

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

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2016-4962-VZC-HD-MCUP-ZV-SPR	ENV-2016-4963-CE	14 - Huizar
PROJECT ADDRESS:		
755 South Los Angeles Street; 751 – 761 South Los Angeles Street		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
755 South Los Angeles Street, LLC Dean Nucich 11400 West Olympic Boulevard #850 Los Angeles, CA 90015 <input type="checkbox"/> New/Changed	310-427-7432	dnucich@urban-offerings.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Stephen Kia, Urban Concepts 3731 Wilshire Boulevard #670 Los Angeles, CA 90010	323-966-2610	stephenk@urban-concepts.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Michael Sin	213-978-1345	michael.sin@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Vesting Zone Change, Height District Change		

FINAL ENTITLEMENTS NOT ADVANCING:

Master Conditional Use Permit, Variance, Site Plan Review *(unless appealed)*

ITEMS APPEALED:

N/A

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

NOTES / INSTRUCTION(S):

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 8, 2018	6 - 1
LAST DAY TO APPEAL:	APPEALED:
March 27, 2018	No
TRANSMITTED BY:	TRANSMITTAL DATE:
James K. Williams	March 28, 2018



LOS ANGELES CITY 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: MAR 07 2018

Case No.: CPC-2016-4962-VZC-HD-MCUP-ZV-SPR

Council District: 14 – Huizar

CEQA: ENV-2016-4963-CE

Plan Area: Central City

Project Site: 755 South Los Angeles Street;
751 – 761 South Los Angeles Street

Applicant: 755 South Los Angeles Street, LLC
Representative: Stephen Kia, Urban Concepts

At its meeting of **February 8, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

The Proposed Project is comprised of improvements to an existing 79,793 square-foot light manufacturing building with a 15,879 square-foot basement currently used for storage. The improvements include a change of use from clothing manufacturing, retail, accessory office, and storage uses to office, food hall/restaurant, and storage uses; and a 9,541 square-foot rooftop restaurant addition, resulting in a net floor area increase of 6,856 square feet and a total floor area of 86,649 square feet. The Project Site has a lot area of approximately 18,024 square feet, and the Project proposes a Floor Area Ratio (FAR) of approximately 4.9:1. The floor area will be distributed as follows: 59,292 square feet of general and/or creative office space on floors two through five; and nine restaurants totaling 27,357 square feet, including an eight-tenant food hall with outdoor dining on the ground floor/mezzanine and basement, and one rooftop restaurant with outdoor dining. Four automobile parking spaces are proposed off-site, and 16 bicycle parking spaces are proposed on-site (four short-term and 12 long-term).

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Article III, Section 1, Classes 1 and 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Recommended** that the City Council **adopt**, pursuant to Sections 12.32 F and Q of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change and Height District Change M2-2D to (T)M2-2D to amend the Development “D” Limitation to permit a 4.9:1 FAR in lieu of the existing D Limitation of a 3:1 FAR;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Master Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site consumption, in conjunction with nine restaurants totaling 27,357 square feet and 1,152 seats, and pursuant to LAMC Section 12.24 S, a 20 percent reduction in the number of required parking spaces;
4. **Approved**, pursuant to LAMC Section 12.27, a Variance from LAMC Section 12.26 E.5 to provide automobile parking spaces off-site within 750 feet by lease in lieu of a recorded covenant;
5. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a change of use that results in an increase of 1,000 or more average daily trips;
6. **Adopted** the attached Conditions of Approval as modified by the Commission; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Choe
Seconded: Khorsand
Ayes: Ambroz, Millman, Mitchell, Dake Wilson
Nays: Perlman
Absent: Mack, Padilla-Campos

Vote: 6 – 1



James K. Williams, Commission Executive Assistant II
Los Angeles City 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 Los Angeles City Planning Commission is final and not appealable as it relates to the Vesting Zone Change and Height District.* The remainder of the decision of the City Planning Commission is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: MAR 27 2018

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

Attachments: Ordinance, Map, Modified Conditions of Approval and Findings

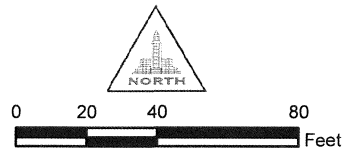
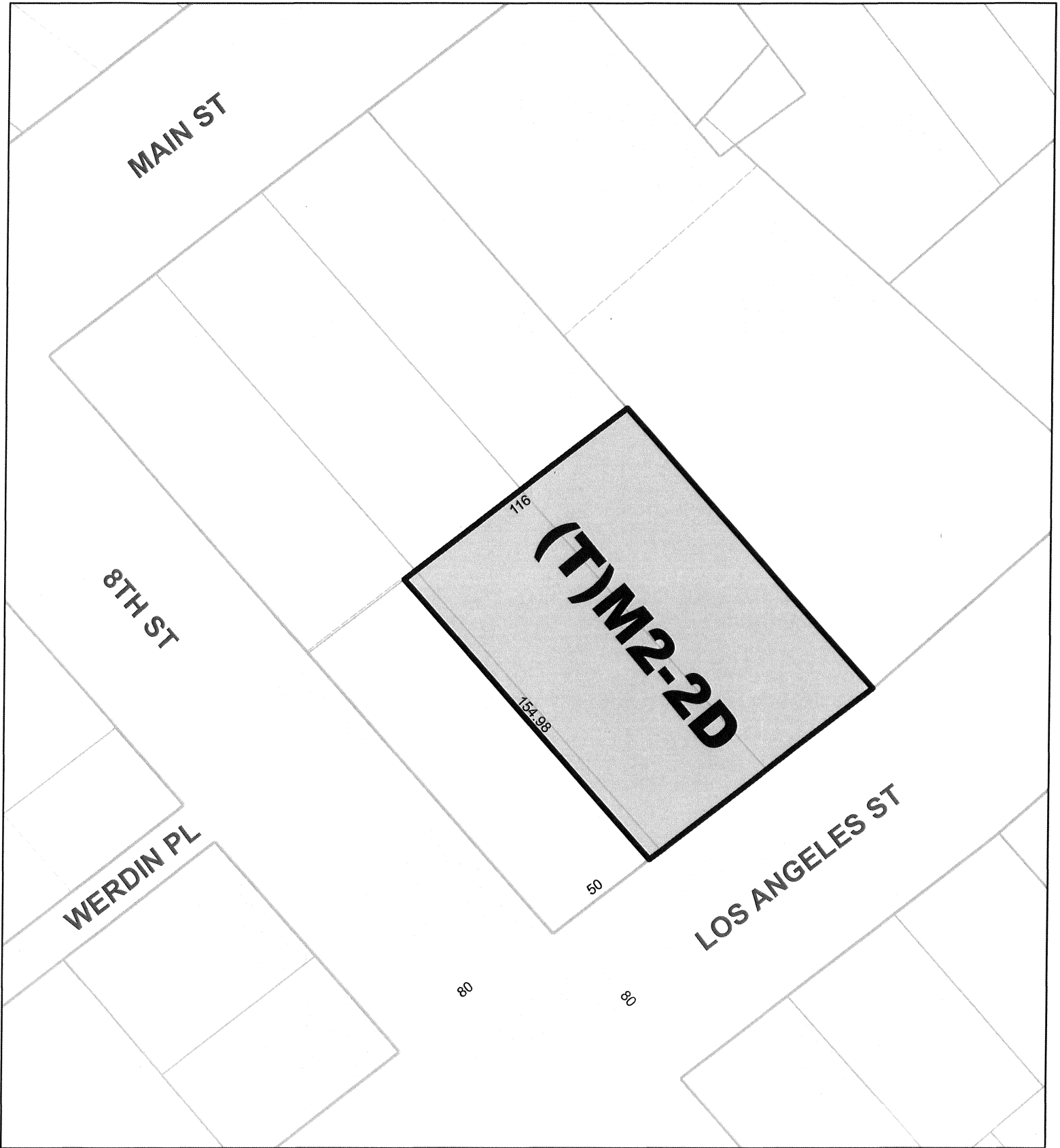
c: Jane Choi, Senior City Planner
May Sirinopwongsagon, City Planner
Michael Sin, City Planning Associate

