

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CEQA APPEAL	ENV-2015-3927-MND	1 - CEDILLO
PROJECT ADDRESS:		
675-685 South Bixel Street; 1111 West 7th Street; 1112-1142 West Ingraham Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
John Young Career Loft, LLC 4699 Jamboree Road Newport Beach, CA 92660 <input type="checkbox"/> New/Changed	(949) 756-8800	N/A
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Alex Irvine Irvine and Associates 633 West 5th Street, Suite 3200 Los Angeles, CA 90071	(213) 694-3107	alex@irvineassoc.com
APPELLANTS	TELEPHONE NUMBER:	EMAIL ADDRESS:
David Hurtado 1100 Wilshire Boulevard, Suite #1708 Los Angeles, CA 90017	(213) 908-1123	david@dhgre.com
John W. Mackey Little Wood Landing, LLC 4679 W. Prickly Pear Drive Eagle, ID 83616	(208) 863-3938	mackinvest12@yahoo.com
Mark Tarczynski 1100 Wilshire Boulevard, Suite #2502 Los Angeles, CA 90017	(213) 532-3278	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
NONE		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
JACK CHIANG ASSOCIATE ZONING ADMINISTRATOR	(213) 978-0195	jack.chiang@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
N/A		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

CEQA APPEAL

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 _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

RELATED CASE: ZA-2015-3926-CU-CUB-SPPA-SPP-1A

FISCAL IMPACT STATEMENT:☒ Yes☐ No

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

PLANNING COMMISSION:

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

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

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
FEBRUARY 13, 2018	4-0
LAST DAY TO APPEAL:	APPEALED:
N/A	CEQA APPEALED ON 3/6/18
TRANSMITTED BY:	TRANSMITTAL DATE:
JASON WONG	3/19/18



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: FEB 28 2018

Case No. **ZA-2015-3926-CU-CUB-SPPA-SPP-1A**

Council District: 1 – Cedillo

CEQA: ENV-2015-3927-MND

Plan Area: Westlake

Project Site: 675-685 South Bixel Street; 1111 West 7th Street;
1112-1142 West Ingraham Street

Applicant: John Young, Career Loft, LLC
Representative: Alex Irvine, Irvine and Associates

Appellants: Tom Canas, and Marie Givertz, 1100 Wilshire Property Owners Association
Representative, Douglas P. Carstens, Chatten-Brown & Carstens LLP;

Rachel Torres, UNITE HERE Local 11;

John Mackey, Little Wood Landing, LLC,
Representative: Gideon Kracov, Law Office of Gideon Kracov

At its meeting of **February 13, 2018**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of an existing surface parking lot and construction of a unified, mixed-use development comprising of a 36-story, 402,939 square-foot mixed-use building containing 422 residential dwelling units and approximately 5,597 square feet of ground floor commercial retail uses and a portion of the apartment building in "Site A" and a 7-story, 71,571 square-foot hotel with 126 guest rooms and ground floor retail uses in "Site B".

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, ENV-2015-3927-MND, as circulated on November 28, 2018, 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. **Denied** the appeals and **sustained** the Zoning Administrator's determination to:
 - a. **Approve**, pursuant to Section 11.5.7 C of the Los Angeles Municipal Code (LAMC) and the Central City West Specific Plan (CCWSP) a Project Permit Compliance for the project, including the modification to the project description as stated on the record;

- b. **Approve**, pursuant to LAMC Section 11.5.7 E, a Project Permit Adjustment from Sections 4 and 6.G.4 of the CCWSP to permit the ground floor levels to range from 3-foot 11-inch above curb level and 4-foot 1-inch below curb level, and a 44 foot Ground Floor depth for a portion of the apartment building in Site A and for a portion of the hotel building in Site B;
 - c. **Approve**, pursuant to LAMC Section 12.24 W.19(a), a Conditional Use Permit to allow an averaging of floor area ratio for a maximum of 474,510 square-foot across the entire unified development site over Site A and Site B;
 - d. **Approve**, pursuant to LAMC Section 12.24 W.19(b), a Conditional Use Permit to allow a transfer of residential density for a maximum for 422 residential dwelling units and 126 hotel guestrooms across the entire unified development site over Site A and Site B;
 - e. **Approve**, pursuant to LAMC Section 12.24 W.24, a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site consumption within a 71,571 square-foot hotel;
 - f. **Dismiss**, a Project Permit Adjustment from Appendix C, Section 1.C of the CCWSP to permit a three (3) foot open space setback along South Bixel Street in lieu of the five (5) feet otherwise required based on the adoption of the Mobility Element in the City's General Plan by the City Council on August 11, 2015;
 - g. **Dismiss**, a Project Permit Adjustment from Appendix C, Section 1.G of the CCWSP to permit a three (3) foot highway dedication and street improvement along West 7th Street in lieu of the five (5) feet otherwise required based on the adoption of the Mobility Element in the City's General Plan by the City Council on August 11, 2015; and
 - h. **Dismiss** a Condition use to allow a 71,571 square-foot hotel and its ancillary ground commercial uses located in the C4(CW)-U/6 zone and Regional Center Commercial Land use within 500 feet of an R zone based on the authority of an Inter-Departmental Correspondence issued by both the Department of City Planning and the Department of Building and Safety, dated February 27, 2014.
- 3. **Adopted** the attached Conditions of Approval; and
 - 4. **Adopted** the attached Findings of the Zoning Administrator.

This action was taken by the following vote:

Moved: Barraza
 Seconded: DelGado
 Ayes: Mendez, Chung Kim

Vote: 4-0



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.

Attachment: Zoning Administrator Letter of Determination dated September 27, 2017

c: Jack Chiang, Associate Zoning Administrator

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
FERNANDO TOVAR
DAVID S. WEINTRAUB
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September 27, 2017

John Young (A)(O)
Career Lofts - LA, LLC
4699 Jamboree Road
Newport Beach, CA 92660

Alex Irvine (R)
Irvine and Associates, Inc.
633 West 5th Street, Suite 3200
Los Angeles, CA 90071

CASE NO. ZA-2015-3926-CU-CUB-
SPPA-SPP
CONDITIONAL USE/SPECIFIC PLAN
PROJECT PERMIT ADJUSTMENT
AND COMPLIANCE
675-685 South Bixel Street, 1111 West 7th
Street, 1112-1142 West Ingraham Street
Westlake Planning Area
Central City West Specific Plan
South Subarea – Wilshire Corridor District
Zone : C4(CW) – U/6
D. M. : 130-5A2017
C. D. : 1
CEQA : ENV-2015-3927-MND
Legal Description: Lots 28, 29, and 36-43,
Subdivision of that part of Lot 1 Block 37
Hancock's Survey lying south of Orange
Street and Westerly from William Street

Pursuant to LAMC Section 11.5.7 C and the Central City West Specific Plan, Ordinance 173,455, I hereby APPROVE:

a Project Permit Compliance for the Central City West Specific plan to permit the construction of a unified mixed-use development consisting of: 1) a new, 36-story, approximately 402,939 square-foot mixed-use building containing 422 residential dwelling units and approximately 5,597 square-foot of ground floor commercial retail uses in "Site A", and; 2) a new, 7-story, approximately 71,571 square-foot hotel with 126 guest rooms containing ground floor retail uses incorporated in the hotel use in "Site B" ; and,

Pursuant to LAMC Section 11.5.7 E, I hereby APPROVE:

a Project Permit Adjustment from Sections 4 and 6.G.4 of the Central City West Specific Plan (CCWSP) to permit the Ground Floor levels to range from 3-foot 11-inch above curb level and 4-foot 1-inch below curb level, and a 44 foot Ground Floor depth

for a portion of the hotel building in Site B; and,

Pursuant to LAMC Section 11.5.7 E, I hereby DISMISS:

a Project Permit Adjustment from Appendix C, Section 1.C of the CCWSP to permit a three (3) foot open space setback along South Bixel Street in lieu of the five (5) feet otherwise required based on the adoption of the Mobility Element in the City's General Plan by the City Council on August 11, 2015; and,

Pursuant to LAMC Section 11.5.7 E, I hereby DISMISS:

a Project Permit Adjustment from Appendix C, Section 1.G of the CCWSP to permit a three (3) foot highway dedication and street improvement along West 7th Street in lieu of the five (5) feet otherwise required based on the adoption of the Mobility Element in the City's General Plan by the City Council on August 11, 2015; and,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.19(a), I hereby APPROVE:

a Conditional Use to allow an averaging of floor area ratio for a maximum of 474,510 square-foot across the entire unified development site over Site A and Site B; and,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.19(b), I hereby APPROVE:

a Conditional Use to allow a transfer of residential density for a maximum of 422 residential dwelling units and 126 hotel guestrooms across the entire unified development site over Site A and Site B; and,

Pursuant to LAMC Section 12.24 W.24, I hereby DISMISS:

a Conditional Use to allow a 71,571 square-foot hotel and its ancillary ground commercial uses located in the C4(CW)-U/6 zone and Reginal Center Commercial Land use within 500 feet of an R zone based on the authority of an Inter-Departmental Correspondence issued by both the Department of City Planning and the Department of Building and Safety, dated February 27, 2014; and,

Pursuant to LAMC Section 12.24 W.1, I hereby APPROVE:

a Conditional Use to allow for the sale of a full line of alcoholic beverages for on-site consumption within a 71,571 square-foot hotel,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", 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. **Within 30 days of the effective date of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.

PROJECT PERMIT ADJUSTMENT AND COMPLIANCE CONDITIONS

7. **Site Development.** Approval herein is a unified mixed use development consisting of a new 36-story residential building with ground floor commercial and retail uses and an attached 5-story parking structure with an amenity deck on the roof-top podium level in "Site A", and a new 7-story hotel with ground floor retail uses incorporated in the hotel use in "Site B".

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

8. **Density.** Residential dwellings are limited to a maximum of 422 units in the mixed-use building located on Site A. Hotel guestrooms are limited to 126 rooms in the hotel building located on Site B.
9. **Height.** The 36-story mixed-use building tower shall be limited to a maximum of 409 feet in height, the attached parking structure and the roof-top podium shall be limited to a maximum height of 57 feet, all to be located on Site A. The 7-story hotel building

shall be limited to a maximum height of 85 feet located on Site B.

