Los Angeles Fire Department to ensure the use will be safe and not impact surrounding uses. Therefore, the proposed project substantially conforms to the purpose, intent and provision of the General Plan, the Community Plan and Specific Plans for the project area.

Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The project meets the adaptive reuse ordinance by meeting the standards for guest rooms within an adaptive reuse project. Each guest room will include a toilet and bathing facilities. The project seeks relief from the allowable density (guest rooms), maximum floor area and height limits of the zone and height district, as well as minimum yard requirements since the subject building is an eligible building and qualifies as an exception that is "grandfathered in". As such, City review and approval for the mentioned regulations are not required.

ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES

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

The subject site is located in the Highway Oriented Commercial, which is characterized primarily by a diversity of retail sales and services, office and auto-oriented uses comparable to those currently allowed in the C2 zone (including residential). They are located outside of districts, centers and mixed use boulevards and occur at the intersections of major and secondary streets, or as low rise, low-density linear "strip" development along major and secondary streets. As conditioned, the request for the sale and dispensing of a full line of alcoholic beverages for on-site consumption will not adversely affect the welfare of the pertinent community. The grant imposes conditions which require that security measures such as a surveillance system and adequate lighting be implemented to mitigate the negative impacts commonly associated with the sale of alcoholic beverages. In addition, the grant requires that the applicant install an age verification device at all points-of-sale, to deter underage purchases and drinking. Employees will undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. Both the LAPD and the Associate Zoning Administrator have reviewed the request and determined that with the conditions identified in this grant, the project will not adversely affect the welfare of the pertinent 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 California State Department of Alcoholic Beverage Control licensing criteria, three (3) on-sale and two (2) off-sale are allocated to the subject Census Tract No. 2100.10. There are currently two (2) on-site and two (2) off-site licenses in this Census Tract. Within a 1,000-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (4) Type 20 Off Sale Beer & Wine
- (1) Type 21 Off Sale General
- (1) Type 40 On Sale Beer - Eating Place
- (1) Type 47 On Sale General - Eating Place

Statistics from the Los Angeles Police Department reveal that in Crime Reporting District No. 279, which has jurisdiction over the subject property, a total of 169 crimes 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 7 Narcotics, 2 Liquor Law, 5 Public Drunkenness, 0 Disturbing the Peace, 1 Disorderly Conduct, and 39 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.

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 is a sensitive use located within 600 feet of the subject site:

- Catholic Big Brothers
Big Sisters - The Tidings 1530 James M Wood Boulevard
- Come Mission Church 1520 James M Wood Boulevard
- Immaculate Conception
Church and Rectory 1433 James M Wood Boulevard
- Immaculate Conception
Parish Center 847 Green Street
- The Lighthouse Mission Church 846 Union Avenue
- Loyal Law School 1400-1440 James M Wood Boulevard
1411-1441 James M Wood Boulevard
- 10th Street Elementary 1000 Grattan Street
- Immanuel Church of Los Angeles 1532 Olympic Boulevard
- La Iglesia en el Camino Church 1630 Olympic Boulevard
- Bill Cruz Early Education Center 1020 Valencia Street

The following sensitive uses are located between 600 feet and 1,000 feet of the subject site:

- Salvation Army Youth and
Community Center 1532 11th Street
- Zion Mission Chapel 1640 11th Street
- Iglesia Evangelical Church 1671 11th Street

The adjoining properties to the north are zoned QC2-1 and R4-1 and are improved with a two-story, multi-family building and a multi-story, parking garage. The adjoining properties to the east, across Grattan Street, are zoned C2-1 and R4-1 and are improved with a multi-story, multi-family building and one-story medical office building. The adjoining properties to the south, across Olympic Boulevard, are zoned C2-1 and are improved with one- and two-story multi-family and commercial buildings. The adjoining property to the west, across Union Avenue, are zoned C4-2D and is improved with multi-story, commercial office building.

None of the above referenced sensitive uses directly adjoin the site. These uses will not be adversely affected by the sale of alcoholic beverages on the subject site. In addition, the site is adequately buffered from adjoining multi-family uses to the north by the building's parking structure that provides a minimum 78 feet 8 inches from the north edge of the building's roof line to the north property line. Grattan Street serves as a buffer between the subject building and the multi-family building to the east.

Furthermore, no correspondence was received from any of these institutions noted above. This grant has placed numerous conditions on the proposed project. Such

imposition of conditions will make the use a more compatible and will not make the project detrimental to abutting uses.

ADDITIONAL REQUIRED FINDINGS FOR THE ADAPTIVE REUSE PROJECTS

7. **The Adaptive Reuse Project complies with the standards for dwelling units, guest rooms and joint living and work quarters set forth in Section 12.22-A.26(i).**

LAMC Section 12.22-A,26(i)(2) states that guest rooms shall include a toilet and bathing facilities. The project has been designed to include a toilet and bathing facilities within each guest room as shown in Exhibit "A". The Adaptive Reuse Project complies with this standard.

ADDITIONAL MANDATORY FINDINGS

8. **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.
9. On March 2, 2017, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2016-4752-CE, for a Categorical Exemption, Class 32, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines).