ORDINANCE NO. _____

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

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

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

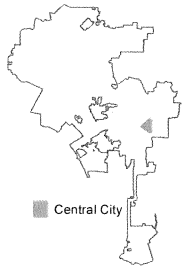


CPC-2016-4962-VZC-HD-MCUP-ZV-SPR

MY10f

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City of Los Angeles



CONDITIONS FOR EFFECTUATING [T] TENTATIVE CLASSIFICATION REMOVAL

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

1. Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

A. Responsibilities/Guarantees.

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

B. Improvements Required.

Los Angeles Street – Repair all broken, off-grade, or bad order concrete sidewalk, curb and gutter along the property frontage.

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

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

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

2. Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk through curb drains or connections to the catch basins.
3. Sewer lines exist in Los Angeles Street. Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

4. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering at (213) 482-7050.
5. Department of Transportation. DOT recommends that a construction work site traffic control plan 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. DOT also recommends that all construction related traffic be related to off-peak hours.
6. Street Lighting: Install street lights to the satisfaction of the Bureau of Street Lighting.
7. Urban Forestry – Street Trees: The developer shall plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. The actual number and location of new trees shall be determined at the time of tree planting. The contractor shall notify the Urban Forestry Division at 213-847-3077 five working days prior to constructing the side walk for marking of the tree locations and species.

Note: Removal of parkway trees or Protected Trees requires the Board of Public Works' approval. Contact Urban Forestry Division at 213-847-3077 for tree removal permit information

8. Fire Department. Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.) as required herein, are completed to the satisfaction of the City Engineer.

“D” DEVELOPMENT LIMITATIONS

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Floor Area.** The total floor area of all buildings or structures located on the lot shall not exceed a Floor Area Ratio (FAR) of 4.9 to 1.

CONDITIONS OF APPROVAL

As modified by the City Planning Commission February 8, 2018

The following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions

1. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
2. **Floor Area.** The total floor area shall not exceed 86,649 square feet of floor area, as shown on Exhibit "A".
3. **Uses.** The project shall not exceed 59,292 square feet of floor area for office uses and 27,357 square feet of floor area for restaurant/food hall uses, including the 9,541 square-foot rooftop restaurant, unless an updated trip generation analysis is submitted to the Department of Transportation demonstrating that the revised mix of uses will not result in additional trips when compared to the Updated Trip Generation Analysis in Exhibit D.
4. **Height.** The building shall not exceed a height of 94 feet 4 inches.
5. **Parking.**
 - a. **Automobiles.**
 - i. The required number of automobile parking spaces may further be reduced by twenty (20) percent, in addition to the reductions permitted pursuant to LAMC Section 12.21 A.4.
 - ii. The required automobile parking spaces may be provided off-site within 1,500 feet of the project site by lease in lieu of a recorded covenant, subject to the following conditions:
 1. Prior to the issuance of a building permit, the applicant shall submit a copy of a valid, executed lease agreement for the off-site parking spaces to the Department of City Planning for the case file. The parking spaces shall be available during all hours of operation for the proposed businesses on the project site. The parking lease shall include the location of the off-site parking lot, proximity to the project site, the number of provided parking spaces, and the hours that the parking spaces will be available for the project site.
 2. If the parking lease agreement is continued or replaced, upon execution of the new agreement, the new parking lease agreement shall be submitted to the Department of City Planning.
 - b. **Bicycle.** Bicycle parking spaces shall be providing in compliance with LAMC Section 12.21 A.4 and 16. A minimum of 16 bicycle parking spaces shall be provided to utilize the 30 percent reduction in automobile parking spaces. Short-term bicycle parking spaces may be provided within the public right-of-way, subject to the approval of the Bureau of Public Works.

6. **Sustainability.**

- a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 95.05.211, to the satisfaction of the Department of Building and Safety.
- b. Prior to the issuance of Certificate of Occupancy, the applicant shall install rooftop solar panels. Total solar panel area shall be equivalent to ten percent of the existing rooftop area of the building or more.

7. **Mechanical Equipment.** All mechanical equipment shall be fully screened from view of any abutting properties and the public right-of-way.

8. **Trash/Storage.** All trash collecting and storage areas shall be located on-site and not visible from the public right-of-way.

- a. Trash receptacles shall be enclosed and/or covered at all times.
- b. Trash/recycling containers shall be locked when not in use.

