

## CONDITIONS OF APPROVAL

(As modified by the Planning and Land Use Management Committee on May 15, 2018)

Pursuant to Section 12.24-W,1, 12-24-U, 12.27, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

### **Entitlement Conditions**

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," dated February 8, 2018, and attached to the subject case file. 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 or the project conditions.
2. **Floor Area Ratio.** The approved hotel shall be limited to a maximum Floor Area Ratio of 3.69 to 1 (approximately 74,362 square feet)
3. **Height.** The project shall be limited to a height of 94 feet excluding roof structures and equipment as defined by L.A.M.C. Section 12.21.1.
4. **Hotel.**
  - a. **Use.** Authorized herein is the operation of a hotel with a maximum of 220 guest rooms.
  - b. **Hours of Operation.** The hotel may operate 24 hours, daily.

### **Site Plan Review Conditions**

5. **Pedestrian Entrances.**
  - a. The main pedestrian entrance shall be located along the De Longpre Avenue frontage.
  - b. The bicycle storage/repair station shall have an entrance along Cahuenga Boulevard.
6. **Automobile Parking.**
  - a. Automobile parking shall be provided in conformance with L.A.M.C. Section 12.21-A,4(x)(3).
  - b. **Electric Vehicle Parking.** The project shall include at least 10 percent of the total provided parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. In addition, 10 percent of the total provided parking spaces shall be provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of the required 10 percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the

raceway termination point. None of the required EV Ready parking shall apply to parking spaces used for dealership vehicle storage.

- c. In addition to the above described requirements, 20 percent (20%) of the parking spaces provided beyond the requirements of the Los Angeles Municipal Code shall be provided with EV chargers equipped to immediately accommodate electric vehicle within the parking area. When the required 20 percent results in a fractional space, round up to the next whole number.
7. **Bicycle Parking.** Bicycle parking shall be provided in conformance with L.A.M.C. Section 12.21-A,16.
  8. **Landscaping.**
    - a. The project shall provide a fixed-planter along the De Longpre Avenue street frontage, directly in front of the project's porte cochere, as shown on the Architectural Plans dated February 8, 2018, pursuant to a valid Revocable Permit from the Bureau of Engineering.
    - 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 all at maturity)
    - c. Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three (3) foot planter.
    - d. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
    - e. Prior to issuance of a building permit, plans shall be submitted to the Department of City Planning that shall incorporate the following design elements:
      - i. Streetscape improvements along Cahuenga Boulevard and De Longpre Avenue shall be consistent with Chapter 5, Streetscape and Open Space Standards and Guidelines, of the CRA/LA Sunset Boulevard & Civic Center Urban Design Plan and Guidelines, to the satisfaction of the Urban Forestry Division of the Bureau of Public Works and the Bureau of Engineering.
  9. **Sustainability.**

- a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
  - b. **Solar.** The project shall dedicate a minimum of 800 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A."
10. **Trash/Recycling.** Trash and Recycling pick-up and emptying or disposing of trash/recycling into outside containers is permitted to occur only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturdays and Sundays.
- a. Trash/recycling containers shall be locked when not in use.
  - b. Trash/recycling containers shall not be placed in or block access to required parking.
11. **Department of Transportation.** The project shall comply with the Project Requirements as detailed in the Department of Transportation letter to the Planning Department dated October 16, 2017 (DOT Case No. CEN17-46419).
12. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the unified development.

#### **Alcohol Related Conditions of Approval**

13. Approved herein is the following:
- a. The sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operations of a proposed hotel with in-room controlled access cabinets, associated ground floor restaurant, third floor courtyard, and enclosed and unenclosed rooftop venues as shown on site plan stamped Exhibit A.
  - b. The premises shall maintain a bona fide eating place (restaurant) with operational kitchen, and shall provide a full menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during all operating hours
  - c. The third floor courtyard is open to hotel guests only. The ground floor restaurant and the unenclosed and enclosed rooftop venue may be open to the general public.
14. **Hours of Operations.**
- a. Ground Floor Restaurant – hours of operation are limited to 7:00 a.m. to 2:00 a.m., daily. The kitchen may operate 24 hours, daily to serve hotel guest rooms and other common areas. Food service shall be available at all times that drink service is available.
  - b. Courtyard – hours of operation are limited to 7:00 a.m. to 2:00 a.m., daily. Access is limited to hotel guests only.
  - c. Rooftop (Enclosed) – hours of operation are limited to 7:00 a.m. to 2:00 a.m., daily.
  - d. Rooftop (Unenclosed) – hours of operation are limited to 7:00 a.m. to 12:00 a.m., daily.
15. **Seating.**
- a. Ground Floor Restaurant – 133 interior seats
  - b. Courtyard – 66 outdoor seats
  - c. Rooftop (Enclosed) – 72 indoor seats

- d. Rooftop (Unenclosed) – 205 outdoor seats

**16. Entertainment.**

- a. Live Entertainment or amplified music may be permitted within the ground floor restaurant and hotel lobby area. Only low-volume, ambient, background music shall be permitted within the third-floor courtyard lounge and dining area until 12 a.m., daily. Ambient music shall be permitted in all operational areas until such hours that those operations must cease.
- b. No live entertainment or amplified music shall be permitted on the rooftop areas (enclosed and unenclosed). Only low-volume, ambient, background music is permitted within the outdoor rooftop areas until 12:00 a.m., daily.
- c. The doors to the rooftop's fully-enclosed dining (penthouse) area shall be kept closed from 12:00 a.m. through 2:00 a.m. These doors shall be solid; no screen or ventilated materials are permitted.
- d. When the enclosed dining (penthouse) doors or windows are open between 7:00 a.m. and 12:00 a.m., any music, sound, noise, or vibration shall not be audible or felt beyond that part of the premises which is under the control of the applicant.
- e. Amplified music and/or Live Entertainment features are prohibited in the enclosed lounge area on the rooftop.
- f. Live entertainment features and amplified music is prohibited in the rooftop outdoor pool, bar, lounge and enclosed lounge areas, during all hours of operation, except during preapproved special event occasions.
- g. Employment of a disc-jockey or other live entertainment features within the ground floor hotel bar, restaurant and lounge areas is permitted provided that any noise produced or otherwise generated by any live entertainment features or disc-jockey performances remains inaudible outside of the subject premises and does not violate any provisions of the city-wide noise ordinance. Employment of a disc-jockey or other live-entertainment features playing amplified music in areas other than the ground-floor hotel restaurant is strictly prohibited outside of pre-approved special event occasions. Employment of a disc-jockey playing non-amplified music is permitted in the enclosed rooftop penthouse.
- h. Any ambient or amplified music, sound, vibration or noise emitted that is under the control of the petitioner(s) shall not be audible or otherwise perceivable beyond the subject premises. Any sound, vibration or noise emitted that is under the control of the petitioner which is discernible outside of the subject premises shall constitute a violation of Section 116.01 of the Los Angeles Municipal Code, including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The establishment will make an effort to control any unnecessary noise made by restaurant/hotel staff or any employees contracted by the restaurant or bar facilities located within the hotel facility, or any noise associated with the operation of the establishment, or equipment of the restaurants. The queuing of individual pieces of music on an MP3 player, iPod, or a computer by a hotel staff member with no other entertainment shall not constitute a disc jockey.
- i. No Dancing is permitted. Public dancing shall require the filing of a new Conditional Use Permit pursuant to Section 12.24-W, 18 of the Los Angeles Municipal Code. There shall be no dance floor arrangement permitted in the subject premises. Patron dancing is not permitted nor shall the Petitioner(s) accommodate or endorse dancing features in any fashion.
- j. Live entertainment features and amplified music are prohibited in the third-floor outdoor courtyard area, during all hours of operation, except during preapproved special event occasions. Only low-volume, ambient, background music shall be permitted within the outdoor third-floor courtyard lounge and dining area until 1:00