Class 32 Categorical Exemption. A project qualifies for a Class 32 Categorical Exemption if it is a project to be developed on an infill site and meets the conditions described herein. With regard to the proposed project involving the adaptive reuse of the existing 5-story, 126,460 square-foot, commercial office building into a 200-room hotel and 24,594 square feet of ground floor and rooftop restaurant/café and retail space, the following outlines how the project meets the five 5) conditions to qualify for the Class 32 Categorical Exemption:

- a. ***The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;***

The subject site is located within the Westlake Community Plan, where it is designated for Highway Oriented Commercial land uses corresponding to the C2, C1, CR, RAS3, RAS4, and P Zones. The site is zoned [Q]C1.5-1 and C2-1 and is thus consistent with the existing land use designation. The land use designation and zone permit R4 density which allows for a hotel with one guest room for every 200 square feet of lot area. With a net lot area totaling 48,829 square feet, the subject property permits a hotel with up to 244 guest rooms, which makes the proposed hotel with 200 rooms consistent with the zone.

- b. ***The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;***

The project site is located in the Westlake Community Plan area within the city limits of Los Angeles. The project site is fully developed with a commercial building and is located in an urbanized area of the City in close proximity to Downtown and other large employment centers. The project site is comprised of approximately 48,829 square feet (or 1.12 acres) of net lot area and is, therefore, less than five (5) acres in size.

- c. ***The project site has no value as habitat for endangered, rare or threatened species;***

Based on review of Exhibit C-2 of the City of Los Angeles L.A. CEQA Thresholds, Guide 2006, and Figure 9.3, Significant Ecological Areas and Coast Resource Areas Policy Map, the project site is not located within a Significant Ecological Area. The subject property is developed with the present commercial structure that was constructed in 1965 and a 3-story parking garage that was constructed in 1964.

- d. ***Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and***

Traffic – The adaptive re-use of an existing five-story (with a penthouse), 126,460 commercial office building to a 200-room hotel with approximately 7,000 square feet of café/restaurant space at the ground floor and rooftop will not result in any significant effects related to traffic, air quality, or water quality. The Los Angeles Department of Transportation (LADOT) utilizes a threshold guide that lists various uses within the City and identifies thresholds that would require LADOT to complete an Initial Study Assessment Form (ISAF). An ISAF involves LADOT calculating potential trip counts that would be created by any proposed project in order to determine whether or not a traffic study would be required for any given development. The Department of Transportation, in an email communication dated November 30, 2016, stated the adaptive reuse project the project would not require a traffic study since the trip credit for the existing office use would be greater than the amount of trips the adaptive reuse to hotel project would create. Traffic caused by the adaptive reuse of the office building to the hotel would not exceed the threshold that would trigger the need for a traffic analysis. In other words, the proposed project did not reach the LADOT recognized threshold that would warrant a second level review to determine the necessity of a traffic study. As such, it has been determined that the proposed project will not create adverse impacts to traffic.

While project construction could result in a temporary increase in traffic due to construction-related truck trips and worker vehicle trips, general construction requirements are in place to minimize the negative impact of construction projects on the surrounding community. The Bureau of Street

Services is responsible for enforcing the following general construction requirements: When temporarily blocking portions of streets for deliveries of construction materials, projects are required to provide flag persons to assist with pedestrian and vehicular traffic pursuant. Street closures are not to take place during peak traffic hours. Any street, sidewalk, or other improvement work is required to be in conformance with the latest Manual on Work Area Traffic Control. Storage of building materials in the public right-of-way shall be by permit from the Department of Public Works, Bureau of Street Services, Investigations and Enforcement Division and shall conform to all applicable rules under LAMC Section 62.45 through 62.54.

Therefore, the project will not cause a significant or substantial increase in traffic; it is anticipated that traffic impacts as a result of the project will be less than significant, and no mitigation is required.

Noise – The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which limits the emission or creation of noise levels. During construction of the proposed project, the applicant will be required to comply with the City's Noise Ordinance No. 161,574, which regulates noise from demolition and construction activities. Section 41.40 of the LAMC prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturday. All such activities are also prohibited on Sundays and all federal holidays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As a result of the project being required to comply with the above ordinances and regulations, it can be found that the project would not result in any significant noise impacts. The Los Angeles Police Department has the power and duty to enforce the noise control provisions of Section 41.40; enforcement of the City's noise regulations is not within the purview of the Zoning Administrator's decision for the entitlements.

The City's noise regulations are intended to mitigate construction noise impacts to less than significant levels. All construction projects are required to adhere to the minimum noise regulations set by the Municipal Code to reduce impacts to less than significant levels. The applicant is not requesting to deviate from these requirements and therefore, noise impacts resulting from the construction of the proposed project are not expected to result in significant impacts when analyzed individually or cumulatively amongst related projects in the surrounding area.