9. **Landscaping.**

a. Landscaping for the rooftop and rear vacated alley area shall be in substantial conformance with Exhibit A, Sheet L1.0 (Planting Plan).

b. Tree Wells.

i. The minimum depth of tree wells on the rooftop shall be as follows:

1. Minimum depth for trees shall be 42 inches
2. Minimum depth for shrubs shall be 30 inches.
3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
4. Minimum depth for an extensive green roof shall be 3 inches.

ii. The minimum amount of soil volume for tree wells on the rooftop shall be based on the size of the tree at maturity:

1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

c. Non-edible rooftop vegetation and landscaping shall be irrigated with greywater and/or rainwater.

10. **Materials and Glazing.** Materials, surfaces, and glazing shall be in substantial conformance with Exhibit A, Sheets A-301B and A-302 (Building Elevations).

11. **Signage.** No signage has been approved as part of this action. Any proposed signage shall comply with the applicable regulations of the Municipal Code.

12. **Ground Floor Transparency.** The ground floor shall allow visibility from sidewalk areas into the interior of all commercial uses. Windows shall be free of signs or other obstructions. Clear and non-reflective glass allowing a minimum of 90 percent light transmission shall be used, unless considered a safety hazard.

13. **Encroachments.** Encroachments into the public right-of-way resulting from the project, such as the proposed awnings and rooftop restaurant addition, shall require a Revocable Permit from the Department of Public Works, Bureau of Engineering.
14. 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.

Conditional Use for the Sale and Dispensing of On-Site Alcoholic Beverages

15. 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.
16. Each individual venue shall be subject to a Zoning Administrator's Approval of Plans determination pursuant to Section 12.24 M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use authorization granted herein as follows;
 - a. The on-site sale and consumption of a full line of alcoholic beverages in connection with eight (8) restaurants located within the ground floor and mezzanine level food hall;
 - b. The on-site sale and consumption of a full line of alcoholic beverages in connection with one (1) restaurant located on the rooftop with an outdoor dining area;
 - c. The purpose of the Approval of Plans determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval.
 - d. A public hearing for any Approval of Plans request may be waived at the discretion of the Chief Zoning Administrator.
17. Maximum cumulative square footage for all nine (9) venues, including the rooftop restaurant, shall not exceed the following:
 - a. 27,357 square feet, including the 9,541 square-foot rooftop restaurant; and
 - b. 1,152 seats.
18. No conditional use for dancing has been requested or approved. Public dancing shall be not be permitted.
19. Notwithstanding Exhibit A, this grant recognizes that there may be changes resulting from identified tenants, which may result in larger or smaller venues than those identified in Exhibit A, different locations and/or in a reduced number of venues than those originally proposed. Such outcome is permitted provided that the other conditions noted herein, specifically those related to maximum square footage, maximum seating, maximum number of venues and maximum number of approved allocation of on-site and off-site sale venues are not exceeded.

20. Any future change in the tenant/operator of any of the individually approved venues conducting the sale of alcohol shall require the filing of an Approval of Plans to evaluate the applicability of existing conditions and review any potential changes in the mode and character of the development complex.
21. Prior to the utilization of this grant and the filing of an Approval of Plans for the first venue, the applicant shall prepare a security plan which shall be submitted to the Police Department's Central Area's Vice Section for review and approval. A copy of the security plan approved by the Police Department shall be included with the application materials submitted for an Approval of Plans. The security plan shall address security measures applicable to all the venues as well as any measures specific to the individual venue reviewed under each corresponding Approval of Plans.
22. Prior to the utilization of this grant, surveillance cameras shall be installed which cover all common areas of the venues, including all high-risk areas, entrances and exits to each tenant space, including cameras that provide a view of the street.
23. There shall be no use of the subject premises which involves Section 12.70 of the Los Angeles Municipal Code uses (Adult Entertainment).
24. All venue tenants shall be provided with a copy of these conditions which shall also be referenced in any lease or contract and which shall be maintained and posted on the premises and available upon request by any enforcement agency.
25. All employees shall also be made familiar with these conditions and any others which are identified specifically in the corresponding Approval of Plans determination. 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. 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.
26. The applicant, tenants and on-site managers shall comply with all applicable laws and conditions of this action and any corresponding Approval of Plans determination and shall properly manage the facility to discourage illegal and criminal activity on the subject property and any accessory parking area over which they exercise control.
27. The applicant shall maintain on the premises and present upon request to the Police or other enforcement agency, a copy of the Business Permit, Insurance Information, and valid emergency contact phone number for any Valet Service utilized and for any Security Company Service employed.
28. The applicant shall be responsible for maintaining the area adjacent to the premises over his/her control free of litter.
29. The applicant and tenants shall monitor the areas under their control to prevent loitering of persons around their venues.
30. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response. This shall be available for inspection by the Department.

31. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing for review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
32. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01 E.3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. 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.
33. **Prior to the effectuation of this grant,** a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01 E.3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

Administrative Conditions

34. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file
35. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
36. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

37. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
38. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
39. **Building Plans.** 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.
40. **Corrective Conditions.** 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 City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
41. **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 (ii).
- 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 in paragraph (ii).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

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

In approving the instant grant, the City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

- There shall be no exterior window signs of any kind or type promoting alcoholic products.
- The alcoholic beverage license for the restaurants shall not be exchanged for "public premises" license unless approved through a new conditional use authorization. "Public Premises" is defined as a premise maintained and operated for sale or service of alcoholic

beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.

- There shall be no advertising of any alcoholic beverages visible from the exterior of the premises from the food and beverage areas within the museum, promoting or indicating the availability of alcoholic beverages.
- Alcohol sales and dispensing for on-site consumption shall only be served by employees.
- The venue operator, owner and the venue personnel shall at all times maintain a policy of not serving to obviously intoxicated patrons and shall take preventative measures to help avert intoxication-related problems.
- No person under the age of 21 years shall sell or deliver alcoholic beverages.
- There shall not be a requirement to purchase a minimum number of drinks.

FINDINGS

General Plan Findings

1. General Plan Land Use Designation.

The project site is located within the Central City Community Plan, which was last updated by the City Council on January 8, 2003. The Community Plan designates the site with a land use designation of Light Manufacturing, which lists the MR2 and M2 Zones as corresponding zones. Additionally, the Community Plan indicates that the corresponding Height District for the Light Manufacturing designation is Height District 2.