a.m.. Ambient music shall be permitted in all operational areas until such hours that those operations must cease.

#### 17. **Special Events.**

- a. The number of special events permitted on the subject property shall be limited to a maximum of **24 events per year**. A special event is any event which is held weekly, monthly or annually or that includes outside advertisement demonstrating a change in the mode and character of the normal hotel operations, including but not limited to hours of operation, or any significant live entertainment features that would stipulate an ABC one-day permit application or some other special endorsement. Operational occurrences or arrangements wherein the applicant(s) demands or requests an admission fee from hotel patrons will be considered special events as will any events that involve the exclusion of the general public from gaining admission to the hotel premises or public portion thereof. The applicant shall seek approval from the LAPD Hollywood Vice Unit for all special events 14 days in advance of the date of each special event, in writing. LAPD shall respond to requests for special events in writing. Outside advertisement as it pertains to this provision shall include any promotional material or notification commissioned by any entity that is not directly associated with the operation or under the direct employ of the applicant(s).
- b. The applicant shall not sublet the premises to outside “promoters” for nightclub activity. Private parties hosted by the hotel or future operators of the ground floor dining area, third floor courtyard and rooftop bar/lounge, in which general public are excluded from the entire ground floor bar, lounge, outdoor courtyard and dining areas or the entire rooftop area are permitted provided that an appropriate one-day special events permit is submitted for approval to LAPD and ABC.

#### 18. **Security.**

- a. The applicant shall be required to provide a minimum of two (2) security guards on the premises during all hours of hotel operation.
- b. Additional Security Guard Requirements: A minimum of one additional security guard shall be required during the following hours of operation at the following venues:
  - i. **Ground Floor Restaurant.** During the hours between 8:00 p.m. and 30 minutes after closing on Thursday, Friday, and Saturday.
  - ii. **Rooftop Venue.** During the hours between 8:00 p.m. and 30 minutes after closing on Thursday, Fridays, and Saturdays.
- c. The security guards shall not have any other activities other than those that are security related. Security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel. Security personnel may open doors for patrons, position themselves at host stands, and provide patron services that do not otherwise interfere with their security role as set forth above.
- d. The applicant(s) shall be required to provide the Police Department with a Security Plan that satisfactorily conforms to Police Department and City Planning standards. The security plan shall include a delineation of the video surveillance arrangements for both the licensed premises and the adjoining public areas encircling the subject premises. The security plan shall also include a delineation of the security personnel scheme including specifications pertaining to staffing, structure and arrangement of security guards for the licensed premises. The applicant’s security plan will be included in the Case File following Police Department and City Planning approval.

19. Applicant(s)/Operator(s) shall install and maintain security cameras and a one-month

DVR/video library that covers all common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. The DVRs shall be made available to police upon request.

20. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
21. Line-queuing arrangements of hotel guests or restaurant/bar/lounge patrons within the public right of way that encircle the subject property are strictly prohibited.
22. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
23. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
24. Electronic age verification device(s) shall be retained and installed on the premises at each point of sale location and available for use during operational hours. The device shall be maintained in an operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.
25. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus.
26. There shall be no Adult Entertainment of any type pursuant to Section 12.70 of the LAMC. Any proposed Adult Entertainment shall be subject to the requirements of Section 12.70 and require the filing of the appropriate application.
27. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
28. **Complaint Log.** Prior to the utilization of this grant, the operator shall identify a contact person and provide a telephone number and email address for any inquiries or complaints from the community regarding the subject facility. The phone number and email shall be posted on the site so that is readily visible to any interested party. The phone number and email address shall be:

- a. Posted at the entry, and the cashier or customer service desk,
- b. Provided to the immediate neighbors, schools, and the Neighborhood Council, and
- c. Responded to within 24-hours of any complains/inquires received.

The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response and shall maintain this documentation for a period of 12 months. The log shall be made available for review by the Los Angeles Police Department, the Department of Building and Safety, and the Department of City Planning upon request.

29. **Prior to the beginning of operations**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the **Department of City Planning** within 30-days of the beginning day of operation of the establishment. The statement shall read as follows:

*We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the hotel and restaurant, known as The Godfrey Hollywood, and agree to abide and comply with said conditions.*

30. 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 City Planning Department 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 City Planning Department 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.
31. Should there be a change in the ownership and/or the operator of the restaurant, the City Planning Commission or the Director of Planning as its designee, 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 City Planning, 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 City Planning Commission or its designee 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.
32. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or

after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Department of City Planning for attachment to the case file.

33. 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file. This covenant is required only for the alcohol portion of this case. The Covenant and Agreement required by Condition 53 shall be required for all other conditions.