10. **Floor Area.** The unified development shall be limited to a maximum of combined 474,510 square feet of floor area, with 402,939 square feet of floor area including 5,597 square feet for the ground floor commercial retail use to be allocated for Site A, and 71,571 square feet of floor area to be allocated for Site B.
11. **Public Street Dedication and Improvements.** The applicant shall comply with the public street infrastructure requirements imposed in the Bureau of Engineering, Department of Public Works, Inter-Departmental Correspondence dated December 4, 2015, to the satisfaction of the City Engineer.
12. **Transportation.** The applicant shall comply to the project requirements identified in a Department of Transportation letter dated March 24, 2016, included but not limited to the following:
 - a. Construction Impacts - A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Construction related traffic shall be restricted to off-peak hours to the extent possible.
 - b. Traffic Mitigation Program – The project shall develop a trip reduction program and on solutions that promote other modes of travel. The traffic mitigation program includes the following improvements:
 - 1) Transportation Demand Management (TDM) Program
The purpose of a TDM plan is to reduce the use of single occupant vehicles (SOV) by increasing the number of trips by walking, bicycle, carpool, vanpool and transit. A TDM plan should include design features, transportation services, education, and incentives intended to reduce the amount of SOV during commute hours. Through strategic building design and orientation, this project can facilitate access to transit, can provide a pedestrian-friendly environment, can promote non-automobile travel and can support the goals of a trip-reduction program.

A preliminary TDM program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project.
 - 2) Street Improvements and signal modifications
The project shall widen the west side of Bixel street north of 7th Street by 15 feet to accommodate an additional southbound through lane and to restripe the southbound approach at 7th Street/Bixel Street to provide one left-turn lane, one through lane, and one shared through right-turn lane. DOT's Central District Office has conceptually approved the proposed improvements.

13. **Grading.** Prior to the sign-off of plans by the Development Services Center, the project shall comply with all requirements of the Department of Building and Safety's Grading Division including the conditions of approval contained in the Geology and Soils Report Approval Letter, dated, October 13, 2016, Log # 95020, and a subsequent letter dated January 25, 2017, Log # 96374.
14. **Trees.** There shall be a minimum of 422 trees planted in compliance with Section C.2 of Appendix D in the Specific Plan, of which a minimum of 211 shall be provided on-site. Trees shall be a minimum of 12 feet in height and three inches in caliper at the time of planting. Final landscape plans shall show the location, height, and caliper of all trees. Trees that cannot be accommodated on-site shall be planted off-site by City Plants, a public-private partnership with the City of Los Angeles under the Board of Public Works. The first priority for the location of off-site plantings shall be within the Specific Plan, and second, within the Westlake Community Plan Area, subject to the acceptance of a donor site. The applicant shall provide funds to City Plants equivalent to those necessary for the trees, concrete cut, planting, and three (3) years of watering and maintenance for each tree. An agreement with City Plants demonstrating compliance with this condition shall be furnished at the time of Building Permit Clearance. Contact City Plants, at (213) 473-9950 to execute the agreement. In the event that the number of dwelling units should be reduced, then no modification of this determination shall be necessary, and the number of trees shall be recalculated based upon the Specific Plan requirement of one tree per unit.
15. **Open Space.** Open space shall be required for only dwelling units, located in Site A. The design and the landscaping of both common and private open spaces shall comply with Central City West Specific Plan and LAMC Section 12.21 G. The project shall provide 50,555 square feet of common open space and 6,200 square feet of private open space, for a total 56,755 square feet of usable open space. In the event that the number of dwelling units should be reduced, then no modification of this determination shall be necessary. The reduced total open space shall be calculated per LAMC Section 12.21 G, and the reduced common open space shall be calculated per Appendix D of the Central City West Specific Plan at 100 square feet of common open space per unit, then subtracted from the 50,500 square feet common open space and 6,200 square feet private open space provided respectively. The resulting number shall then be the new open space requirement.
16. **Landscape Plans.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect pursuant to Appendix D of the Specific Plan.
17. **Automobile Parking.** The unified development shall provide a total of 596 parking spaces, with Site A containing 542 parking spaces for residential dwelling units and 12 parking spaces for ground floor commercial retail use, and Site B containing 42 parking spaces for the entire hotel use. In the event that the number of dwelling units, hotel guestrooms, or the ground floor commercial area should be reduced,

then no modification of this determination shall be necessary. The reduced parking spaces shall be calculated per LAMC Section 12.21 A.4, then subtracted from 542 (apartment), 12 (ground floor commercial), and 42 (hotel) parking spaces provided, respectively. The resulting number shall then be the new automobile parking requirement.

At least thirty (30) electric vehicle stations shall be provided in parking garage (i.e. 5% of the total spaces provided). Preferential parking locations for EVs, partial ZEVs, hybrids and CNG vehicles shall be provided, subject to restrictions as reasonably determined by the applicant. The parking cost shall be unbundled from the rental price of the residential dwelling and hotel units.

18. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit, one per 20 guest rooms, and one per 2,000 square feet of commercial floor area. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units, one per 20 guest rooms, with a minimum of two short-term bicycle parking spaces, and one per 2,000 square feet of commercial floor area. Based upon the number of dwelling units and commercial floor area, a total of 431 long-term and 52 short-term bicycle parking spaces shall be provided for the unified development.
19. **Commercial Floor Area.** A minimum of 35% of the entire project's total street frontage must accommodate commercial uses, pursuant to the definition of "Mixed-Use project" contained in LAMC Section 13.09 B.3. All commercial floor area within the project shall be utilized for Neighborhood Retail or Neighborhood Service commercial uses, as defined in Section 4 of the Central City West Specific Plan.
20. **Ground Floor Requirements.**
 - a. A minimum of 75% of the entire project's Bixel Street frontage must accommodate commercial uses, pursuant to Section 4 and 6.G.4 of the Central City West Specific Plan.
 - b. The Ground Floor of each building, as defined in Section 4 of the Central City West Specific Plan, shall have a floor level not to exceed: 3-foot 11-inch above curb level and 3-foot 11-inch below curb level for Site A, and 3-foot 1-inch above curb level and 4-foot 1-inch below curb level for Site B.
 - c. The commercial floor area on the ground floor of the hotel building located on lots 28 and 29 (Site B) shall be a minimum 44 feet in depth from the building façade facing Bixel Street, while the commercial floor area of the mixed-use building located on lots 36 through 43 (Site A) shall be a maintain the minimum of 50 feet in depth from the building façade facing Bixel Street, as required by Section 4 and 6.G.4 of the Central City West Specific Plan.
21. **Solar Panels.** Solar panels shall be installed on the building rooftops to the maximum extent feasible.

CONDITIONAL USE PERMIT CONDITIONS

22. Approved herein are:
- a. A Conditional Use to allow an averaging of floor area ratio for a maximum of 474,510 square-foot across the entire unified development site.
 - b. A Conditional Use to allow a transfer of residential density for a maximum of 422 residential dwelling units and 126 hotel guestrooms across the entire unified development site.
 - c. A Conditional Use to allow for the sale of a full line of alcoholic beverages for on-site consumption within a 71,571 square-foot hotel. The sale of a full line of alcoholic beverages shall be limited to a 250 square foot of sales area at the registration desk in the ground floor lobby.
23. The applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:
- a. Guaranteeing to continue the operation and maintenance of the development as a unified development;
 - b. Indicating the floor area and, if applicable, density used on each parcel and the floor area and, if applicable, density potential, if any, that would remain;
 - c. Guaranteeing the continued maintenance of the unifying design elements; and
 - d. Specifying an individual or entity to be responsible and accountable for this maintenance and the fee for the annual inspection of compliance by the Department of Building and Safety, required pursuant to Section [19.11](#).
24. The applicant shall submit a site plans to the Fire Department for their review and approval prior to initiate condition clearance at the Planning Department Development Services Center.
25. The applicant shall provide security as needed to comply with the requirements of the Los Angeles Police Department. A security plan shall be approved in writing by the Los Angeles Police Department prior to the condition clearance of this grant.
26. A camera surveillance system shall be installed which will cover all common areas as well as high-risk areas, sidewalk areas, parking area, and entrances and exits of the premises. Common residential dwelling and guestroom areas beyond lobby shall be secured at all times, access to these areas shall be limited to on-site residents, hotel guests, and property management. Video tapes shall be maintained for 90 days and shall be made available to the Police Department or other enforcement agency upon request.

27. The property and all associated parking, and common areas in the building, including any adjacent area under the control of the property management, sidewalk and alley shall be maintained in an attractive condition and shall be kept free of obstruction, trash, litter and debris at all times.
28. No alcoholic beverages shall be sold for off-site consumption
29. The hotel shall not provide or sell any alcoholic beverage via room services.
30. No bar, guestroom mini bar, or restaurants serving alcoholic beverages is approved as a part of this grant.
31. Any indoor background music shall not be audible beyond the perimeter of the building footprint. Any music, sound or noise emitted under the control of the applicant shall not constitute a violation of Section 116.01 of the Los Angeles Municipal Code (LAMC). Amplified music and/or live entertainment shall not be audible beyond that part of the structure which is under the control of the applicant.
32. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, Police Department, or Department of Building and Safety.
33. The applicant shall be responsible for maintaining the area adjacent to the premises free of litter, trash and debris.
34. An electronic age verification device shall be retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
35. All licenses, permits, and conditions shall be posted in a conspicuous location at the facility. Additionally, a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the ABC and conditional use permit conditions. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators, or any other City agency upon request.
36. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
37. A sign shall be posted on the premises within clear view of any interested person containing a "hot line" telephone number and a name of a person to contact in the event that the establishment is causing concerns to the adjacent neighbors. The number shall be posted at the entry and at any customer service desk. The applicant shall maintain a log of any complaints and the resolution of such which shall be made available upon the request of any enforcement agency.