The project site is zoned M2-2D, with a Development “D” Limitation which limits development of the site to a maximum 3:1 floor area ratio (FAR). The recommended Vesting Zone and Height District Change to (T)M2-2D, with a “D” Limitation that limits the site to a maximum 4.9:1 FAR would be consistent with the land use designation and would be in substantial conformance with the purpose, intent, and provisions of the General Plan.

2. General Plan Text. The Central City Community Plan text includes the following relevant objectives, policies, and programs:

Objective 2-1: To improve Central City’s competitiveness as a location for offices, business, retail, and industry.

Policy 2-1.2: To maintain a safe, clean, attractive, and lively environment.

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

Objective 2-5: To increase specialty and ethnic markets in order to foster a diverse range of retail and commercial uses in Central City.

The proposed project consists of improvements to an existing five-story, 79,793 square-foot light manufacturing building located in the Fashion District of Downtown Los Angeles. Originally constructed in 1914, the now vacant building most recently held garment retail/wholesale uses on the ground floor, clothing manufacturing and accessory office uses on floors two through five, and storage uses within a 15,879 square-foot basement. The proposed improvements involve changes of use to the entire building, resulting in creative office, food hall/restaurant, and storage uses, and the addition of a 9,541 square-foot rooftop restaurant.

The recommended Vesting Zone and Height District Change allow the site to be improved as proposed. The project would result in 59,292 square feet of general and/or creative office space, which is consistent with the Community Plan’s objective of improving Central City’s competitiveness as a location for offices, business, and industry (Objective 2-1). The project proposes to refurbish the existing building by removing the existing metal screening, fire escape stairs, and retail signage. Improvements to the building façade would include new glazing and the exterior concrete walls would be cleaned and burnished. Additional work would include creating a recessed outdoor dining patio on the ground floor and an addition on the rooftop for a new restaurant space. The substantial refurbishment of the building as part of the project would be consistent with the Community Plan’s policy of maintaining a safe, clean, attractive, and lively environment (Policy 2-1.2). The proposed food hall use with eight restaurants, along with one rooftop restaurant with outdoor dining, would further

the Community Plan's objectives of addressing the needs of visitors to Downtown Los Angeles and increasing specialty markets to foster a diverse range of commercial uses (Objectives 2-3 and 2-5). The M2 Zone allows light industrial uses, as well as C2 Zone uses, including the proposed restaurant, food hall, and office uses by right. As recommended, the Vesting Zone and Height District Change to (T)M2-2D, to amend the Development "D" Limitation to permit a 4.9:1 FAR in lieu of the existing "D" Limitation of a 3:1 FAR, would be consistent with the objectives, policies, and programs of the Central City Community Plan.

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

Land Use

GOAL 3G: A Downtown Center as the primary economic, governmental, and social focal point of the region with an enhanced residential community.

Objective 3.7: Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.

Economic Development

GOAL 7B: A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.

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

Policy 7.2.6: Concentrate office development in regional mixed-use centers, around transit stations, and within community centers.

The proposed project consists of improvements to an existing five-story, 79,793 square-foot light manufacturing building located in the Fashion District of Downtown Los Angeles. Originally constructed in 1914, the now vacant building most recently held garment retail/wholesale uses on the ground floor, clothing manufacturing and accessory office uses on floors two through five, and storage uses within a 15,879 square-foot basement. The proposed improvements would involve changes of use to the entire building, resulting in creative office, food hall/restaurant, and storage uses, and the addition of a 9,541 square-foot rooftop restaurant.

The project would result in 59,292 square feet of general and/or creative office space, which provides for the expansion of business, cultural, and entertainment functions. The site is located in an area served by regional and local transit stations and proximate to a mix of

uses, including residential, light manufacturing, and retail uses. In combination with the food hall and restaurants, the proposed project would provide for a balance of land uses that meet the needs of local residents and visitors alike. As recommended, the use would be compatible with existing development in the area and would be consistent with the above referenced goals, objectives, and policies, of the Framework Element.

4. **Housing Element.** The Housing Element of the General Plan is not likely to be affected by the recommended action herein. The proposed project, with the requested Vesting Zone and Height District Change, consists of improvements to an existing five-story, 79,793 square-foot light manufacturing building located in the Fashion District of Downtown Los Angeles and does not include any housing uses. Nonetheless, it would further the goals of the Housing Element by supporting residential uses in the immediate vicinity with desired services and amenities such as general and/or creative office space and restaurant/food hall space.
5. **Mobility Plan 2035.** Mobility Plan 2035 was adopted on August 11, 2015 and last amended on September 7, 2016, and includes the following policies relevant to the instant request:

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

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

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

The proposed project will greatly improve the pedestrian experience along Los Angeles Street. The existing site conditions include roll down storefront security gates and minimal landscaping. While existing improvements preclude street dedications, the applicant would be required to repair all broken, off-grade, or bad order concrete on the sidewalk, which would improve the walkability of the area, in conjunction with the other ground floor street-interfacing improvements such as full-height glazing and an outdoor dining patio area. The project would also replace 30 percent of the required automobile parking with eight bicycle parking spaces, resulting in a total of 16 bicycle parking spaces. The bicycle parking, bicycle storage, and showers as proposed would provide cyclists with convenient and secure facilities. As recommended, the project would be compatible with the applicable policies of Mobility Plan 2035.

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

7. Vesting Zone Change and Height District Change Findings

- a. **Pursuant to Section 12.32 C.7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The requested Vesting Zone and Height District Change from M2-2D to (T)M2-2D, to amend the Development “D” Limitation to permit a 4.9:1 FAR in lieu of the existing “D” Limitation of a 3:1 FAR, would allow the development of the project as proposed. The proposed improvements would result in a net floor area increase of 6,856 square feet and a total floor area of 86,649 square feet. The floor area would be distributed as follows: 59,292 square feet of general and/or creative office space on floors two through five; and nine restaurants totaling 27,357 square feet, including an eight-tenant food hall on the ground floor/mezzanine and basement, and one rooftop restaurant with outdoor dining.