#### **Environmental Conditions – Project Design Features**

34. **Aesthetics (Light)** – Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
35. **Aesthetics (Glare)** – The exterior of the proposed structure shall be constructed of materials to minimize glare and reflected heat, such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces.
36. **Air Quality** – Temporary construction fencing shall be installed around the periphery of the Site, which reduces dust and other emissions from the Project Site.
37. **Noise** – The pool and rooftop decks shall be enclosed on all sides with a glass perimeter wall and include landscaping (i.e., shrubbery and trees), and shall be designed to minimize noise levels at off-site locations to the maximum extent feasible, but to achieve at least a reduction of 5 to 10 dBA of noise attenuation at the nearest such location.

#### **Environmental Conditions – Mitigation Measures**

38. **Geology and Soils (Geotechnical Report)** - The Applicant shall comply with the recommendations contained within the Geotechnical Report, as well as all conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the Project, and as it may be subsequently amended or modified.
39. **Geology and Soils (Erosion/Grading/Short-Term Construction Impacts)**

- a. 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.
  - b. The Project shall prepare a Grading Plan that shall conform with the City of Los Angeles Department of Building and Safety Grading Division's Landform Grading Manual Guidelines.
  - c. Appropriate erosion control and drainage devices per the Los Angeles Municipal Code Section 91.7013 shall be provided to the satisfaction of the Los Angeles Department of Building and Safety.
40. **Hazards and Hazardous Materials (Emergency Evacuation Plan)** – 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.
41. **Noise (Demolition, Grading, and Construction Activities)**
- a. Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.
  - b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously to the extent feasible.
  - c. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
42. **Noise (Construction Notification)** - Two weeks prior to commencement of construction, notification shall be provided to the off-site residences within 500 feet of the Project site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.
43. **Noise (Temporary Construction Barrier)** - Temporary sound barriers, capable of achieving a sound attenuation of at least 12 dBA (e.g., construction sound wall with sound blankets) at 50 feet of distance, and capable of blocking the line-of-sight to the Buzzfeed Studios shall be installed as feasible.
44. **Noise (Construction Equipment)**
- a. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices (utilizing all technologically feasible sound attenuation features) capable of achieving a sound attenuation of at least 3 dBA at 50 feet of distance. On-site power generators shall either be plug-in electric or solar powered.
  - b. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent residences.
  - c. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.
45. **Noise (Haul Route)** – A haul route for exporting cut materials from the site to a nearby landfill should minimize travel on residential streets with sensitive receptors.
46. **Public Services (Fire)** – 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.

47. **Public Services (Police)**

- a. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- b. The plans shall incorporate a design that enhances the 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, and location of toilet facilities or building entrances in high-foot traffic areas. 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.
- c. Upon completion of the Project, the Hollywood Area commanding officer shall be provided with a diagram of each portion of the property. The diagram shall include access routes and any additional information that might facilitate police response.

48. **Transportation/Traffic**

- a. The developer shall install appropriate construction related traffic signs around the site to ensure pedestrian and vehicle safety.
- b. 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.

49. **Transportation/Traffic (Pedestrian Safety)**

- a. Temporary pedestrian facilities should be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility
- b. Covered walkways should be provided where pedestrians are exposed to potential injury from falling objects.

50. **Utilities/Service Systems (Wastewater Service).** As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If the public sewer has insufficient capacity, then the Project Applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity. If street closures for construction are required, the Project applicant shall coordinate with LADOT on a traffic control plan and have flagmen to facilitate traffic flow and safety and minimize interruption to the street and sidewalk.

51. **Utilities/Service Systems (Water Service).** As part of the normal construction/building permit process, the Project Applicant shall confirm with the LADWP Water Service Organization (WSO) that the capacity of the existing water infrastructure can supply the domestic needs of the Project during the construction and operation phases. If the water infrastructure has insufficient capacity, then the Project Applicant shall be required to build water lines to a point in the system with sufficient capacity. If street closures for construction are required, the Project applicant shall coordinate with LADOT on a traffic control plan and

have flagmen to facilitate traffic flow and safety and minimize interruption to the street and sidewalk.

### **Administrative Conditions of Approval**

52. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
53. **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.
54. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
55. **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.
56. **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.
57. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
58. **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.

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

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

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

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

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

- 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.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- All service of alcoholic beverages shall be conducted by a wait person or bartender.
- The alcoholic beverage license for the restaurant shall not be exchanged for a public premises type license nor operated as a public premises.
- There shall be no service, sales or possession of an alcoholic beverage on any abutting private property area not under the immediate control of the applicant/facility operator with the exception of the approved patio/outdoor dining areas.
- Bottle and/or Table service involving the distribution of distilled spirits shall be prohibited during regular restaurant/hotel operations and is only permitted during special events that have been authorized by the Los Angeles Police Department. "Buckets" of beer and 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. The sale of poolside cabanas and lounge chairs may be permitted in conjunction with the restrictions set forth above related to alcohol sales.
- "Happy Hour" is permitted between the hours of 4:00 pm and 8:00 pm, daily. There may be no more than a fifty percent discount on alcoholic beverages.

## FINDINGS

(As modified by the Planning and Land Use Management Committee on May 15, 2018)

### 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 proposed project will enhance the built environment and provide a service that is beneficial to the city. The project will result in the new construction of an eight-story, 220 room boutique hotel (The Godfrey Hollywood). The hotel will include a 2,723 square-foot ground floor restaurant and 1,440 square feet of rooftop bar/lounge, along with other amenities including a rooftop pool, third floor courtyard, and fitness center. The project will provide hotel accommodations within the regional commercial center of Hollywood, that offers a convenient, walkable, and transit accessible location for hotel guests and visitors.

#### Alcohol

The applicant is requesting a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of 220 guest room hotel with in-room controlled access cabinets, ground floor restaurant, third floor courtyard, and rooftop bar. The hotel, restaurants, and bars will be operated by the hotel operator. The 2,723 square-foot ground floor restaurant includes 133 seats with hours of operation from 7 a.m. to 2 a.m., daily. The hotel's third floor has a passive courtyard space with 66 seats. The rooftop deck includes 277 seats with hours of operation from 7 a.m. to 2 a.m., daily for the enclosed area and 7 a.m. to 12 a.m. for unenclosed rooftop deck.