38. The applicant, owner and on-site managers shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.
39. No pay phone will be maintained on the exterior of the premises.
40. The applicant shall post signs that state, "Loitering Is Prohibited", on or around the premises or the area under control of the applicant.
41. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
42. 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.
43. 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.
44. **MViP – Monitoring, Verification and Inspection Program.** Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be

notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

45. **Within six months of the initiation of alcohol sales**, establishment managers 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. New employees shall complete such training within 60 days of hire. Thereafter, training shall be required for all staff on an annual basis.
46. **Within 30 days of the effective date of this grant**, 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-2015-3926-CU-CUB-SPPA-SPP/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.
47. **Within 30 days of the effective date of this grant**, 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 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 a hotel located at 675 South Bixel Street, and agree to abide and comply with said conditions.

ENVIRONMENTAL CONDITIONS

Air Quality

48. Objectionable Odors (Commercial Trash Receptacles)
 - a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.

Biology

49. Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas)

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
 - Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
 - If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
 - Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
 - The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

50. Tree Preservation (Grading Activities)

- a. "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (trunk diameter of 8 inches or greater) non-protected trees, or as may be recommended by the

Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.

51. Tree Removal (Non-Protected Trees)

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

52. 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. Mitigation 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.

Geology and Soils

53. Erosion/Grading/Short-Term Construction Impacts

- a. Short-term erosion impacts may result from the construction of the proposed

project. However, these impacts can be mitigated to a less than significant level by the following measures:

- The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

54. Grading (20,000 Cubic Yards, or 60,00 Square Feet of Surface Area or Greater)

- a. The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Department of City Planning and the Department of Building and Safety's Grading Division. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

- A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
- "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.
- "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- Movement and removal of approved fencing shall not occur without prior approval by LADBS.

Hazards and Hazardous Materials

55. Hillside Construction Staging and Parking Plan

- a. Prior to the hearing for a Haul Route Approval, the applicant shall submit a Construction Staging Plan and a Construction Parking Plan for review and approval by the Board of Building and Safety Commissioners. Each plan shall be designed to prevent the blockage of two-way traffic on streets in the vicinity of the construction site.
- b. The Construction Staging Plan shall include, but not be limited to: identifying where all construction materials, equipment, machinery, and vehicles will be

stored on-site and/or out of the public right-of-way through the grading and construction phases of the project; and identifying the proposed locations of all on-site and off-site staging areas for soil haulers and construction delivery vehicles. This plan shall also include the following:

- No construction equipment or material shall be permitted to be stored within the public right-of-way.
- During the Excavation and Grading phases, only one truck hauler shall be allowed on the site at any one time.
- On substandard hillside streets, only one hauling truck shall be allowed on the street at any time.
- Delivery drivers for construction materials shall be required to follow the designated travel plan or approved Haul Route.
- Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours, Monday through Friday only. No truck deliveries shall be permitted on Saturdays, Sundays, or City Holidays.
- All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.
- A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.
- A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
- Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind.
- Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.

- No person shall perform grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request.
 - Soil import and export activity shall be performed under the continuous inspection of a Registered Deputy Grading Inspector.
 - 48-hours prior to start of import or export of soil material, a Registered Deputy Grading Inspector shall notify the LADBS haul route monitoring inspector and provide him with the construction schedule and approved travel route.
 - The Registered Deputy Grading Inspector shall be required to keep a log book noting the dates of hauling, the number of trips (i.e. trucks) per day, approved travel route, and operation hours. The inspector shall note loads of import or export soil or demolition material where appropriate. Failure to maintain a log book or discrepancies in the log book may result in suspension or revocation of license of the Registered Deputy Inspector.
 - A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
 - The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.
- c. The Construction Parking Plan shall identify where all contractor, subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site.
- d. During all phases of site development, all construction vehicle parking and queuing related to the project shall be in substantial compliance with the approved Construction Staging and Parking Plans, to the satisfaction of the Department of Building and Safety and the Department of Transportation.
56. Emergency Evacuation Plan (Building over 75 feet in height)
- a. Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

Noise

57. Increased Noise Levels (Demolition, Grading, and Construction Activities and Vibration, and Periodic Increase of Ambient Noise Levels.)

- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. A temporary noise control barrier shall be installed on the property line of the construction site abutting residential uses. The noise control barrier shall be engineered to reduce construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the project site are complete.

58. Increased Noise Levels (Parking Structure Ramps)

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

59. Increased Noise Levels (Mixed-Use Development)

- a. Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

Public Services

60. Fire Protection

- a. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a

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

61. Police Protection (Defensive Design and Demolition/Construction Sites)

- a. Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.
- b. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

Transportation/Traffic

62. Transportation

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- c. There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.
- d. No hauling shall be done before 9 a.m. or after 3 p.m.
- e. Trucks shall be spaced so as to discourage a convoy effect.
- f. On substandard hillside streets, only one hauling truck shall be allowed on the street at any time.
- g. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.

- h. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- i. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind.
- j. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- k. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.
- l. No person shall perform grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request.
- m. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
- n. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.

63. Safety Hazards

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian, bicycles, and vehicle safety.
- b. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

64. Pedestrian Safety

- 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 shall 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.

Utilities and Service Systems

65. Utilities

- a. The City shall require detailed gauging and evaluation of the proposed project's wastewater connection point at the time of connection to the system. If deficiencies are identified at that time, the Applicant would be required, at its own cost, to build secondary sewer lines to a connection point in the sewer system with sufficient capacity, in accordance with standard City procedures.

66. 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after OCTOBER 12, 2017, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Downtown	San Fernando Valley	West Los Angeles
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 (213) 482-7077	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 (818) 374-5050	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 (310) 231-2598

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.

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on December 6, 2016 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24 W have been established by the following facts:

BACKGROUND

The subject site is a sloping, L-shaped property consisting of 10 contiguously owned lots with a total of approximately 79,085 square feet. The site has a frontage of approximately 278 feet along the westerly side of Bixel Street (split by a 20-foot wide alley), a frontage of approximately 481 feet along the southerly side of Ingraham Street, a frontage of 128 feet along the easterly side of Lucas Avenue, and a frontage of 120 feet along the northerly side of 7th Street. A portion of the site is currently developed with a surface parking lot, while other portions of the site are vacant. The site slopes slightly downward from north to south along Bixel Street.

The proposed project is a unified mixed-use development consisting of: 1) a new, 36-story, approximately 403,000 square foot mixed-use building with 422 dwelling units and approximately 6,000 square feet of ground floor retail uses, and; 2) a new, 7-story, approximately 72,000 square foot mixed use building with 126 hotel rooms over approximately 3,300 square feet ground floor commercial uses.

The applicant is requesting: (1) a Conditional Use to allow for the averaging of floor area ratio across the unified development site; (2) a Conditional Use to allow for the transfer of residential density across the unified development site; (3) a Conditional Use to allow for a hotel in the C4 zone within 500 feet of an R zone; (4) a Conditional Use to allow for the sale of a full line of alcoholic beverages for on-site consumption within a 71,571 square foot hotel; (5) a Project Permit Adjustment from Sections 4 and 6.G.4 of the Central City West Specific Plan (CCWSP) to permit portions of the ground floor to exceed three feet below curb level and be less than 50 feet in depth along South Bixel Street; (6) a Project

Permit Adjustment from Appendix C, Section 1.C of the CCWSP to permit a three (3) foot open space setback along South Bixel Street in lieu of the five (5) feet otherwise required; (6) a Project Permit Adjustment from Appendix C, Section 1.G of the CCWSP to permit a three (3) foot highway dedication and street improvement along West 7th Street in lieu of the five (5) feet otherwise required; and (7) a Project Permit Compliance for the Central City West Specific Plan for the proposed development.

The subject site is zoned C4(CW)-U/6 and is located in the Wilshire Corridor District and the South Subarea of the Central City West Specific Plan, the Westlake Community Plan, the Los Angeles State Enterprise Zone, and a Transit Priority Area.

Adjacent properties to the north are zone C4(CW)-U/6 and are developed with a 496-foot high-rise building with 267 units, as well as one to two-story commercial structures. Adjacent properties to the east are zoned C4(CW)-U/6 and are developed with a six-story multi-family building and an eight-story parking structure. Adjacent properties to the west are zoned C4(CW)-U/4.5 and R5(CW)-U/6 and are developed with a five-story multi-family residential building and a six-story office building. Properties directly adjacent to the south are zoned C4(CW)-U/6 and are developed with a two-story motel, while adjacent properties to the south across 7th Street are zoned C4(CW)-U/4.5 and C4(CW)-U/6 and developed with a six-story mixed-use building.

Bixel Street, adjacent to the subject site to the east, is an Avenue I dedicated with a width of 62 feet, and is improved with a paved roadway of approximately 42 feet in width, concrete curb, gutter, and sidewalk.

7th Street, adjacent to the subject site to the south, is an Avenue II dedicated with a width of 83 feet, and is improved with a paved roadway of approximately 60 feet in width, concrete curb, gutter, and sidewalk.

Ingraham Street, adjacent to the subject site to the north, is a Collector Street dedicated with a width of 60 feet, and is improved with a paved roadway of approximately 40 feet in width, concrete curb, gutter, and sidewalk.

Lucas Avenue, adjacent to the subject site to the west, is an Avenue II dedicated with a width of 60 feet, and is improved with a paved roadway of approximately 40 feet in width, concrete curb, gutter, and sidewalk.

Previous zoning related actions in the vicinity of the subject site include:

Case No. DIR-2015-2799-DB-SPP – On January 4, 2017, the Director of Planning approved a Project Permit Compliance Review and On-Menu Density Bonus for the construction of a 27-story, 278-foot tall mixed-use project consisting of 241 condominium units and 7,291 square feet of commercial floor area, for a total of 261,686 square feet of floor area, in the C4(CW)-U/6 zone, located 1135-1147 West 7th Street.