Public necessity, convenience, and general welfare will be better served by adopting the Zone and Height District Change, as it would allow a currently vacant building to be substantially refurbished and activated with viable general and/or creative office and restaurant/food hall uses. The addition of a new 9,541 square-foot rooftop restaurant with an outdoor dining area would provide a desired and convenient amenity to this neighborhood, which already has a diverse mix of existing residential, light manufacturing, and commercial uses. The project would support the existing jobs base in the Fashion District and would therefore serve public necessity and convenience by providing additional creative office space from which small businesses, designers, artists, and merchants could operate.

The Project Site is located within a designated Transit Priority Area and is well serviced by public transit. Two Metro Rapid Bus Lines (720 and 733), 11 Metro Local Bus Lines (10, 20, 33, 35, 38, 40, 48, 55, 66, 92, 355), two LADOT DASH routes (Downtown D and Downtown E), and one Gardena GTrans line (1X) serve the project area. The Pershing Square Metro station (Red Line and Purple Line) is located approximately 0.4 mile to the northwest. Metro Bike Share stations are located on 7th Street/Main Street and 9th Street/Los Angeles Street, approximately 500 feet and 800 feet from the project site respectively. The Project Site’s proximity to public transit would allow the proposed Project to provide job opportunities in proximity to transit. The proposed Project will be a better use of the site and would provide convenience to future tenants of the building and improve the general welfare of the community and the City.

The project would improve the general welfare of the area by substantially revitalizing a currently vacant structure and eliminating visual blight. The existing metal screening, fire escape stairs, and retail signage would be removed from the Los Angeles Street façade. The proposed Los Angeles Street façade would incorporate new glazing spanning nearly the entire height of the 20-foot high ground floor, new awnings, and a new office lobby and recessed outdoor dining patio area, which would replace the existing garment retail storefront. All existing glazing on floors two through five would be replaced with new steel casement windows, and the building’s exterior concrete walls would be cleaned and burnished.

The recommended Vesting Zone and Height District Change from M2-2D to (T)M2-2D to amend the Development “D” Limitation to permit a 4.9:1 FAR is consistent with good zoning practice, as it would enable the transformation of a vacant building into a mix of viable general and/or creative office and restaurant/food hall uses. Strict adherence to a 3:1 FAR under the existing “D” Limitation would result in a building with underutilized

floor area if building additions were proposed. The additional FAR would permit the proposed rooftop addition on the southern side of the building. After the addition, the building would have a maximum of six stories and a maximum height of 94 feet. The proposed building envelope would be consistent with existing buildings in the vicinity of the site. While there are neighboring buildings that are two stories, a number of buildings in the area range from five to nine stories. Additionally, a building located to the northeast of the site is 11 stories tall. As recommended, the proposed FAR and height would be compatible with existing buildings in the surrounding area and therefore represents good zoning practice.

- b. **Pursuant to Section 12.32 G and Q of the Municipal Code “T” Classification Finding.** Per LAMC Section 12.32 G,1, the current action, as recommended, has been made contingent upon compliance with new “T” conditions of approval imposed herein for the proposed project. The “T” Conditions are necessary to ensure the identified improvements and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site.
- c. **Pursuant to Section 12.32 G and Q of the Municipal Code “D” Limitation Findings.** The Council shall find that any or all the limitations are necessary: (1) to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, and (2) to secure an appropriate development in harmony with the objectives of the General Plan, or (3) to prevent or mitigate potentially adverse environmental effects of the Height District establishment or change.

The Project Site is located within an area which is developed with buildings which vary from two to eleven stories, in an area which is limited to a maximum FAR of 3:1 unless the additional floor area is consistent with the rehabilitation provisions of the Redevelopment Plan. As indicated on the General Plan Land Use Map of the Community Plan, the Light Manufacturing land use designation corresponds to Height District 2, as indicated by Footnote Nos. 2 and 4. Footnote No. 2, which relates to additional floor area through a transfer of floor area (TFAR) is not applicable to the Project Site because the site is located outside of the TFAR boundaries. Footnote No. 4 indicates that the corresponding height district for the Light Manufacturing land use designation is Height District 2, which would permit a maximum FAR of 6:1. As proposed, the 4.9:1 FAR would be consistent with the surrounding buildings and would be consistent with the corresponding Height District of the existing land use designation. As recommended, the “D” Limitation would limit the development of the site to a 4.9:1 FAR which would be compatible with the existing uses in the area. As discussed in Finding Nos. 2 through 6, the “D” Limitation would secure an appropriate development in harmony with the objectives of the General Plan.

8. Conditional Use Findings.

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

As described in Finding No. 2, the project would include the rehabilitation and change of use of an existing five-story light manufacturing building. Physical improvements to the building would include new façade treatments to the entire building and a new 9,541 square-foot addition to the rooftop of the building, which as recommended, would result in an enhancement to the built environment. The project proposes to change the use of the building to creative offices on floors two through five, a food hall and restaurants on

the ground floor, and a restaurant on the rooftop level. The applicant has requested a Master Conditional Use Permit, pursuant to LAMC Section 12.24 W,1, to permit the sale and dispensing of alcoholic beverages in conjunction with the proposed eight (8) restaurants on the ground floor and mezzanine, as part of the food hall, and one (1) restaurant located on the rooftop, which would include an outdoor eating area. Maximum cumulative square footage for all nine venues would not exceed 27,357 square feet and 1,152 seats.

The project will provide a service that is beneficial to the region by providing food service and amenities to the public, employees, and nearby residents alongside alcoholic beverage options in a neighborhood that is steadily accommodating residential, commercial, and light industrial uses. The service of alcoholic beverages in food establishments has become accepted as a desirable and expected use that is meant to complement food service. Since alcoholic beverage service is a common and expected amenity with meal service for many patrons, the grant for alcohol sales will be desirable to the public convenience and welfare. The project will provide increased opportunities for quality food and may serve as a central meeting point for the neighborhood. The sale of alcoholic beverages is anticipated to be an ancillary use to the tenant uses.

As conditioned herein, the project would enhance the built environment in the surrounding neighborhood and would provide a service that would be beneficial to the community.

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

The project site is comprised of two lots located within the Central City Community Plan Area with 116 feet of frontage along Los Angeles Street to the east. The site does not include the lot located at the corner of Los Angeles Street and 8th Street, although the rear of the site is accessible from 8th Street via a vacated alley with a private easement agreement. The project site has a total lot area of 18,024 square feet.