The proposed alcohol-serving venues will provide a service to hotel guests looking for a convenient in-property location for dining and congregating, as well as providing an additional restaurant and lounge option for those who are employed or visiting the Hollywood area. The primary use of the restaurant will be the sale of food. Alcohol sales will be secondary to the restaurant's main menu offerings. The addition of a full line of alcohol for on-site consumption in conjunction with the proposed ground floor restaurant will provide an amenity for diners that is desirable to the community and the patrons of the hotel. The courtyard and the rooftop lounge will also offer food service from the ground floor restaurant and offer a new destination for social gatherings in Hollywood. The 220 guest room hotel will also offer the alcohol sales within in-room controlled access cabinets (mini-bars). The primary use of the facility will be providing lodging accommodations to serve the surrounding area and region. The request to have mini-bars within guest rooms is to offer a convenience for guests to obtain snacks, drinks, and other toiletry items from the comfort of their room.

The proposed project will develop an under-utilized site with a high quality design that will enhance the built environment. The hotel and associated uses will provide an additional amenity and service for those who are visiting the area and for local residents. The project will provide needed hotel guest rooms that will support the regions tourism industry, and provide an alternative dining and entertainment option to the public.

#### F.A.R. Increase

The applicant is requesting a conditional use to permit an increase in floor area beyond the permitted 3 to 1. The site was limited to 3 to 1 Floor Area Ratio (F.A.R.) by Ordinance No.

165,661. The "D" Limitation allows projects to go over the 3 to 1 limitation provided the following;

- a. The Community Redevelopment Agency Board finds that the project conforms to: (1) the Hollywood Redevelopment Plan, (2) a Transportation Program adopted by the Community Redevelopment Plan Agency Board pursuant to Section 518.1 of the Redevelopment Plan, and, if applicable, (3) any Designs for Development adopted pursuant to Section 503 of the Redevelopment Plan; and
- b. The project complies with the following two requirements: A Disposition and Development Agreement or Owner Participation Agreement has been executed by the Community Redevelopment Agency Board; and the Project is approved by the City Planning Commission, or the City Council on appeal, pursuant to the procedures set forth in Municipal Code Section 12.24-B.3.

Procedures for Conditional Use applications from LAMC Section 12.24-B.3 have since been changed to 12.24-B through I. As stated above, in order to increase the F.A.R. over 3 to 1, the project has to comply with CRA requirements and receive approval from the City Planning Commission, thus necessitating the request herein as the project requests an F.A.R of 3.69 to 1. In 2015, the Chief Legislative Analyst reported (Council File No. 13-0991) that hotel room development in the City was just 0.7 percent, which lags the national average of 1.4 percent. The report acknowledges that the City not only needs hotel rooms in tourist areas including near the Convention Center, Hollywood, Downtown, etc., but citywide. Granting the conditional use to permit an increase in F.A.R. beyond 3 to 1 would allow for the construction of a 220 guest room boutique hotel at a presently underutilized site in the Hollywood Regional Center. The project will provide local lodging accommodations and increase the number of hotel rooms, benefiting the city and region as a whole. According to the applicant, the hotel would generate approximately 50 new jobs and generate additional hotel tax revenues for the city.

The approval of the Conditional Use for additional Floor Area will enable the development of the hotel on a site which has remained underdeveloped. A hotel use is permitted by-right at the subject location as the site is located more than 500 feet from the nearest residentially zoned lot. Therefore, the use of the hotel at the site is compatible with the surrounding development in the Hollywood Regional Center and will serve as a source for increased employment. The hotel will provide an additional amenity and service for those who are visiting the area and for local residents. As conditioned herein, the project with an F.A.R. of 3.69 to 1 will enhance the built environment in the surrounding neighborhood and will provide an amenity and service that will be beneficial to the community.

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

The subject property is a rectangular-shaped lot, comprised of approximately 0.46 acres. The site is bound by three public streets and an alleyway with approximately 131 feet of frontage along the north side of De Longpre Avenue, 131 feet along the south side of the alley, 136 feet on the east side of Cahuenga Boulevard and 136 feet on the west side of Ivar Avenue. A hotel is permitted by-right at the project site as the nearest residentially zoned lot is located more than 500 feet away.

The project will result in the construction, use, and maintenance of a 220 guest room hotel with ground floor restaurant and rooftop pool and three levels of subterranean parking. The project would rise to a height of 94 feet and eight-stories and include 74,362 square feet of

floor area. The hotel will also include 104 automobile parking spaces (11 EV spaces) housed in three levels of subterranean parking.

### Alcohol

The proposed hotel will be compatible with surrounding development and will not adversely affect or further degrade the surrounding neighborhood. The applicant is seeking a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption at the hotel including within all guestrooms and in a ground floor restaurant, third floor courtyard, and rooftop lounge.

The ground floor restaurant is a bonafide restaurant that is entirely enclosed and is limited to a total of 133 seats. Hours of operation for the restaurant are from 7 a.m. to 2 a.m., daily, with the kitchen able to operate for 24 hours, daily to accommodate room service requests. The hotel will also offer controlled access cabinets (mini-bars) within guest rooms. The interior courtyard bar has seating for 66 patrons and hours of operation from 7 a.m. to 2 a.m., daily. The rooftop venue includes an enclosed area on the 8<sup>th</sup> floor totaling 1,000 square feet and having 72 seats. The rest of the venue is unenclosed and includes 8,162 square feet and 205 seats. The unenclosed area is conditioned to close no later than 12 a.m., and is further restricted from having any amplified music, which is consistent with other hotels in Hollywood.

The project site is located within the Hollywood Center, which is described as the commercial center of Hollywood and the surrounding community. Regional Centers are anticipated to contain a diversity of uses including entertainment facilities and supporting services. Further, the applicant has worked with LAPD Hollywood Vice to develop operating conditions that will make the project a compatible neighbor while allowing for a reasonable operation. The project has been conditioned to reduce impacts of the operation of the hotel restaurant, lounges and bars to adjacent uses, including limitations on operating hours, restrictions on live-entertainment, and special events. The project is required to comply with the City's noise regulations and Project Design Features are to be implemented to further reduce potential operating impacts to the surrounding community. Therefore, 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.

### F.A.R. Increase

The site is located just east of the Arclight Cinerama Dome parking garage and is immediately surrounded by commercial uses including automotive repair, office, parking and dance hall uses. Adjacent properties to the north are zoned C4-2D and are developed with a surface parking lot and nightclub (Lure). The southern adjacent property (across De Longpre Avenue) is zoned C4-2D and is developed with an auto body shop. The southwestern adjoining property is zoned PF-1XL and is developed with LAFD Station 27 and LAPD Hollywood Station. The southeastern adjoining property is zoned C4-2D-SN and is developed with commercial uses and a surface parking lot. The western adjoining property is zoned C4-2D and is developed with office/production uses. The eastern adjoining property (across Ivar Avenue) is zoned C4-2D-SN and is developed with a seven-level parking structure and Cinerama Dome commercial center.