Case No. APCC-2016-1150-SPE-CU-CUB-CUX-SPP – On September 27, 2016, the Central Area Planning Commission approved: Specific Plan Exceptions from the Central City West Specific Plan to allow for the expansion of an existing, non-

conforming hotel use in the R5(CW) Zone and to waive the 10-foot Open Space Setback requirement along Witmer Avenue; Conditional Uses to allow for commercial uses within the R5 zone, to allow for the continued sale of a full line of alcoholic beverages for on-site consumption in two restaurants on the first and second floors containing a total of 350 interior seats, in a 2,500 square foot banquet hall with 250 interior seats, and to expand the sale of alcoholic beverages to a new, 6,799 square foot pool deck, and to permit continued live entertainment and dancing within the hotel banquet hall, and to expand live entertainment to the proposed pool deck; and a Project Permit Compliance to allow a change of use from a parking garage only to a parking garage and pool deck with alcohol sales and live entertainment; all in conjunction with the expansion of an existing non-conforming hotel use with the addition of a pool deck on top of an existing associated parking garage, the continued sale and expansion of the area approved for the sale of a full line of alcoholic beverages for on-site consumption, and continued live entertainment and an expansion of the area approved for live entertainment, in conjunction with the existing hotel and associated parking garage in the South Subarea of the Central City West Specific Plan, in the C4(CW)-U/4.5 and R5(CW)-U/6 zone, located at 1250-1256 West 7th Street.

Case No. DIR-2015-3777-SPP-DB – On June 15, 2016, the Director of Planning approved a Project Permit Compliance Review and On-Menu Density Bonus for the demolition of an existing one-story commercial building and surface parking lot and the construction, use and maintenance of a six-story Residential Hotel with 76 residential apartment units located above approximately 6,035 square feet of neighborhood serving retail uses, in the C2(CW)-U/3 and R5(CW)-U/6 zone, located at 1301-1307 West 7th Street.

Case No. DIR-2015-1301-SPPA-SPP – On June 6, 2016, the Director of Planning approved Approve with Conditions a Project Permit Compliance Review for the construction of a six-story, multi-family residential project with 80 apartment units and 91,416 square feet of floor area; a Project Permit Adjustment to allow a 20 percent reduction in the required rear yard setback, for a rear yard of 14-feet 5-inches in lieu of the 18 feet otherwise required; and to allow a 20 percent reduction in the required common open space, for total common open space of 6,440 square feet in lieu of the 8,000 square feet otherwise required; in the R5(CW)-U/6 zone, located at 1218-1232 Ingraham Street. On September 13, 2016, the Central Area Planning Commission denied an appeal and sustained the decision of the Director of Planning.

Case No. DIR-2008-3407-SPP-SPPA-DB – On May 18, 2013, the Director of Planning approved a Project Permit Compliance Review and One-Menu Density Bonus for the construction of a mixed-use project consisting of 648 residential units located above approximately 39,996 square feet of neighborhood serving retail uses, including the adaptive reuse of an existing 8-story medical office building to be converted to 42 Joint Live Work dwelling units and the construction of 606 dwelling units with a maximum of 924,121 square feet and 762 parking spaces; and a Project Permit Adjustment to allow: a 20% reduction in the Open Space requirement established by Section C.1.a., Appendix D to provide 48,480 square feet of Common Open Space in lieu of the required 60,600 square feet for the proposed

project; the averaging of the permitted density over the new construction portion of the site which will be constructed as one single building that includes access, parking, residential uses and neighborhood serving retail that have two General Plan Land Use designations, Regional Center and Community Commercial; and to permit 50%, equal to 1,404 square feet, of the lot area contained within two side yards to be counted towards the total common space; in the C4(CW)-U/4.5 and C4(CW)-U/6 zone, located at 1102 West 6th Street.

Case No. CPC-2003-5286-SPE-ZV-CU-ZAD-SPP – On July 5, 2004, the Los Angeles City Planning Commission a transfer of the entire 6 times of floor area from 1132 and 1136 Ingraham Street (a part of Bixel Residence Project property) to 1100 Wilshire, so that the 1100 Wilshire Building can build out its top triangle cylinder to a square cylinder matching the bottom half of the building to create a 460-unit build out project with new floor areas. The approval of CPC-2003-5286 further restrict both 1132 and 1136 Ingraham be donated to the Rec and Park Department for park purposes. However, the applicant (1100 Wilshire) utilized an alternative development option using adaptive reuse to convert the existing office building to a 260-unit mixed use residential project without any new construction via CPC-2004-3499-ZAD-SPE. CPC-2003-5286 was never utilized and no transfer of floor area from 1132 and 1136 Ingraham Street to 1100 Wilshire was ever proceeded, and the case has expired for utilization.

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and occupants residing within 500 feet of the subject site on May 5, 2017, for which an application had been filed with the Department of City Planning. All interested persons are invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The Public Hearing was held on Tuesday, May 30, 2017, at approximately 9:00 a.m. in Los Angeles City Hall at 200 North Spring Street, Room 1020.

Appellant's representative and architect provided the following comments:

- The applicant proposes to build an apartment tower and a hotel.
- The project is located near MTA station, LA Live Entertainment Center, Good Samaritan Hospital, and many other major Downtown focal locations.
- The project site is a difficult slope site to work with.
- The project provides an ample of open space, and parking spaces.
- The apartment tower is pushed to the Bixel Street and leave the open area on the west side for the sun light.
- Bixel Street in on a slope. The entries for both buildings were designed to be on a flat grade.
- The podium level is mostly residential amenity use, almost one acre with pools and a dog park.
- The pool of the hotel is not in the court yard but facing the street to create excitements.
- The two buildings are cohesive with the façade grid element and complementary colors.

- The three levels above ground is parking. The exterior wall is metal grid to block auto lights.
- Ground floor retail spaces on the street frontage are very open to encourage pedestrian activities.
- The project needs to provide street dedication and improvement according to the Mobility Element. 20-foot on Bixel, 3-foot on 7th St, 3-foot on Ingraham, and 13-foot on Lucas.
- Shade and shadow is regulated by the Central City West Specific Plan.
- Buildings are designed mostly towards the east and north.
- The view of 1100 Wilshire is not protected by the law, but significant views are not impacted.
- The project complies with the shade and shadow regulation.
- 1100 Wilshire faces elevator and excess stairs.
- The project provides various community benefits to support housing, hotel units, and convention center.
- Attentions were paid to the pedestrian linkages on gracious sidewalks through curb side planting.
- The developer will construct the hotel first in 18th months, then the apartment in 28 months.

Gerald Gubatan, Council District No. 1:

- Council District No. 1 supports the project.
- The project provides public benefits and rental housing in a housing crisis.
- The applicant wants to develop the neighborhood.
- The project fits the job rich and transit rich area.
- The regional center allows a higher density.
- Council District No. 1 supports the thoughtful design of the building, the investment, and the housing.

Joanne Danganan, Central City Association:

- CCA supports the project, more housing, and job-housing balancing.
- The project will create new jobs.

Jack Mollenkoph, represents a local construction company:

- He supports the project.
- He has worked on many projects in the City.
- This project will bring thousands jobs to the City.
- His company can bring its experience to the project.

Brian Germian, Sheet Metal Workers Union:

- The Union supports the project.
- No one is displaced resulting from the project.

- The project will provide a major transformation value to the area.

Siven Chen, represents a resident in 1100 Wilshire:

- She is concerned about the increase traffic in the area.
- It is already tough to navigate around the area.
- The project will bring congestion and pollution to the neighborhood.

Rachel Torres, Local 11 Hotel Workers Union:

- They pay close attention to hotel projects.
- They are not supporting the project at this time.
- They want to create community benefit with the developer.

Ayjia Flowers, Creed Los Angeles:

- Creed appreciates that the applicant reached out to the organization.
- The project reduces emission. Creed supports the project.

Jay Rafford, a local resident:

- He supports the project. The project will bring jobs and economic activities.

Chris Cheek, Plumber Local 78:

- They support the project.
- The project satisfy the need of job and housing.
- The developer pay fair wages to workers.

Douglas Carstens, attorney representing a number of residents at 1100 Wilshire:

- The development is a very significant project.
- He has carefully looked into the environmental document.
- The traffic study is insufficient.
- There is no mitigation for traffic on Ingraham, Bixel, and Lucas Streets.
- The shade and shadow impact is not year round but it impacts the open space of 1100 Wilshire.
- There are also aesthetic, noise, construction noise and land use impacts.
- Floor area transfer and average findings cannot be made.
- He requested an EIR to be prepared for the project.

Yolita Dines, Creed Los Angeles:

- She supports the project.
- The project has electric car charging, solar panel, and clean water system features.

Alton Wilkerson, IBEW Electrical Union:

- They support the project.
- The project will bring more work into the community.
- It is good for the area.

Gus Torres, Welders Association:

- They support the project.
- It provides good middle class jobs.

Victor Vicia, an 1100 Wilshire resident:

- He opposes the development.
- He is a 10 year resident in 1100 Wilshire.
- The project will create a nightmare traffic on streets in the area.
- He looked carefully into the environmental document.
- The document has not reviewed the barbeque area, only the pool area, but the residents spend more time on the barbeque area.

David Hurtado, an 1100 Wilshire resident:

- He is a 10 year resident in 1100 Wilshire.
- The shade study is not a year round study.
- He questions if the development is a right fit in the area.
- The traffic in the area is quite bad.
- He requested that the environmental assessment be done again or carefully.
- He opposes the project.

Peter Gaudry, an 1100 Wilshire resident:

- He opposes the development.
- He owns a corner unit.
- Seventy percent of sunlight into his unit will be removed.
- The project will destroy the view of his unit.
- Traffic congestion on nearby streets is already an issue.

Godfrey Wachira, Creed Los Angeles:

- The applicant made a good effort to address the environmental issues.
- The project does not need an EIR, a MND adequately covers all impacts.
- Creed supports the project as it provides community benefits.
- The project provides housing in this area, but it reduces impacts in other areas.
- Creed welcomes the investment to the area.

Jose Munoz, a community member:

- The development is a quality project.
- The project brings benefit to the community.