The site is currently developed with a five-story, 79,793 square-foot light manufacturing building ("Norton Building"). Originally constructed in 1914, the building most recently held garment retail/wholesale uses on the ground floor, clothing manufacturing and accessory office uses on floors two through five, and storage uses within a 15,879 square-foot basement. At the time the building was constructed, automobile parking spaces were not required for the building. As a result, the site was developed without a driveway or parking area. The site is currently vacant in preparation for seismic upgrades to the building.

The project will entail the addition of 6,856 square feet of net floor area, owing to the addition of a 9,541 square-foot rooftop restaurant and the reconfiguration of existing floors. As proposed, the building would have a maximum floor area of 86,649 square feet, resulting in a FAR of approximately 4.9:1 on the 18,024 square-foot site. The applicant has requested a Height District Change to maintain the Height District 2 designation but amend the "D" Limitation to permit a 4.9:1 FAR in lieu of 3:1 FAR. The additional square footage would require that seven automobile parking spaces be provided. The applicant proposes to provide eight additional bicycle parking spaces, pursuant to LAMC Section 12.21 A,4, to utilize a 30 percent reduction in the required number of automobile parking space. The project qualifies for a 30 percent reduction due to the sites proximity to public transit. As discussed in Finding No. 7 (a), the site is

located within proximity to a number of bus lines which provide both local and regional access and is located within 0.4 miles of the Pershing Square Metro Station. In conjunction with the requested conditional use permit, the applicant has requested consideration of an additional 20 percent reduction in the required number of parking spaces pursuant to LAMC Section 12.24 S. With the reductions permitted by the Zoning Code and as granted by the City Planning Commission, the Project would be required to provide four automobile parking spaces. As discussed in Finding No. 7 (a), the site is located within an area that is developed with industrial, commercial, and residential uses. The site would be accessible by tenants and employees within the area either by various modes of transportation, and would not necessitate the need to drive a vehicle. As such, the reduction of the required number of parking spaces is not anticipated to adversely affect the surrounding neighborhood.

The building would have a maximum of six stories and height of 94 feet, which would be compatible with existing buildings in the vicinity. While the existing buildings in the area range from two to eleven stories, a number of buildings fall within the range of five to nine stories. As proposed, the building's height and massing would be compatible with the existing and future development in the neighboring properties.

The applicant seeks the on-site sale of a full line of alcoholic beverages in conjunction with the proposed project. The project has been designed in a manner to enhance the public realm and improve the aesthetics and safety of the surrounding area. The inclusion of alcohol uses will allow for added vibrancy within the project, which is appropriate for a mixed-use transit priority project. The establishments serving alcohol will be carefully controlled and monitored, while being compatible with immediately surrounding uses which are industrial and/or mixed-use buildings. The proposed project will provide a place for visitors to eat, drink, and socialize; as such, the sale of alcoholic beverages is a normal part of restaurant operation and an expected amenity.

Additionally, the conditions recommended herein will ensure that the establishment will not adversely affect or further degrade the surrounding neighborhood, or the public health, welfare, and safety. The project is not located directly adjacent to any properties that could be degraded by the grant of alcohol uses. Approval of the conditional use will contribute to the success and vitality of the commercial development and help to reinvigorate the site and vicinity. Since the alcohol sales will be incidental to food service and community space, permitting alcohol sales on the site will not be detrimental to the development of the community.

Furthermore, it is noted that the property owner or individual operator shall file a Plan Approval pursuant to Section 12.24 M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use authorization granted herein for each individual venue. The purpose of the Plan Approval determination is to review each proposed establishment in greater detail, to consider more specific floor plans and to tailor site-specific conditions of approval for each of the premises, including, but not limited to: hours of operation; seating capacity; size; operational conditions; security; noise mitigation; and/ or any requirement for a subsequent Plan Approval application to evaluate compliance and effectiveness with the conditions of approval. A public hearing for a Plan Approval may be waived at the discretion of the Chief Zoning Administrator.

Thus, as conditioned, 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.

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

The Central City Community Plan designates the site with a land use designation of Light Manufacturing, with the corresponding zone of M2. The site is presently zoned M2-2D and is consistent with the land use designation. The proposed zone of (T)M2-2D, with an amended "D" Limitation to allow an FAR of 4.9:1, would continue to be consistent with this land use designation. The proposed office and restaurant/food hall uses are proposed by right in the M2 Zone. In conjunction with the requested Master Conditional Use Permit for the sale of alcoholic beverages, the project would be in substantial conformance with the following policies of the General Plan as it is reflected within the Central City Community Plan:

Objective 2-1: To improve Central City's competitiveness as a location for offices, business, retail, and industry.

Policy 2-1.2: To maintain a safe, clean, attractive, and lively environment.

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

Objective 2-5: To increase specialty and ethnic markets in order to foster a diverse range of retail and commercial uses in Central City.

The proposed food hall use with eight restaurants, along with one rooftop restaurant with outdoor dining, would further the Community Plan's objectives of addressing the needs of visitors to Downtown Los Angeles and increasing specialty markets to foster a diverse range of commercial uses (Objectives 2-3 and 2-5).

The request to serve and sell alcohol at the site will be consistent with these objectives and policies through the creation of a mix of restaurants that would attract a variety of consumers and tenants, actively promoting the area as a key economic center of the community. The proposed project's mix of uses will bring even more pedestrian activity to the area. Alcohol service incidental to food sales is a common amenity in many sit-down restaurants in the neighborhood. The availability of alcohol for on-site consumption provides another option for a wide range of activities on site and as an option for leisure to cultivate community activity and to create an enjoyable experience for area residents. Overall, the project supports bringing commercial activity to an area with large new residential developments, creates a pedestrian-friendly environment, and promotes the welfare and economic well-being of the local residents.