The 220 guest room hotel will have approximately 74,362 square feet of floor area with an F.A.R. of 3.69 to 1. The site is presently restricted to a maximum F.A.R. of 3 to 1. The upcoming Hollywood Community Plan update foresees the potential to increase the base F.A.R. throughout most of the Hollywood Regional Center to a minimum of 4.5 to 1, which the project would be consistent with. The proposed height and massing are in line with surrounding development, and comply with the Citywide Commercial Design Guidelines,

which encourage ground floor pedestrian activation and limited setbacks. The project site is zoned for commercial uses and the site is an appropriate location for a hotel use with restaurant and rooftop bar.

The proposed use of the hotel with an F.A.R. of 3.69 to 1 and alcohol sales has been conditioned so that the project's location, size, height, and operations will not adversely affect or further degrade the adjacent properties or the surrounding neighborhood. The sale of alcoholic beverages in conjunction with the restaurant, in-room controlled access cabinets, courtyard, and rooftop venues are anticipated to be an ancillary service and amenity to the guests and residents in the area. As proposed, the project will be compatible with the surrounding neighborhood and will not further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.

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

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Hollywood Community Plan designates the subject property for Regional Center Commercial land uses with corresponding zones of C2, C4, P, PB, RAS3, RAS4, and Height District No. 2D. The subject property is presently zoned C4-2D and is consistent with the current land use. A hotel use is permitted by right in the C4 Zone when the project is located more than 500 feet from the nearest residential zone. The project is consistent with the following objective of the Hollywood Community Plan:

- Objective 1 To further the development of Hollywood as a major center of population, employment, retail services, and entertainment...

Alcohol

The Community Plan text does not specifically address the requested conditional use for the sale and dispensing of a full line of alcohol for on-site consumption. The LAMC allows the City Planning Commission to approve the use under the authority of Section 12.24 W.1 and Section 12.36 (Multiple Approvals Ordinance), if the findings of fact can be made in the affirmative. As conditioned, approval of the conditional use can be deemed to substantially conform to the purpose, intent and provisions of the General Plan and the Hollywood Community Plan. The proposed project will promote economic development and create a viable commercial and short term residential enterprise in the Regional Center of the Hollywood Community Plan. The hotel will offer a full service restaurant and both in-room and rooftop alcohol sale locations. Granting the request with conditions of approval that ensure compatibility with surrounding uses will allow the proposed project to substantially conform with the purpose, intent, and provisions of the General Plan. With conditions and limitations imposed by the City Planning Commission, the surrounding properties should be protected from predictable impacts of the proposed uses.

F.A.R. Increase

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

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

Under the City's Framework Element, a Regional Center is a focal point of regional commerce, identity and activity and contains diverse uses such as corporate and professional offices, multi-family residential uses, retail commercial malls, restaurants, mixed-use buildings, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Generally, Regional Centers are characterized by six to 20 story buildings or higher (mid to high rise), and are usually major transportation hubs.

The project is a mixed-use development with hotel, restaurant, and entertainment uses at the site. The project will also offer new employment opportunities in the city. The site is also located in a convenient location for public transit, within 1,500 feet of the Metro Red Line Hollywood/Vine subway station and is within close proximity to Metro local bus services on Vine Street and Sunset Boulevard.

As stated previously in Finding No. 1, the site's D limitation grants the authority to allow increases in F.A.R. beyond 3:1 to the Community Redevelopment Agency Board and to the City Planning Commission. The project site is located in the Hollywood Regional Center, which is designated to be the focal point for regional commerce, identity, and activity within the community plan area. Given the site's location within the commercial center of Hollywood, and its proximity to transit infrastructure, the increase in F.A.R. to 3.69 to 1 is warranted. The additional F.A.R will allow the project to provide needed guest rooms and entertainment facilities within a prominent location in Hollywood. As proposed, the project is in conformance with the spirit and intent of the General Plan and other City polices which aim to promote the subject property and its immediate area with healthy and viable commercial activity.

### Redevelopment Plan

Enacted on June 29, 2011, Assembly Bill 1x-26 (AB 26) revised provisions of the Community Redevelopment Law of the State of California, to dissolve all redevelopment agencies and community development agencies in existence and designate successor agencies, as defined, as successor entities. Among the revisions, the amendments to the law withdrew all authority to transact business or authorize powers previously granted under the Community Redevelopment Law (Section 34172.a.2), and vested successor agencies with all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies (Section 34172.b). To that end, the CRA/LA, a Designated Local Authority, the successor agency to the CRA, approved Resolution No. 16 (June 21, 2012), affecting the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center/Koreatown Redevelopment Project Areas, and which resolved that:

"For the purposes of determining whether land uses proposed in development applications for any property located in the project areas are permitted uses, it is hereby determined that any land uses permitted for such property by the applicable provisions of the City of Los Angeles General Plan, Community Plan and Zoning Ordinance, all as they now exist or are hereafter amended or supplanted from time to time, shall be permitted land uses for all purposes under the applicable Redevelopment Plan.

The land use designation for any property in a project area set forth in the Redevelopment Plan Map and the land use regulations for such property set forth in the Redevelopment Plan for the applicable project area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan

and Zoning Ordinance land use designations and regulations for such property, all as they now exist or are hereafter amended or supplanted from time to time.”

As previously discussed, the current land use designation for the project site in both the Hollywood Community Plan and the Hollywood Redevelopment Plan is Regional Center Commercial. The project would develop a hotel offering a mix of residential and commercial land uses on the project site. The Redevelopment Plan states that the Regional Center Commercial land use designation should generally provide goods and services that are designed in a manner that appeals to a regional market, as well as to local markets, and includes uses such as theaters, restaurants, hotels, offices, and retail or service businesses. Residential uses may be permitted in commercial areas pursuant to Section 506.3 of the Redevelopment Plan. Therefore, the residential (hotel) and commercial uses proposed for the project would be consistent with the Regional Center Commercial land use designation.

As set forth in the Redevelopment Plan, development under the Regional Center Commercial designation is generally limited to an F.A.R of 4.5:1. The project proposes an F.A.R of 3.69 to 1. Therefore, the project would be consistent with the existing land use designation and F.A.R. limitations.