Applicant's rebuttal by the legal representative, Allen Abshez:

- The development is a broadly supported project.
- The only opposition is a few tenants in 1100 Wilshire.
- 1100 Wilshire was an office building when it was constructed, and it is the largest building in the area.
- It is odd to hear the complaint about the high density.
- City is intended to build out the vacant land in a housing crisis.
- The location is in a transit priority area per CEQA Section 21099, to provide infill housing.
- The shade and shadow is a part of the aesthetic impact category, they do not become two separate impacts.
- The shade and shadow impact is regulated by the Central City West Specific Plan. The Plan only requires shadow not be casted longer than two hours on the Summer Solstice and Winter Solstice. The MND further includes a Spring Equinox.
- Private views of the 1100 Wilshire are not a protected under CEQA. Downtown views are still not obstructed.
- The traffic study was approved by the Department of Transportation, and the DOT provided traffic mitigations. Street widening and improvements on Bixel, Ingraham, Lucas and 7th Streets will provide more capacity on public right of ways.

At the closing of the public hearing, the Zoning Administrator commented that based on the testimonies provided he would take the project under advisement for four weeks for further a study and allows additional comments to be submitted by the applicant and interested parties.

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

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

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

sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- 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 alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- There shall be no "Buckets" of beer allowed to be sold. Portable bars are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be NO sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area or adjacent parking lot or alley way. There shall be no off-site sales of alcoholic beverages.
- No self-service of alcoholic beverages is permitted.
- Sales of alcoholic beverage shall be limited to 7 a.m. to 2 a.m. daily.
- There shall be no 6 or 12 pack sales. Only individual bottles or cans are permitted for sales and on-site consumption.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the sale of beer and wine for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

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

CONDITIONAL USE FINDINGS

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

The subject site is a sloping, L-shaped property consisting of 10 contiguously owned lots with a total of approximately 79,085 square feet. The combined 10 lots is a unified development site with 8 lots from Lot Nos. 36 through 43 being labeled as the "Site A" and 2 lots from Lots No. 28 and 29 being labeled as the "Site B". The unified development property has a frontage of approximately 278 feet along the westerly side of Bixel Street (split by a 20-foot wide alley), a frontage of approximately 481 feet along the southerly side of Ingraham Street, a frontage of 128 feet along the easterly side of Lucas Avenue, and a frontage of 120 feet along the northerly side of 7th Street. A portion of the site is currently developed with a surface parking lot, while other portions of the site are vacant. The proposed project includes the development of a new, 36-story, approximately 402,939 square foot mixed-use building with 422 dwelling units and approximately 5,597 square feet of ground floor retail uses on Site A, and a new, 7-story, approximately 71,571 square hotel with 126 guest rooms with ground floor hotel ancillary commercial uses on Site B. The entire unified development is called Bixel Residences Project. No demolition of any building or removal of residential units is resulted from the development of this project.

The applicant is requesting Conditional Uses to allow the averaging of floor area ratio and the transfer of residential density across the unified development project over Site A and Site B, to allow a hotel within 500 feet of an R zone, and to allow the sale of a full line of alcoholic beverages within the hotel for on-site consumption. Section 12.21-W,19 permits floor area ratio averaging and residential density transfer in unified developments. This Conditional Use is important for projects located in Downtown and Regional Center Commercial areas because large and tall development projects across multiple parcels typify the developments in these two settings, and these developments require large building sites in order to achieve the height and footprints fitting for a regional center use. A unified development means the project is a combination of functional linkages through pedestrian or vehicular connections, common architectural and landscape features, and developed on several contiguous lots appears to one consolidated project. The Bixel Residences Project conforms to the unified development definition set forth in Code Section 12.21-W,19 to qualify for the Conditional Use to permit the averaging of floor area ratio and the transfer of residential density across the entire unified development site. The grant for the averaging of floor area ratio and the transfer of residential density for the Bixel Residences Project allows the applicant with a greater flexibility to create a cohesive design across the entire site in the Regional Center Commercial setting.

The Conditional Use to permit a hotel use in the 500 feet of A and R zone is dismissed due to a joint Inter-Departmental Correspondence (IDC) issued by both the Department of City Planning and the Department of Building and Safety on February 27, 2014. The IDC states,

"In accordance with Section 12.22-A,18, of the Los Angeles Municipal Code, a Conditional Use Permit from the Zoning Administrator pursuant to Section 12.24-W,24 is not required in order to establish a hotel, motel, or apartment hotel in the CR, C1, C1.5, C2, C4 or C5 Zones in the Central City Community

Plan Area, or areas designated on an adopted Community Plan as Regional Center or Regional Commercial, even if the hotel, motel or apartment hotel is located within 500 feet of an A or R Zone. “

The IDC explains further that Section 12.22-A,18 is an exception from the General Provision of the Code intended to promote the mixed use development in highly urbanized districts in Downtown Los Angeles and other Regional Center in the City. The General Plan envisions that these relatively few centers and districts will be the most densely developed in Los Angeles and characterized by a lively mix of residential, commercial, entertainment, retail and visitor-serving uses. Thus the exception is to relax the land use regulation in order to realize the vision. The proposed hotel fits with intent of the exception and the projects that the IDC aims to exempt. Therefore, the request to permit a hotel use in the 500 feet of A or R Zone is dismissed.

The project will enhance the built environment by developing underutilized land to create housing, hotel and commercial uses in Downtown Los Angeles regional center area. The project will be activating pedestrian and street life in the Westlake Community by providing ground floor commercial uses. Also, the project will provide an essential service to the City by developing 422 new dwelling units, offering new housing at a time when Los Angeles is experiencing an acute housing shortage and increasing housing costs throughout the City. Moreover, the project will provide 126 hotel rooms at a site which is less than half a mile away from the heart of Downtown Los Angeles, the City's financial districts, and approximately one mile away from the Los Angeles Convention Center, offering more guest rooms in close proximity to these national destinations. By offering new space for commercial and retail uses, the project will provide a beneficial service to the community by creating new neighborhood serving commercial uses in a neighborhood that is experiencing large residential growth. Furthermore, by offering on-site sale of alcoholic beverages, the project will provide future hotel guests an amenity equal vent to other quality hotels in the region would serve.

As proposed, the project as a whole will both enhance the built environment, and provide a beneficial as well as essential service to the city and community.

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

The project is located in the Regional Center in the close vicinity of Downtown Los Angeles where the area has the one of the highest density and the building height in the City. Adjacent properties to the north are zone C4(CW)-U/6 and are developed with a 496-foot high-rise building with 267 units known as 1100 Wilshire building which is the tallest building in the immediate vicinity, as well and one to two-story commercial structures. Adjacent properties to the east are zoned C4(CW)-U/6 and are developed with a six-story mixed-use building and an eight-story parking structure. Adjacent properties to the west are zoned C4(CW)-U/4.5 and R5(CW)-

U/6 and are developed with a five-story multi-family residential building and a six-story office building. Properties directly adjacent to the south are zoned C4(CW)-U/6 and are developed with a two-story motel, while adjacent properties to the south across 7th Street are zoned C4(CW)-U/4.5 and C4(CW)-U/6 and developed with a six-story mixed-use building.

The proposed 7-story hotel and 36-story mixed-use building reaching a maximum of 409 feet in height, the two buildings of the unified development project are compatible in size and height to other buildings in the immediate area, including the nearly 500-foot mixed-use building directly adjacent to the north at 1100 Wilshire Boulevard. The project's 422 dwelling units are compatible with surrounding uses, the immediate area contains several large multi-family residential structures, including properties directly adjacent on all four sides of the project site. The project's 126 proposed guest rooms are also compatible with surrounding hotel uses, including The City Center Motel and America's Best Value Inn directly adjacent to the subject site, as well as the Mayfair Hotel one block west at 1250 West 7th Street. While the project is requesting a Conditional Use to allow for a hotel within 500 feet of an R zone, the hotel portion of the unified development project will be located on lots 28 and 29, at the southeastern corner of the project site. The nearest R zone is located west of Lucas Avenue, and is approximately 430 feet from the site of the proposed hotel. In addition, the hotel portion of the project is separated from nearby R zones by 6 lots, which are themselves developed with two motels. There is no record of adverse impacts from the current operation of hotels in the project vicinity.

Moreover, the sale of alcoholic beverages will be compatible with existing uses in the immediate neighborhood. The requested Conditional Use for full-line alcoholic beverages is solely for the general hotel amenity purpose, not proposed for a mini-bar within the hotel guestroom, or alcoholic beverages serving bars or restaurants open to public susceptible for unruly noise and conducts. No roof bar is also proposed as a part of the application that is often seen in many Downtown hotels. Other Conditional Uses for alcoholic beverage sales nearby are currently active at Monty Bar, the Teragram Ballroom, and the Mayfair Hotel, all approximately one block west of the project site. This grant contains a number of conditions, including limitations on noise, and training requirements, which will ensure that the proposed project's operations do not adversely affect neighboring properties or the surrounding neighborhood.

Therefore, the unified development project is compatible with adjacent properties, and it is anticipated that the project will not adversely affect the surrounding neighborhood, and the public health, welfare and safety.

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

The site is zoned C4(CW)-U/6, with a General Plan Land Use Designation of Regional Center Commercial. As a unified mixed-use development project that includes a hotel, commercial uses, and 422 dwelling units, the project conforms to

the intent and provisions of General Plan, particularly on Land Use, Mobility, and Housing elements.

In addition, the proposed unified development project complies with the Westlake Community Plan, which is a part of the General Plan's Land Use Element, sets various goals and objectives for the planning and development of the area, and creates a vision for growth and development. While the plan is silent on specific land uses and Conditional Uses, Objective No. 1 of the Residential Section of the Westlake Community Plan states:

"To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population".

Allowing for the averaging of the floor area ratio and the transfer of residential density permits the project to be built with a mixed use tower containing 422 residential units with ground floor commercial and a hotel containing 126 guestrooms across the unified development site. The unified development project meets the Objective No. 1 by providing for a greater number of housing for the local population and guestrooms to serve the transient population coming to the City of Los Angeles for business, tourism and entertainment. Therefore, the project conforms to the intent and provisions of the Westlake Community Plan.

Moreover, Objective Nos. 1 and 4 of the Commercial section of the Westlake Community Plan states:

"To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services."

"To encourage all new large scale commercial development to provide adequate parking and access to public transportation."