The Central City Community Plan is silent with regards to alcohol sales. In such cases, the City Planning Commission must interpret the intent of the Plan. The Los Angeles Municipal Code authorizes the City Planning Commission to grant the requested conditional use in the zones corresponding to the Plan land use designation. The proposed project is a permitted use by the requested Plan land use category and zone in the Central City Community Plan. The conditional authorization for the sale of alcoholic beverages is allowed through the approval of the City Planning Commission subject to certain findings. The required findings in support of the Central City Community Plan have been made herein. Given the numerous conditions of approval, and the fact that the sale of alcohol may be conditioned to be incidental to food service or will occur within a private resident lounge, the proposed use can be deemed to be in harmony with the General Plan.

d. Additional required findings for the sale of alcoholic beverages:

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

The properties surrounding the project site include light industrial, commercial/retail, office, restaurant, parking, and residential uses. The adjoining property to the north is zoned PF-2D and is currently used as a privately-operated public surface parking lot. The adjoining property to the south is zoned M2-2D and developed with a two-story garment retail/wholesale building. The adjacent properties to the east, across Los Angeles Street, are zoned M2-2D and developed with nine- to 11-story mixed-use buildings with joint live/work quarter units (Santee Village Lofts). The adjoining properties to the west are zoned [Q]C5-4D and developed with a four-story mixed-use residential building.

The area surrounding the site is a mix of industrial, commercial, and residential buildings. The request for on-site alcohol sales will be compatible with the surrounding uses, providing a place for visitors to eat, drink, and socialize. This all contributes to the continued vitality of the neighborhood. Alcoholic beverage service is an expected amenity for many patrons and approval of this grant would increase the available options for desirable dining and social experiences for patrons. The establishments will also benefit the City through the generation of additional sales tax revenue, fees, and employment opportunities.

Diversity amongst uses is common in the immediate surrounding area, and while there are residential dwelling units in proximity to the subject site, the establishments open to the public serving alcoholic beverages will be part of a controlled and monitored development. In addition, numerous conditions have been imposed to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other conditions imposed will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, the granting of the request will not adversely impact the welfare of the pertinent community.

- ii. 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 of proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control licensing criteria, six licenses (four on-site and two off-site) are allocated to the subject Census Tract No. 2073.01. There are currently 50 on-site and 11 off-site licenses within this census tract.

Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. While this may appear as an overconcentration of licenses, ABC does not consider the expectation that restaurants with alcohol service are an expected amenity as part of the commercial developments containing restaurants.

Statistics from the Los Angeles Police Department reveal that in Crime Reporting District No. 174, which has jurisdiction over the subject property, a total of 86 crimes were reported in 2016 compared to the citywide average of approximately 113 crimes. Part 1 Crimes for the reporting district included: Rape (2), Robbery (8), Aggravated Assault (13), Burglary (8), Auto Theft (9), and Larceny (46). Part 2 Arrests for the reporting district include: Other Assaults (4), Weapons Violations (1), Sex Offenses (1), Narcotics/Drug Violations (1), Liquor Laws (5), Drunkenness (10), Disorderly Conduct (3), DWI Related (1), Traffic Violations (4), and Other Violations (17).

No evidence was submitted for the record by the LAPD or adjacent residents indicating or suggesting any link between the subject site and the neighborhood's crime rate. Further, there is no specifically established link between the above information and the property, since the statistics cover an entire district and do not pertain particularly to the subject site. The incorporation of conditions relative to the specific operation of the establishment was deemed necessary in order to mitigate any possible adverse impact on the welfare of the surrounding area. The public safety measures to mitigate potential nuisance activities have been incorporated into the grant to assure better oversight. Thus, as conditioned, it is not anticipated that the sale of alcoholic beverages for consumption on the premises would adversely affect the community welfare.

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

The following sensitive uses are located within 1,000 feet of the subject site:

- Catedral de la Fe Church 703 South Broadway
- Residential Dwelling Units

While there are residential dwelling units and a sensitive use located in proximity to the project site, the project will provide adequate security measures to discourage loitering, theft, vandalism and other nuisances. The project proposes to provide CCTV camera security systems, an alarm system installed as needed, and pedestrian appropriate illumination at entryways, alleys, etc. All sales employees will receive STAR training in responsible alcohol sales; age verification devices will assist employees in prevention of sales to minors.

Furthermore, the proposed use will not detrimentally affect nearby residential properties and other sensitive uses because the urban environment mostly contains industrial, commercial, and residential mixed-use buildings with residents that both

expect and desire more commercial developments. While the sale of alcoholic beverages is important to the restaurants that will be located within the proposed project's tenant spaces, their sale and service will be incidental to primary operations and, as such, no detrimental effects should be expected from the proposed project.

9. Variance Findings.

- a. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The existing building was constructed in 1914 and was not required to provide automobile parking spaces. As a result, there are zero parking spaces provided on the site. While the proposed change of uses within the existing building would not require automobile parking spaces to be provided, the net increase of 6,856 square feet of floor area would require the seven parking spaces to be provided. The applicant proposes to provide additional bicycle parking spaces to reduce the required number of parking spaces to five, pursuant to LAMC Section 12.21 A,4. In conjunction with the a maximum 20 percent reduction pursuant to LAMC Section 12.24 S, the applicant would be required to provide a minimum of four parking spaces for the proposed project.

As the project proposes to maintain the existing building, the required parking spaces would not be provided on-site. Pursuant to LAMC Section 12.21 A,4(i), the applicant proposes to provide the required parking spaces to be located off-site within 1,500 feet of the site. The required parking spaces may be provided off-site if a covenant is recorded, pursuant to LAMC Section 12.26 E,5. The applicant has requested a variance to permit the required parking spaces to be provided off-site via a lease in lieu of the recorded covenant.

Strict application of the Zoning Ordinance may prohibit the addition of any floor area, which would result in an unnecessary hardship as the additions would be needed for the current vacant building to be refurbished and activated with viable office space and restaurant/food hall uses. The project site is located within the vicinity of a number of public surface parking lots, including one located directly to the north of the project site. While the required parking spaces could be provided at any one of these parking lots, the requirement for a recorded covenant has resulted in difficulty as owners of the parking lots do not want to encumber their properties with a covenant and agreement. This hardship is inconsistent with the purpose and intent of the regulation, which is to allow for greater flexibility of how required parking spaces are provided. In this instance, the applicant would still be required to provide the same number of required parking spaces off-site but by lease in lieu of a recorded covenant. The project has been conditioned to submit a copy of an executed lease to the Department of City Planning, and to maintain the lease for duration of the operations of the proposed project.