Section 300 of the Redevelopment Plan sets forth 16 goals for the Redevelopment Plan. Redevelopment Plan goals applicable to the project include:

*Goal 3—Promote a balanced community meeting the needs of the residential, commercial, industrial, arts and entertainment sectors;*

*Goal 9—Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes; and to provide home ownership opportunities and other housing choices which meet the needs of the resident population;*

*Goal 12—Support and encourage a circulation system which will improve the quality of life in Hollywood, including pedestrian, automobile, parking and mass transit systems with an emphasis on serving existing facilities and meeting future needs.*

*Goal 14—Promote and encourage development of recreational and cultural facilities and open spaces necessary to support attractive residential neighborhoods and commercial centers.*

Specifically, the project would contribute to these goals through the intensification of the existing developed property, providing an additional supply of 220 guest rooms and neighborhood serving amenities such as restaurants and bars. The mixed-use project will increase the supply as well as the quality of short-term housing options available in the Hollywood community.

The project will improve pedestrian safety through project lighting, signage, and sidewalk and streetscape improvements. The project would support Goal 12 by promoting the use of public transportation and a reduction in vehicle miles traveled by concentrating new development within an area well-served by a variety of transit options.

The project will support Goal 14 by providing approximately 8,322 square feet of rooftop open space with 1,575 square feet of landscaping, featuring a pool deck for hotel guests to congregate and an enclosed rooftop bar that will be open to the public. The project will also include landscaping on the ground floor and within a third floor courtyard.

Based on the analysis above, the project would be consistent with the Hollywood Redevelopment Plan.

#### **Conditional Use – Alcohol Specific**

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

The approval of the conditional use to permit the sale of alcoholic beverages for on-site consumption within a hotel with on-site restaurant, courtyard, and rooftop bar will not adversely affect the welfare of the community. The applicant has worked in cooperation with LAPD and the local community to create a set of operating conditions that allow the operator a reasonable operation while safeguarding the community from the potential impacts of the development. Operating limitations include restrictions on live entertainment, number of special events, prohibitions on public dancing, and limited hours of operation for outdoor venues. The project has also been required to provide licensed security during operating hours to enhance the safety of the site and to create a controlled, secure environment. The sale of alcoholic beverages at the hotel is anticipated to be ancillary to the main services that will be provided by the hotel. Therefore, as conditioned, the proposed use will not adversely affect the welfare of the pertinent community.

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

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 1908.02, there are two on-site and one off-site licenses allocated. Within 1,000 feet of the subject property, there are currently 25 active licenses, including 23 on-site and two off-site licenses.

The number of existing on-site within the census tract where the subject site is located exceeds ABC's guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. 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. The project is located within a Regional Center where a variety of uses is permitted and encouraged and an increased concentration of licenses is anticipated. In addition, the census tract in which the project is located is an active commercial area that is a destination point for many and where there is a demand and expectation for increased alcohol license issuances.

According to statistics provided by the Los Angeles Police Department's Hollywood Vice Unit, within Crime Reporting District No. 666, which has jurisdiction over the subject property, a total of 1,160 crimes were reported in 2016 (378 Part I and 782 Part II crimes), compared to the area average of 388 crimes for the same reporting period. Alcohol related Part II Crimes reported include Narcotics (116), Liquor Laws (10), Public Drunkenness (36), Disturbing the Peace (1), Disorderly Conduct (68), Gambling (0), DUI related (47) and other offenses (211). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

In active commercial areas where there is a demand for licenses beyond the allocated number, the Department of Alcoholic Beverage Control (ABC) has recognized that high-activity retail and commercial centers are supported by a significant and growing employee, visitor, and resident population in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. As proposed by the submitted application and conditioned herein by the City, the requested application will be implemented with conditions intended to prevent public drinking, driving under the influence, and public drunkenness. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. These conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcohol for on-site consumption is not undue or anticipated to create a law enforcement issue.

Although the site is located within a crime reporting district where the crime rate is higher than the area wide average, no evidence or communications were received indicating that the location of the proposed hotel has been the subject of criminal or nuisance activity. The Hollywood Area Vice Unit submitted a letter of non-opposition to the request dated January 29, 2018, and requested operational conditions be placed on the property to minimize impacts from the project. Those conditions, including the prohibition on live entertainment on the rooftop and limitations on hours of operation seeks to minimize noise impacts on the surrounding community. At the hearing LAPD stated that hotels are encouraged in Hollywood and that they support the project with conditions imposed. A number of LAPD's recommended conditions are consistent with the conditions of approval imposed herein.

Therefore, the project will not adversely affect community welfare because a hotel with restaurants and alcohol sales is a desirable use in an area designated for regional commercial uses. In this case, the proposed project will provide a convenience to visitors and residents in the area and as conditioned, will not negatively impact the area. The City Planning Commission has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

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

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

- Los Angeles Film School – 6363 North Sunset Boulevard
- Pickford Center for Motion Picture Study – 1313 Vine Street

The sale of alcoholic beverages will be in a controlled environment within the hotel and restaurant and will be managed by trained employees and subject to multiple noise and security measures. Thus, the proposed use will not detrimentally affect these sensitive uses within proximity of the subject site. To ensure that the nearby sensitive uses are adequately mitigated from any potential adverse impacts of this project, conditions been imposed to ensure that no littering, excessive noise or light will result from the operation of this business.

Therefore, with the conditions imposed herein, the restaurant should not detrimentally affect the neighboring sensitive uses or create potential nuisances for the surrounding area.

### **Zone Variance Findings**

**7. 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 strict application of the provisions of the LAMC that prohibit restaurants with outdoor eating areas above the ground-floor level would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The zoning regulations allow certain land uses in various zones in order to achieve compatibility between respective uses. Such regulations, however, are written on a city-wide basis and often do not consider unique characteristics of a specific site's intended use or the character of a particular community.

The project site is located in an area characterized by the Hollywood Community Plan as the "Hollywood Center," which is designated to function as "the commercial center for Hollywood and surrounding communities and as an entertainment center for the entire region." The project site's C4 Zone restricts outdoor dining to the ground floor, which imposes an unnecessary hardship on the project that is inconsistent with the general purpose and intent of the zoning regulations.

The intent of the C4 restriction on outdoor dining above the ground floor is to minimize noise impacts on the surrounding community by requiring dining in an enclosed space. The project will still meet the intent of the zoning regulations by limiting outdoor uses to a reasonable hour, restricting amplified music and live entertainment, including glass guardrails to minimize noise, and by virtue of distance from sensitive receptors.