By allowing the averaging of floor area ratio and the transfer of residential density for the unified development project, and the sales of full-line alcoholic beverages in the hotel, the grant will bring new guests to an area experiencing rapid residential and commercial growth, and will help to strengthen existing local businesses in the region. In addition, the Code requires the unified development project to provide a total of 496 parking spaces, but the project proposed to provide 596 parking spaces, an excess of 100 parking spaces. The project is also located in a transit rich area where the Los Angeles Metropolitan Transportation Authority and the Los Angeles Department of Transportation both operates several "Metro" and "DASH" buses lines around the project site. Imposed Condition of the grant also includes preferential parking locations for EVs, partial ZEVs, hybrids and CNG vehicles be provided to promote a clean environment.

Therefore, the unified project conforms to the General Plan and the Westlake Community Plan.

As discussed further in details contained Finding No. 11 below, the proposed unified development project complies with the intent and purposes of the Central City West Specific Plan.

UNIFIED DEVELOPMNET FINDING

4. **The development, although located on separate parcels or lots of record, is a unified development as defined by LAMC Section 12.24 W.19**

Section 12.24 W.19 defines a unified development project as a project which is: (1) a combination of functional linkages, such as pedestrian or vehicular connections; (2) in conjunction with common architectural and landscape features, which constitute distinctive design elements of the development; (3) is composed of two or more contiguous parcels, or lots of record separated only by a street or alley; and (4) when the development is viewed from adjoining streets appears to be a consolidated whole.

The proposed project contains functional pedestrian linkage between the two buildings of the unified development project whereas both buildings provide ground floor commercial and street level retail windows to elongate the common public side walk space with curbside landscape and trees from Ingraham Street transitioning to Bixel Street. The project also contains common architectural elements, such as common fenestration design, grid line patterns, shared vertical articulation, and a common glass façade on the ground floor along Bixel Street. Moreover, the project also provides common exterior landscaping and street trees along the street frontage which will act to unify the project. Furthermore, the project consists of 10 lots, Lot Nos. 28 and 29 for Site B and Lot No. 36 through 43 for Site A, all under the same ownership. Lot Nos. 28 and 29 are separated only by an alley from Lot Nos. 36 through 43. Lastly, due to shared common elements such as fenestration design and punctuation, vertical articulation, common ground floor façade design, and common landscape features such as street trees, the project will look like a consolidated whole when viewed from adjoining streets. Therefore, although located on separate lots of record, the proposed project meets the definition of a unified development project as defined in Section 12.24 W.19 of the Los Angeles Municipal code.

ALCOHOLIC BEVERAGE FINDINGS

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

The property is zoned for commercial use and will be utilized as a mixed use development with the addition of the sale and dispensing of full-line alcoholic beverages for on-site consumption with the proposed hotel. There is no evidence at this time that the sale of a full line of alcoholic beverages for on-site consumption in a hotel will adversely affect the welfare of the community. The Conditional Use to permit the alcohol sales does not include the use of a ground floor bar, mini-bar within the guestroom suites, roof bar, or restaurant serving alcoholic beverage. The

grant the sale of a full line of alcoholic beverages be limited to a 250 square foot of sales area at the registration desk in the ground floor lobby. The grant is very limited and unlike many Conditional Use grants for other Downtown hotels containing ground floor or roof bars, or restaurants serving alcoholic beverages. The grant incorporates a number of conditions which will be imposed upon the use including restricting noise, and requiring staff training, which will ensure that the use does not adversely affect the surrounding community. These conditions will make the use more compatible with other uses in the surrounding community. This grant also incorporates conditions requiring inspections, and allowing the Zoning Administrator to require Plan Approval hearings should violations be found, or if the establishment is sold to a new owner. This allows the City to ensure that conditions means to avoid adverse impacts to the community are followed, as well as to ensure that operation of the establishment is not a nuisance to the surrounding neighborhood. It is anticipated that the project will not adversely affect the surrounding neighborhood.

6. **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 Department of Alcoholic Beverage Control (ABC), two (2) on-sale and one (1) off-sale licenses are authorized in Census Tract 2092, the census tract of the subject project site. According to the ABC, there are currently six (6) active licenses granted authorizing the sale of alcoholic beverages in the census tract, four (4) on-sale and two (2) off-sale.

According to Los Angeles Police Department statistics, within Crime Reporting District 249, which includes the subject site, there were 186 'Part I' crimes and 81 'Part II' arrests, for 267 total crimes were reported. These included one (1) public drunkenness arrests and 17 DWI related arrests. The average of Citywide reporting districts is 181 crimes, while the 'high crime' reporting district, defined as 120% of the citywide average, is 215 crimes.

The crime rate numbers are higher than those rates identified for the citywide average and the High Crime Reporting District. As a dense, high-population neighborhood, crime numbers above that of the average neighborhood are to be expected. The Westlake area is a dense and popular destination with many residents which attracts visitors from both inside and outside the City. The Westlake Community area is far denser than typical neighborhoods across the city, and on average there are more visitors in the area. Given that the area has a greater number of people living in and visiting the area, crime rates may be higher

than other parts of the city with lower residential populations and fewer visitors. Further, a greater number of business establishments will create a livelier pedestrian atmosphere, a more vibrant streetscape, and will help further safety concerns by providing eyes on the street.

Although the number of licenses authorized in this census tract has already been exceeded, it is not anticipated that the continuation of an existing authorization will have any adverse impact on the community. The application is for the sale of a full line of alcoholic beverages within a hotel without bars or aimed to serve non-hotel guests. The alcoholic service is secondary to the primary hotel use on the property. Areas within a hotel authorized to serve alcohol will not lead to an undue concentration of premises dispensing alcoholic beverages.

7. **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.**

There is one potentially sensitive use within 1,000 feet of the subject property, the Good Samaritan Hospital. While there are sensitive uses, it is not anticipated that the proposed on-site sale of alcoholic beverages will detrimentally affect these sensitive uses. The hotel portion of the development, which is where the Conditional Use for alcoholic beverages will be effective, is located on the southeastern corner of the site, the farthest point of the site from Good Samaritan. Moreover, there are several buildings located in between the proposed hotel and the hospital, which will provide a buffer between Good Samaritan and the hotel. Therefore, the proposed sale of alcoholic beverages will not detrimentally affect any property in the immediate area.

PROJECT PERMIT ADJUSTMENT FINDINGS

8. **There are special circumstances applicable to the project or project site, which make the strict application of the Specific Plan regulation impractical.**

Sections 4 and 6.G.4 of the Central City West Specific Plan (CCWSP) requires the ground floor not to exceed a three-foot elevation from the curb level, and not be less than 50 feet in depth along public streets. Appendix C, Section 1.C and 1. G of CCWSP require a 5-foot open space setback along Bixel Street and a 5-foot street dedication and improvement along 7th Street.

LAMC Section 11.5.7-E,2,(a) grants the Director authority to make minor adjustments from specific plan development regulations, which do not substantially alter the execution or intent of those specific plan regulations to the proposed project, and which do not change the permitted use, floor area, density or intensity, height or bulk, setbacks or yards, lot coverage limitations, or parking standards regulated by the specific plan.

The Bixel Residences Project entitlement request includes a Project Permit Adjustment pursuant to the authority of Section 11.5.7-E,2,(a) seeking relief from Specific Plan Section 4 and 6.G.4 along South Bixel Street, and relief from Specific Plan Appendix C, Section 1.C and 1.G along South Bixel Street and 7th Street;

- 1) 3-foot 11-inch above curb level and 3-foot 11-inch below curb level for Site A,
- 2) 3-foot 1-inch above curb level and 4-foot 1-inch below curb level for Site B,
- 3) a 44-foot Ground Floor depth for a portion of the hotel building in Site B,
- 4) a 3-foot open space setback along South Bixel Street, and
- 5) a 3-foot street dedication and street improvement along West 7th Street.

The subject site is sloping, with an approximately 16 foot decrease in along Bixel Street from the northern portion of the site and Ingraham Street to the southern portion of the site at 7th Street. Moreover, the site is bisected by an alley, with two separate buildings proposed on either side of the alley. Each portion of the site on either side of the alley experience and approximately 8 foot decrease in elevation from north to south, which is a total of 16 foot difference from Ingraham Street to 7th Street. Requiring that the ground floor of each building be within three feet above or below grade of curb level would force the project architect to design floor plates that serve as primary frontages and entrances of both buildings to arbitrarily break and present a step-by-step vertical layout along the Bixel Street frontage. In addition, such a floor plate height change would create an awkward height differential along the street frontage, and would not allow the ground floor to contribute to an enhanced pedestrian atmosphere along Bixel Street. The requested elevation deviation is approximately one foot above and below the 3-foot limitation, which is insignificant and unnoticeable.

Furthermore, due to the 'L' shape of the project site, the portion of the site that will contain the hotel, lots 28-29, is much narrower than the rest of the site, at approximately 103 feet. The hotel contains a ramp down to two parking levels, which are provided below grade in order to limit the amount of parking providing via an above ground podium for the unified development. Therefore, there is limited space on the ground floor of the hotel to provide the full 50 foot depth of commercial spaces as required by Section 6.G.4 of the Specific Plan. Literal application of the requirement would lead to a situation in which there is not enough space for operations functions of the hotel on the ground floor. The ground floor of the project mainly conforms to the CCWSP, whereas the mixed use building on Site A completely complies, and only a portion of hotel building on Site B needs a slight deviation. The applicant is merely requesting a 44-foot ground floor depth for a portion of hotel ground floor area, which is not a significant reduction from the required 50 feet depth.

The project also requests a Project Permit Adjustments from Appendix C, Section 1.C of the CCWSP to permit a three foot open space setback along South Bixel Street in lieu of the five feet otherwise required, and from Appendix C, Section 1.G of the CCWSP to permit a three foot highway dedication and street improvement along West 7th Street in lieu of the five feet otherwise required. However, these requests are being dismissed insofar as the adoption of the Mobility Element of the

City's General Plan has comprehensively changed street dedication and improvement requirements across the City, including within the Central City West Specific Plan area. On August 11, 2015 the City Council adopted the new Mobility Element, Mobility Plan 2035, followed by the August 13, 2015 adoption of the Street Standard Plan/S-470-1 by the City Planning Commission. The Mobility Plan 2035 established new street designations, re-classified each of the City's arterial streets and overall laid out a "complete street" policy framework; therefore each of the City's community plans and some of the specific plans will need to be updated.