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

The subject property is improved with an existing light manufacturing building that was constructed in 1914. The project entails refurbishing the existing building, rather than demolishing it and constructing it anew. The presence of the existing structure, which does not have vehicular access from its sole street frontage, is a special circumstance applicable to the subject property that does not permit the project to provide the required

parking on-site. The Zoning Code allows required parking spaces to be provided off-site within 1,500 feet for sites located within the Downtown Business District. By-right, the applicant would be required to secure off-site parking on a site where the property owner is willing to record a covenant. The applicant has indicated that a lease could be secured to provide the required parking spaces within the distance permitted by the Zoning Code. The lease would function in the same manner as a covenant in that it would ensure that parking is designated and provided for the proposed project at all times the uses within the building are operating. As conditioned herein, a copy of the lease would be required to be submitted to verify the location and number of parking spaces provided at the off-site parking location and is required to be provided for the duration that the uses are in operation.

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

As discussed in the Finding Nos. 9 (a) and (b), the Project proposes to maintain the existing building which was constructed and maintained without parking spaces on-site. In conjunction with the rehabilitation of the existing building, an addition is proposed on the rooftop of the building, resulting in a net floor area increase of 6,856 square feet. As explained in Finding No. 9 (a), the Project would be required to provide four parking spaces as a result of the additional floor area. Strict application of the Zoning Ordinance may prohibit the addition of any floor area, as the applicant has cited difficulty finding Downtown Los Angeles property owners who are willing to encumber their parking lots with a covenant and agreement. The request for a Variance would provide an alternative method for the applicant to obtain use of the off-site parking spaces through a different legal instrument than is required by the Zoning Code. Lease agreements have been a suitable alternative to guarantee the provisions of required parking off-site. To provide required automobile parking off-site by lease in lieu of a covenant and agreement would allow for the preservation and enjoyment of a property right possessed by other properties in the same zone and vicinity.

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

The provision of required automobile parking off-site by lease in lieu of recorded covenant will have no difference in a practical sense; the same number of parking spaces would still be provided. The applicant shall be required to submit a copy of the lease for review by the Department of City Planning as a condition of approval. As such, granting of this Variance will not be materially detrimental to the public welfare.

- e. **The granting of the variance will not adversely affect any element of the General Plan.**

The request for a Variance to provide parking off-site by lease in lieu of recorded covenant is consistent with the Community Plan. The Central City Community Plan encourages the use of strategies related to parking that encourage transit use and reduce vehicle miles traveled. The proposed project is consistent with the following land use objective of the Central City Community Plan:

Objective 2-1: To improve Central City's competitiveness as a location for offices, business, retail, and industry.

The granting of the Variance will not adversely affect any element of the General Plan and is in conformance with the General Plan in that it will enable the adaptive reuse of an existing building, will do so with no detriment to adjacent or nearby properties, and will improve Central City's competitiveness as a location for offices, business, retail, and industry.

10. Site Plan Review Findings.

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

As discussed in Finding No. 1, the recommended Vesting Zone and Height District Change for the project site would be consistent with the recommended land use designation. Further, the proposed restaurant/food hall and office uses are permitted by right in the M2 Zone. As discussed in Findings No. 2 through 6, the Project would meet the goals, objectives, and policies of the General Plan and the Central City Community Plan area. As such, the project is in substantial conformance with the General Plan and Community Plan. The project site is not located within a specific plan area.

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

The arrangement of the proposed project is consistent and compatible with existing and future development in neighboring properties. The subject site is located within the Central City Community Plan Area and Fashion District neighborhood. The surrounding urban environment is comprised of industrial, commercial, and mixed-use residential developments. The following project elements were designed in a manner that is compatible with both existing and future development of the surrounding area:

Height/Massing

The project proposes to maintain the existing five-story building and to construct a 9,541 square-foot rooftop addition on the southern side of the building. The project would involve rehabilitation of the façade of the buildings and interior renovations to accommodate the change of use to creative office and restaurant/food hall uses. The building would have a maximum of six stories and height of 94 feet, which would be compatible with existing buildings in the vicinity. While the existing buildings in the area range from two to eleven stories, a number of buildings fall within the range of five to nine stories. As proposed, the building's height and massing would be compatible with the existing and future development in the neighboring properties.

Building Materials

The existing building would be substantially refurbished as part of the project. The existing metal screening, fire escape stairs, and retail signage would be removed from the Los Angeles Street façade. The proposed Los Angeles Street façade incorporates new glazing spanning nearly the entire height of the 20-foot high ground floor, with the installation of new awnings, and a new office lobby ("East Lobby") and recessed outdoor dining patio area replace the existing garment retail storefront. All existing glazing on

floors two through five would be replaced with new steel casement windows, and the building's exterior concrete walls would be cleaned and burnished. Floor-to-ceiling windows are also proposed at the rear of the building, on the ground floor excluding the mezzanine.

Setbacks

The project entails the adaptive reuse of an existing light manufacturing building to accommodate new general and/or creative office and restaurant/food hall uses. No changes to the building's existing setbacks are proposed. The project does include design elements, such as new awnings, on the front façade that encroach into the public right-of-way, which would require approval of a revocable permit from the Bureau of Engineering. The setbacks as proposed are appropriate in relation to the project's design and location.

Parking & Loading Areas

The project proposes to maintain the existing building, which was constructed without a parking area. As discussed in Finding No. 9, the project does not propose to improve the site to provide the required parking spaces and proposes to provide the parking spaces off-site. A loading area would be provided as required by the Department of Building and Safety.

Lighting & Building Signage

Lighting and signage will be provided per LAMC requirements. Building signage will be required to comply with LAMC Section 14.4. Signage plans will be submitted at a later date as details become finalized.

Landscaping

Open space and landscaping opportunities are utilized on the rooftop level and in the vacated alley area at the rear of the building, as shown on Sheet L1.0 of Exhibit A. The project incorporates shrubs, perennials, grasses, and vines so as to create a pleasant and landscaped open space areas.

Trash Collection

Trash and recycling areas shall be enclosed and not visible to the public. The building will primarily be serviced from the vacated alley to the rear of the building, by way of a private easement that provides access to 8th Street.

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

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

The project does not involve any residential uses.

Environmental Findings

11. Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Article III, Section 1, Classes 1 and 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
12. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. Currently, there are no flood zone compliance requirements for construction in these zones.