The hotel project looks to create a tourist destination and a new local venue where neighborhood residents and visitors alike can congregate, dine, and enjoy panoramic views of the city, in keeping with the Hollywood Community Plan's vision to further the area as an entertainment center. Modern luxury hotels often offer amenities such as rooftop bars and unenclosed courtyards to function as social gathering spaces for guests, residents, and visitors to the area. The C4 zone does not consider the unique characteristic of the Hollywood Center, which encourages these types of uses to further Hollywood as the center for entertainment for the entire region. In light of the foregoing, the strict application of the zoning regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

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

The subject property is a rectangular-shaped lot, comprised of approximately 0.46 acres. The site is bound by three public streets and an alleyway with approximately 131 feet of frontage along the north side of De Longpre Avenue, 131 feet along the south side of the alley, 136 feet on the east side of Cahuenga Boulevard and 136 feet on the west side of Ivar Avenue. The site is unique in that it is constrained on four sides by public rights of way, thus limiting developable area or the ability to expand the site's footprint.

The proposed project is a boutique luxury hotel that is expected to offer modern day amenities including restaurants, rooftop lounges, and courtyards. Due to the constrained lot size, it is

not feasible for the project to provide those amenities, including outdoor dining on the ground floor. It is a more desirable and better use of land for the project to maximize the site with a fully built out structure. The zoning code encourages this form in Regional Center Commercial land use designation by permitting no setbacks along street frontages for mixed-use buildings, to which this project qualifies (LAMC Section 12.22-A,18). Consistent with the Citywide Commercial Design Guidelines, the project adheres to recommended site planning guidelines by locating building frontages at the front property line. In doing so, the site has no room to accommodate ground floor outdoor dining spaces. Thus, the project has proposed above ground outdoor dining spaces.

The C4 Zone's restriction on above ground outdoor dining is not consistent with the Community Plan's vision for a regionally significant entertainment district. The project's location is unique in that it is designated Regional Center, zoned C4, and located more than 500 feet away from the nearest residential zone. This location would benefit the city by providing a new hotel with rooftop venue that will attract tourists and visitors from around the world. The project site is located a sufficient distance (at least 500 feet) from the nearest residential zone. In addition, operating conditions are in place to restrict potential impacts from the use, including limits to operating hours, live entertainment, and additional security guard requirements to ensure that the project is operated in a responsible manner. Thus, the site's constrained size, location within the Hollywood Center, and distance from sensitive uses are special circumstances applicable to the subject property that does not apply to other properties in the same zone or vicinity.

9. **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.**

It is an unnecessary hardship to restrict outdoor dining above the ground floor in an area where entertainment and visitor serving uses are encouraged. The project site is located within the Hollywood Regional Center. There are many existing and proposed projects in the Hollywood area and throughout the city that include dining above the ground floor by variance. Other Hollywood area hotels with above ground outdoor dining include the Dream Hotel at 6417 Selma Avenue, Mama Shelter at 6500 Selma Avenue, and the W Hotel at 6250 Hollywood Boulevard,

The Dream Hotel at 6417 Selma Avenue (located in the C4-2D Zone approximately 0.3 miles to the northwest of the project site) obtained a variance to permit outdoor dining on the 8<sup>th</sup> floor and rooftop area of the venue (Case No. CPC-2007-3931-ZC-HD-CUB-ZV-SPR). Hotels in other Regional Center areas of the city including Downtown Los Angeles have also obtained variances for outdoor dining above the ground floor including the Freehand at 416 West 8<sup>th</sup> Street (Case No. ZA-2014-4048-CUB-CUX-ZV). Therefore, there are properties within the same zone and vicinity that possess the substantial property right of having outdoor dining above the ground floor and because of unnecessary hardships as a result of the C4 Zone, is denied the property in question.

10. **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.**

Allowing the project to incorporate outdoor dining above the ground floor at a rooftop lounge and courtyard will not be materially detrimental to the public welfare. The hotel, restaurant, bar and lounge use, including above ground dining, is compatible with the surrounding Regional Commercial Center uses and complements the City's vision of Hollywood as a

thriving entertainment district. The property is located within the Hollywood Center, a regionally significant commercial and entertainment hub with no residentially zoned properties within 500 feet of the site. Due to the property's surrounding uses, rooftop dining above the ground floor will not be detrimental or pose a nuisance to the public welfare. The project will also include design features including a glass guardrail and landscaping on the rooftop to further increase noise attenuation at the site. The project is required to comply with the citywide noise ordinance and has been conditioned to ensure the operation will not pose a nuisance to the public welfare. The conditions related to facility operations have been incorporated as recommended by LAPD Hollywood Vice and include restrictions on live entertainment, hours of operation, and requirements to provide private security at the site. As stated at the hearing, LAPD is generally supportive of the project and is looking to restrain noise at the site. As such, the variance to permit outdoor dining above the ground floor will not be materially detrimental to the public welfare.

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

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Hollywood Community Plan designates the subject property for Regional Center Commercial land uses with corresponding zones of C2, C4, P, PB, RAS3, RAS4, and Height District No. 2D. The subject property is presently zoned C4-2D and is consistent with the current land use. The project is consistent with the following objectives of the Hollywood Community Plan:

Objective 1. To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4 – Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The granting of this variance will not adversely affect any element of the General Plan. The use of outdoor terraces and courtyards for dining and entertainment is consistent with the Hollywood Community Plan's goal for the area to be a "major center of population, employment, retail services, and entertainment." The hotel with above ground dining will further the Community Plan's vision of creating a regionally significant entertainment district. The project with above ground dining will promote revitalization of an underutilized area by constructing a boutique hotel that is compatible with surrounding retail, restaurant and other commercial uses. The project is also consistent with the following objectives identified in subsection 506.2.3 of the Hollywood Redevelopment Plan:

Objective A – to concentrate high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation facilities...

Objective C – to provide focal points of entertainment, tourist, or pedestrian oriented uses in order to create a quality urban environment.