Due to the large number of community plans and specific plans in the City it will take a large amount of time to execute all of the changes. In the meantime, the Mobility Element's new adopted Street Standards, designations, and circulation map serve as the implementing element of the City's dedication and improvement standards. Therefore, because the proposed project is conforming to the dedication and improvement standards as required by the Mobility Plan, an Adjustment of the Specific Plan's transportation improvement requirements is not necessary. Conditions have been imposed that the project provides street dedications and improvements satisfactory to the City Engineer, and a traffic and circulation mitigation required by the Department of Transportation.

9. **In granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable Specific Plan regulations.**

As established in Finding Number 12 below, the Project substantially complies with the applicable Specific Plan regulations. As a mixed-use development with 422 units and 126 guest rooms, the project complies with the density permitted within the C4(CW)-U/6 zone designation. With approximately 475,000 square feet of floor area, the project complies with floor area regulations. At a maximum of 409 feet, the project complies with the height regulations of the plan. The project also provides 596 parking spaces and 483 bicycle parking spaces, meeting all applicable parking regulations. While the project requests an adjustment in the ground floor requirements of the Specific Plan along Bixel Street for curb level and depth deviations, due to the 16-foot grade change on Bixel Street and the narrower lot depth on Site B, such an adjustment is necessary in providing for a pedestrian-oriented project which remains internally functional. Therefore, it can be found that the project substantially complies with all applicable regulations of the Specific Plan.

10. **In granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way.**

The project site consists of 10 contiguously owned parcels, currently vacant or developed with a surface parking lot. The adjacent properties to the north, south, east, and west are generally developed with high density multi-family apartment buildings, as well as hotels. The requested Project Permit Adjustment to allow for the ground floor to exceed three feet above or below curb level, and to allow for a depth of less than 50 feet, will only affect the placement of the buildings relative to

adjacent curb level, and will only affect the internal circulation of the proposed hotel building, without affecting the exterior elements off the project property. The adjustment will not affect the place of the building on the site or relative to other surrounding properties, nor will it affect the height, floor area, density, or massing of the project. Therefore, the granting of the adjustment will not have any detrimental effects on surrounding properties or rights-of-way.

11. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

See Finding No. 13.

PROJECT PERMIT COMPLIANCE FINDINGS

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

- a. **Use.** Section 6.F.1 of the Central City West Specific Plan states that the use and area regulations of the C4 Zone, as specified in Section 12.16 of the LAMC, shall apply to all lots in the C4(CW) Category within the Specific Plan area. LAMC Section 12.16 (C4 Commercial Zone) permits multi-family residential uses with a base density of one unit per 400 square feet of lot area. However, the project has a General Plan Land Use designation of Regional Center Commercial. Pursuant to LAMC section 12.22 A.18(a), properties in the C4 zone and designated Regional Center are permitted any use in the R5 zone, thus allowing the property a residential density of one unit per 200 square feet of lot area in R5 zone pursuant to Section 12.12-C.4. The density requirement for guestrooms in R5 zone is silent, the number of guestrooms is restricted by the height district limitations on the total floor area in the building to prevent an unlimited number of guestrooms. (LADBS Zoning Code Manual and Commentary, Fourth Edition, Page 66 – Section 12.12-C4, Minimum Lot Area for Guest Rooms in R5 Zone.) The Project site is 89,085 square feet in size, and permits a maximum of 425 units by-right when including square footage from one-half of the alley that abuts the property (per LAMC section 12.22 C.16). In addition, the C4 zone also allows hotels, as well as variety of commercial and retail uses, including alcohol sales. The applicant has requested a transfer of residential density from Site B to Site A through a Conditional Use application as a unified development. Therefore, it can be found that the Project complies with Section 6.F.1 of the Specific Plan.
- b. **Yards.** The C4 Zone requires no front yard; requires no side and rear yards for buildings used exclusively for commercial purposes; and requires the portions of buildings used for residential purposes to adhere to the side and rear setback requirements of the R4 zone contained in LAMC Section 12.11. However, Section 12.22 A.18(c)(4) permits residential portions of buildings

combining residential and commercial uses which are located in the C4 zone to observe no setback of such portions about a street, private street, or alley. The project site has frontages on Bixel Street, 7th Street, Ingraham Street, and Lucas Avenue. In addition, the site is bisected by an alley. All portions of the project about a street, private street, or alley, and as such no setbacks are required. Therefore the Project complies with Section 6.F.1 of the Specific Plan.

- c. **Height and Floor Area.** The C4(CW)-U/6 zone is limited to a height of 1,218 feet above mean sea level and a Floor Area Ratio (FAR) of 6:1 per Section 6.C of the Specific Plan. The unified development project proposes a maximum building height of 409 feet, reaching 785 feet above mean sea level, complying with the height limitation contained in Section 8.A of the Specific Plan. The detailed breakdown of heights of the project's structures area that the 36-story mixed-use building tower is limited to a maximum of 409 feet in height, the attached parking structure and the roof-top podium shall be limited to a maximum height of 57 feet, all to be located on Site A. The 7-story hotel building is limited to a maximum height of 85 feet located on Site B. The subject site is 79,085 square feet, and with a 6:1 FAR is permitted 474,501 square feet of floor area. The project is proposing exactly 474,501 square feet of floor area, complying with the Floor Area regulations. The applicant has requested an averaging of floor area ratio across the entire development site through a Conditional Use application as a unified development project. The project site conforms to a 6:1 floor area ratio. Therefore, it can be found that the Project substantially complies Section 6.C of the Specific Plan.
- d. **Open Space and Landscaping.** Section 8. D of the CCWSP requires that all multiple-family residential projects shall meet on-site per dwelling unit open space requirements as provided in the Urban Design Guidelines contained in Appendix D of the Specific Plan. Section C of Appendix D of the CCWSP requires that a minimum of 100 square feet per unit of the required useable open space, as delineated in Section 12.21 G of the LAMC, shall be provided as common open space. Section C.1(c) allows for up to 50 percent of the area contained within the front and/or rear yard setback to be used to meet the Open Space per unit requirement. Therefore, the applicant must fulfill both the LAMC requirements for total useable open space (private and common combined) and the minimum common open space as required by the Specific Plan. Open space requirements for the Project are as follows:

Required Open Space (OS)					
Type of Unit	Number of Units	Required LAMC OS per Unit (sf)	LAMC OS Required (sf)	Required Specific Plan Common OS per Unit (sf)	Specific Plan Common OS Required (sf)
< 3 Hab. Rooms	294	100	29,400	100	29,400
= 3 Hab. Rooms	128	125	16,000	100	12,800
> 3 Hab. Rooms	0	0	0	0	0
Total	422		45,400		42,200

The applicant has proposed to provide open space as follows:

Provided Common Open Space (OS)		
Level	Open Space Areas	Area (sf)
5	Courtyard	39,960
5	Indoor Common Space	3,600
Roof	Roof Deck	6,995
	Subtotal	50,555
	Total Usable OS Required	45,400
	Total Common OS Required	42,200
	Total Common OS Provided	50,555
	Total Private OS Provided	6,200
	TOTAL OPEN SPACE PROVIDED	56,755

As can be seen from the tables above, the Project requires a total of 45,400 square feet of open space, of which at least 42,200 square feet must be provided as common open space. A maximum of 25 percent of the required open space, or 10,550 square feet, may be provided indoors. The project provides a total of 50,555 square feet of common open space, including 3,600 square feet interior common open space, which is in compliance with Appendix D of the Specific Plan. The project further provides 6,200 square feet of private open space in the form of balconies. In addition to the open space requirements, Section C.2 of Appendix D of the Specific Plan requires that a minimum of one tree shall be provided on-site for every dwelling unit, a

minimum of 50% of which must be provided on-site, each of which shall be a minimum of 12 feet in height and three inches in caliper at the time of planting. The Project would require a total of 422 trees and shall plant at least 211 trees on-site. As conditioned, trees required for the proposed 422 units, on- and off-site, shall meet the height and caliper requirements of the Specific Plan. Sections C.3 and C.4 of Appendix D of the Specific Plan requires that all open space areas not used for building driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained. As conditioned, all such areas shall be properly landscaped, irrigated and maintained.

- e. **Parking.** Section 10.B of the Specific Plan states that off-street parking requirements for all uses other than office use shall be as specified in Section 12.21 A.4 of the LAMC. The subject site is within the Central City Parking Area, which requires parking be provided consistent with LAMC Section 12.21 A.4 (p)(1), which requires one on-site parking space for each residential unit with three or fewer habitable rooms, and one and one-quarter on-site parking spaces for each residential unit with more than three habitable rooms; as well as 12.21 A.4(p)(2), which requires one parking space for each guest room up for the first 20 guest rooms, one parking space for each four guest rooms in excess of 20 but not exceeding 40, and one parking space for each six guest rooms in excess of 40. In addition, the project contains approximately 5,597 square feet of commercial floor area. The subject site is within a Los Angeles State Enterprise Zone, which permits 1 parking spaces for every 500 square feet of commercial floor area, requiring 12 parking spaces. Therefore, the project is required to provide a total of 496 parking spaces. As conditioned, the Project shall provide a minimum of 596 parking spaces on-site as proposed. The project is providing 100 parking spaces in excess. Additionally, per LAMC Section 12.21 A.16 and as conditioned, the Project shall provide 483 bicycle parking spaces, including 431 long-term and 52 short-term bicycle parking spaces. Therefore, it can be found that the Project substantially complies with Section 10.B. The Project proposes as follows:

Parking Requirements			
Residential Parking Requirements			
	Parking Space per Unit	Quantity	Total
</= 3 habitable rooms	1	294	294
> 3 habitable rooms	1.25	128	160
Required Residential Spaces		454	
Commercial Parking Requirements			
Parking Spaces Required		Commercial Floor Area	Total

1/500 s.f.	5,597	12	
Required Commercial Spaces		12	
Hotel Parking Requirements			
	Parking Space per Unit	Quantity	Total
0-20 rooms	1	20	20
20-40 rooms	1 per 4	20	5
Above 40	1 per 6	86	16
Required Hotel Spaces		30	
Total Parking Spaces Required		496	

- f. **Open Space Setback.** Section 8.B of the Specific Plan requires portions of buildings above 45 feet on lots coterminous with 7th Street and Bixel Street to be set back a minimum of 10 feet from the ground floor exterior wall of the building. Section 8.C of the Plan requires that lots coterminous with Bixel Street and Ingraham Street which are used for commercial purposes provide an open space setback of five feet and four feet from the property line, respectively. However, pursuant to the Director's Interpretation contained in Case No. DIR-2013-850-SPP-DI-DB, such setbacks do not apply when a proposed project meets the definition of a mixed-use structure pursuant to Section 13.09 of the LAMC.