In regards to operation noise, the Guide states that a project would normally have a significant impact on noise levels from project operations if the project causes the ambient noise level measured at the property line of

affected uses to increase by 3 dBA in CNEL to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase. The Guide further states that project impacts are determined by measuring the change in ambient noise levels is measured by adding project-generated operational noise to the projected future ambient noise level at the time of project occupancy. The incremental increase in noise generated by the project is the project impact. The project will operate within the building and the potential for noise will be from the rooftop, where a rooftop garden and restaurant and lounge are proposed. The project has been conditioned to comply with noise regulations of the Los Angeles Municipal Code, and would not create any significant noise impacts.

Air Quality – A significant air quality impact may occur if a project is inconsistent with the Air Quality Management Plan (AQMP) or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan. The proposed project will result in the adaptive reuse of an office building into a hotel with the number of guest rooms consistent with the adopted zoning of the subject site. The project will be subject to air quality regulatory compliance measures for construction and operation. It is not expected to conflict with or obstruct the implementation of the AQMP and South Coast Air Quality Management District (SCAQMD) rules. Therefore, project impacts will be less than significant.

Water Quality – Construction activities would not involve any significant excavation near an identified water source. In addition, the project will be required to comply with various regulatory requirements, which would reduce stormwater flows off-site. The project would comply with Chapter VI Article 4.4 of the LAMC, Stormwater and Urban Runoff Pollution Control, which requires the application of Best Management Practices (BMPs) to reduce or prevent pollutant discharges. Under the conditions of a building permit for the project, the project applicant will be required to eliminate or reduce non-stormwater discharges to waters of the nation, develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for project construction activities, and perform inspections of the stormwater pollution prevention measures and control practices to ensure conformance with the site SWPPP. Therefore, development of the proposed project would not degrade the quality of stormwater runoff from the site.

- e. ***The site can be adequately served by all required utilities and public services.***

The project site is located within a highly urbanized area served by existing public utilities and services. A substantial increase in demand for services or utilities would not be anticipated with implementation of the proposed project. The existing uses at the site have been and will continue to be served by all required utilities and public services. The City of Los Angeles provides water, sewer, and solid waste collection services to the existing

residential buildings and would continue to provide these services for the proposed project. Other services, including gas and electricity, would also continue to be provided to the proposed project by existing service provider. Thus, the project meets this criterion for exemption.

Categorical Exemption Exceptions. The lead agency evaluated the exceptions to the use of Categorical Exemptions for the proposed ordinance listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project:

- a. ***Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.***

The project qualifies for a Class 32 Categorical Exemption. The exemption is not a Class 3, 4, 5, 6 or 11. The requested project will not impact any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The project site is located in an urbanized area in the City of Los Angeles. The project site is not located in a particularly sensitive environment and would not be located on a site containing wetlands, endangered species, or wildlife habitats; therefore, this exception is not applicable.

- b. ***Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.***

The project is for the adaptive re-use of an existing five-story (with a penthouse), 126,460 commercial office building to a 200-room hotel with approximately 7,000 square feet of café/restaurant space at the ground floor and rooftop in an area previously developed and surrounded by a mix of commercial and residential uses. The project is entirely consistent with the existing General Plan designation and zoning requirements. Cumulative impacts are inapplicable since this is a project that is developed to the permitted density, and there will be no increase in the floor area or height. The project will be constructed pursuant to applicable building code requirements will not result in cumulative impacts. The project will not generate a significant number of vehicle trips and will not result in any significant impacts to land use planning, habitat, noise, air quality, or water quality and therefore will not make a considerable contribution to any significant cumulative traffic, air quality, or noise impacts. Therefore, impacts under this category will be less than significant.

- c. ***Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.***

The project site is comprised of lots located in an urbanized area of the City. The project consists of hotel use and operation that are compatible with the surrounding development. The site does not demonstrate any unusual circumstances, and the project will not generate significant traffic, air quality, or noise impacts. The project will be required to adhere to any and all building code requirements intended to reduce environmental impacts to less than significant levels. Thus, the project will not result in activity that will have a significant effect on the environment due to unusual circumstances.

- d. ***Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.***

According to the California Scenic Highway Mapping System, the project site is not located on or near a portion of a highway that is either eligible or officially designated as a state scenic highway.

- e. ***Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.***

The project site has not been identified as a hazardous waste site. Hazardous materials are defined as any solid, liquid, or gas that can harm people, other living organisms, property, or the environment. The project site is not located in Hazardous Waste/Border Zone Properties area as designated by the City of Los Angeles. There are no oils wells located on the project site. There are no elevators or in-ground hydrologic systems, no monitoring or water supply wells, or above- or below-ground storage tanks on the project site. No potentially fluid-filled electrical equipment is located on or immediately adjacent to the project site. No industrial wastewater is generated on the project site and sanitary wastewater is discharged to the City Bureau of Sanitation. The project site is not located within a Methane Zone or Methane Buffer Zone.

- f. ***Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.***

The project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible

for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the site as a historic resource.

As outlined above, the proposed project is located in a developed, urbanized area, which is not a particularly sensitive environment and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant cumulative impacts. The project would be consistent with the surrounding developments, and does not present any unusual circumstances, nor would it constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in Section 15300.2 Exceptions, apply to this project. As such, the project is Categorically Exempt from further review.