Section 13.09 states that to be considered mixed-use, a minimum of 35 percent of a building's street frontage, excluding driveways and pedestrian entrances, must be dedicated to commercial uses. The proposed project, which fronts Bixel Street to the east, Ingraham Street to the north, 7th Street to the South, and Lucas Avenue to the west, has a street frontage of approximately 805 feet. The project provides commercial spaces along approximately 332 feet of the street frontage, or approximately 41 percent of the total street frontage. Therefore, Sections 8.B and 8.C are not applicable.

- g. **Transportation Impact Fee.** Section 9.C of the Central City West Specific Plan requires that all projects within the Specific Plan area pay a Transportation Impact Mitigation Fee. However, Section 9.C.2 of the Plan states that the residential portions of mixed-use buildings, as well as up to 40,000 square feet of neighborhood serving commercial uses, are exempt from this requirement. The proposed project consists of 422 residential units and approximately 5,597 square feet of neighborhood serving commercial floor area. Therefore, Section 9.C is not applicable.
- h. **Ground Floor.** Section 6.G.4 of the Specific Plan requires that mixed-use projects located on lots coterminous with Bixel Street provide a Ground Floor. The floor area of the ground floor shall be dedicated to Neighborhood

Retail or Neighborhood Service uses for a minimum of 75 percent of the street frontage, excluding areas dedicated to vehicular or pedestrian access, with a minimum depth of 50 feet. Pursuant to Condition of Approval No. 19, all commercial areas in the project must be utilized for Neighborhood Retail or Neighborhood Service uses.

Excluding vehicular and pedestrian access areas, the project has a street frontage along Bixel Street of approximately 254 feet. Among this frontage, approximately 191 feet is dedicated to commercial uses, or approximately 75.2 percent of the frontage. Included in this grant is a Project Permit Adjustment to allow for a reduced ground floor depth of 44 feet for the hotel building on Site B, the findings for which are detailed above. Pursuant to Condition of Approval No. 20, the hotel building on Site B must maintain a minimum ground floor depth of 44 feet from the façade of the building facing Bixel Street, and the mixed-use building on Site A must maintain the minimum 50-foot ground floor depth as required by Section 4 and 6.G.4 of the Specific Plan. Therefore, in conjunction with the Project Permit Adjustment, it can be found that the proposed project is in compliance with Section 6.G.4 of the Specific Plan.

13. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Analysis of the proposed Project involved the preparation of a Mitigated Negative Declaration (ENV-2015-2800-MND). The mitigation measures contained in the MND have also been incorporated as conditions of this grant, and will reduce impacts to less than significant. The Mitigation Monitoring Program (MMP) is a document that is separate from the MND and is prepared and adopted as part of the Project's approval. Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." In addition to the mitigation measures required of the Project and any proposed project design features, the applicant shall adhere to any applicable Regulatory Compliance Measures (RCM) required by existing law. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the proposed project will have a significant effect on the environment.

The MND prepared by the City Planning Department was circulated for public review on October 27, 2016. The Department of City Planning received two comment letters, one dated November 28, 2016, from Chatten-Brown and Carstens LLC (CBC), and one dated December 7, 2016, from CREED LA.

The CBC letter discussed impacts to five environmental categories: Land Use, Aesthetics, Traffic, Air Quality, Geotechnical, and Cumulative Impacts. The

commenter states that the proposed project does not comply with the requirements of LAMC or Central City West Specific Plan, and that there are construction and operational impacts related to Land Use, Aesthetics, Traffic, Air Quality, Geotechnical, and Cumulative Impacts that are omitted or incorrectly analyzed.

As stated in Finding 3 and 11 above, the project fully conforms to the General Plan, Westlake and Central City West Specific Plan as well as applicable sections of the Los Angeles Municipal Code (LAMC). Moreover, pursuant to SB 743, analysis of aesthetic impacts including shade and shadow, and views, pursuant to CEQA are not applicable to projects that are located within on an infill site in a Transit Priority Area. Besides, the applicant has prepared a shade and shadow study complying with Central City West Specific Plan Section 8.A.5 showing the Project does not cast shadows on lots zoned R3 and R4 for more than two hours each day during day times of Winter and Summer Solstices. There is also no significant view impact to the Downtown skyline as shown in a floor plan view study. Private views are not protected per CEQA, besides when the Project is constructed, units in 1100 Wilshire still enjoy unobstructed private views to the east and to the west, as well as north and east views available at the deck level. Furthermore, in commenting on air quality, traffic, and geotechnical impacts, the commenter does not necessarily identify any deficiencies in the MND, simply stating impacts should be analyzed and mitigated. The MND included a full analysis of air quality, traffic, and geological impacts, and included air quality and traffic studies, as well as a geology and soils report. The traffic study included as part of the MND included a Freeway off-ramp screening analysis, freeway mainline screening analysis, as well as existing am and pm peak conditions, and future traffic conditions with and without the project. Future conditions were also analyzed cumulatively with related projects in the vicinity of the project site, and no significant impacts were indicated. In addition, traffic analysis included as part of the MND indicates that based on the number of hauling and construction trips per day, as well as existing traffic conditions and roadway capacity, construction-related traffic impacts will be less than significant. Street dedications, widenings, and improvements on surrounding public streets and the rear alley are also proposed as traffic mitigation measures and imposed as a part of the Conditions of Approval. Furthermore, throughout the MND, the amount of grading, excavation, and hauling was both considered and taken into account in analyzing the environmental impacts of the proposed project.

The December 7, 2016, comment letter, submitted on behalf CREED LA, discussed impacts to three environmental categories: utilities, air quality, greenhouse gas. Specifically, the commenter states that the MND failed to adequately analyze and address the project wastewater impacts and water use, that the MND incorrectly assumes the use of low VOC compounds in paint, that there are deficiencies in the proposed construction schedule which will affect air quality, and that there are deficiencies in the MND's analysis of greenhouse gas impacts. In addition, the commenter asserts that an inaccurate project description was included in the MND. The CREED LA letter relies in part on an analysis done by SWAPE, dated December 2, 2016, and provided as an attachment to the CREED letter.

On May 25, 2017, the legal counsel of CREED sent a letter, as well as CREED sent a letter undated, to the file, that CREED was to endorse the Project, as the

applicant has agreed to implement a number of conditions to address the greenhouse gas commented by CREED in the December 7, 2016, letter. The proposed conditions have been incorporated as a part of the grant including electric vehicle charging stations, preferential parking for green fuel vehicles, and the installation of solar panels.

Although CREED has endorsed the project based on the implementation of several environmental conditions, the MND fully addressed CREED's initial comments. The MND included a complete and accurate and complete project description. The project description included the size, intensity, and height of the proposed project, and entitlements needed. Also, a complete and accurate site description was included, describing the subject site, as well as surrounding properties and land uses. Additionally, in a December 10, 2015 letter, LADWP confirmed that current water supplies would be adequate to serve the proposed project. In a September 15, 2015 letter, the Los Angeles Bureau of Sanitation confirmed that existing wastewater treatment facilities can adequately serve the project's wastewater needs. Moreover, the applicant has confirmed the use and availability of Low-VOC paints. Low-VOC paints are enforced via Regulatory Compliance Measures, and SCAQMD Rule 113. The commenter inaccurately states that the project assumes an operation year of 2017, as the MND makes no such claim since the entitlement and permitting process may take quite some time. While the applicant has confirmed the construction timelines, updated emissions modeling provided by the applicant, indicates that even a longer timeline, construction of the proposed project will not result in significant impacts. Additionally, updated information and emissions modeling confirmed that emissions will not result in significant impacts during project construction. Furthermore, updated information and emissions analysis indicates that greenhouse gas emissions from the proposed project will be below SCAQMD's threshold for mixed-use projects.

Therefore, there is no substantial evidence that the proposed Project will have a specific adverse impact on the physical environment, and mitigation measures have been included as a part of this grant which will mitigate any potential environmental impacts to a less than significant level.

ADDITIONAL MANDATORY FINDINGS

14. 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 Zone X, areas outside of the Flood Zone.
15. On November 28, 2016 a Mitigated Negative Declaration (ENV 2015-3927-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 (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. Where appropriate, this environmental document identified Project design features, regulatory compliance measures, or

recommended mitigation measures to avoid or to reduce potentially significant environmental impacts of the Proposed Project. Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment" (Mitigation Monitoring Program, Section 15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). A Mitigation Monitoring Program (MMP) has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6, and Section 15097 of the CEQA Guidelines. The Mitigation Monitoring Program (MMP) is designed to monitor implementation of the mitigation measures identified for the Project. The Project Applicant shall be responsible for implementing all mitigation measures, unless otherwise noted, and shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate monitoring agency and the appropriate enforcement agency as provided for herein. All departments listed below are within the City of Los Angeles unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

Inquiries regarding this matter shall be directed to Azeen Khanmalek, Planning Staff for the Office of Zoning Administration at (213) 978-1336.



JACK CHIANG
Associate Zoning Administrator

JC:AK

cc: Councilmember Gilbert Cedillo
First District
Adjoining Property Owners