The project site is located within 1,500 feet of the Metro Red Line Hollywood/Vine Station and is within 500 feet of high capacity and frequent bus services along Sunset Boulevard, Cahuenga Boulevard, and Vine Street that offers convenient access to mass transit that serves the greater Los Angeles region. The proposed boutique hotel is envisioned to be a focal point for tourist, entertainment, and pedestrian oriented uses in the Hollywood area. The project will be a new anchor for the southern end of the Cahuenga Boulevard corridor, which

is presently lined by hotels, restaurants, bars, theaters, and retail uses. The hotel with outdoor dining above the ground floor will offer a venue for social gatherings and entertainment in a pedestrian oriented building with convenient access to public transit and ride share services. As such, the project will not adversely affect any element of the General Plan and is consistent with the General Plan, the Hollywood Community Plan, and the Hollywood Redevelopment Plan.

### **Site Plan Review Findings**

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

The project site is comprised of four tied lots and is bound by an alleyway to the north, Ivar Avenue to the east, De Longpre Avenue to the south, and Cahuenga Boulevard to the east. The Hollywood Community Plan designates the site for Regional Center Commercial land uses with corresponding zones of C2, C4, P, PB, RAS3, RAS4, and height District No. 2D. The D limitation allows projects to exceed the by-right 3 to 1 F.A.R. by complying with CRA requirements and through approval from the City Planning Commission. The property is not located within a specific plan and is not located within an interim control ordinance area. The Hollywood Community Plan contains the following text.

Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment, and to perpetuate its image as the international center of the motion picture industry.

The project is consistent with the objectives of the Community Plan by furthering the development of the Hollywood by allowing for the redevelopment of an underutilized site with a boutique hotel with unique services and amenities. The project includes 220 guest rooms with ancillary restaurant, bar, and rooftop uses. The development will also provide additional employment opportunities within an underdeveloped site within 1,500 feet of a fixed rail transit station, offering convenient connections to the regional rail network. The hotel will further the development of Hollywood as an employment and entertainment center by providing jobs and creating new venues that will perpetuate its image as the center of the entertainment industry.

The project is also consistent with the following Mobility Plan text:

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

The project has been conditioned to provide 800 square feet of rooftop solar facilities. The project's solar panel requirement will decrease the dependency of the hotel on public utility electrical power and reduce fossil fuel usage and greenhouse gas emissions by supporting the operation of the 11 on-site EV chargers. As proposed, the project will be in substantial conformance with the provisions of the General Plan and the Hollywood Community Plan.

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

##### **Compatibility with Existing and Future Development**

The proposed building is consistent with the visual character of the area. Surrounding uses include a nightclub to the north, a six-story parking garage and large commercial development

to the east (Cinerama Dome), automotive repair to the south, and commercial offices to the west. Future development within the immediate area includes a new mixed-use residential project that includes a 19-story residential tower and six-story mixed-use buildings to the southeast (The Academy).

The project site is undergoing excavation for the previously approved hotel's subterranean parking levels (Case No. DIR-2015-3166-SPR). The proposed project will occupy the same building envelope as the previously approved hotel, with changes in interior configuration resulting in additional floor area and overall building height. The building will be built to the street with pedestrian entrances along Cahuenga Boulevard, De Longpre Avenue, and Ivar Street. The hotel's porte cochere will be along De Longpre Avenue. The northern frontage along the alleyway has commercial loading areas and access ramps to the project's subterranean parking garage. The garage has accommodations for three levels of subterranean parking with 104 vehicle parking spaces. Of the 104 vehicle parking spaces, 11 will have EV Chargers. The project will also provide 800 square feet of solar facilities on the rooftop. The Hollywood Community Plan identifies the project site as part of the Hollywood Center, in reference to the site's central location within the core of the Hollywood regional commercial center. The project has been conditioned to ensure that convenient and efficient public access for pedestrians, bicyclists, and vehicles will be provided.

#### Arrangement of Buildings (Height, Bulk, Setbacks)

The location of the building has been designed to be compatible with adjacent uses. In keeping with the Citywide Commercial Design Guidelines, the project adheres to recommended site planning guidelines by locating building frontages at the front property line. The project has zero setbacks along all street frontages. The hotel's lobby will also be visible to the street and will help activate the project's De Longpre Avenue street frontage. The hotel is located in the C4-2D Zone, which permits unlimited height and a maximum F.A.R. of 3 to 1, with an ability to go beyond 3 to 1 through approval from the City Planning Commission. The proposed hotel is approximately 94 feet in height with an F.A.R. of approximately 3.69 to 1. The project is located within the Hollywood Regional Center, where regional serving uses and taller buildings are expected. The project's height and bulk are compatible with surrounding development, including the easterly adjoining six-story parking structure that serves the Cinerama Dome development. Therefore, the proposed bulk, height, and setbacks of the development are similar to nearby structures, and the proposed landscaping will make the site more attractive for guests and visitors and well integrated with the surrounding neighborhood.

#### Parking, Loading Areas, Trash Collection

Special attention has also been given to the siting and design of the location of loading areas and trash enclosures to minimize impacts to surrounding uses. Loading area and trash enclosures are accessed from the alley, thereby removing potential conflicts with pedestrians along the project's main street frontages.

The hotel's porte cochere is located along De Longpre Avenue with one entry and one exit driveway. Parking attendants will take vehicles down into the hotel's subterranean parking garage. The project is required to provide 107 automobile parking spaces, and through bicycle parking reductions will provide 104 spaces, of which 11 will include Electric Vehicle charging stations. The project will also provide 94 bicycle parking spaces, which is 50 more spaces than the 44 required. The project includes two bicycle storage rooms – one along Cahuenga Boulevard that includes a repair/maintenance area, and the other in front of the porte cochere with direct access to the lobby and Ivar Avenue. The trash enclosure is located adjacent to the loading area and is fully enclosed.

### Landscaping

The project will provide 1,575 square feet of landscaping on the rooftop deck, 208 square feet of landscaping in the interior courtyard and a varying landscape buffer along the property's street frontages. The rooftop will contain raised planter areas that are three feet deep and house a plant pallet including Tree Aloe, Gold Medallion Tree, Kentia Palm, Dwarf Pink Plumeria, and African Sumac. The courtyard will contain Tree Aloe and Lady Palm plants.

### Lighting

The proposed project's lighting scheme will be compatible with surrounding development. Exterior lighting will illuminate on-site facilities in order to provide sufficient lighting for circulation and security, while minimizing impacts on adjacent properties. There is a high amount of ground transparency that will allow light to activate and enhance the pedestrian environmental along street frontages at night.

The project has been conditioned, herein, to ensure that the proposed arrangement of buildings, off-street parking facilities, and other such pertinent improvements will be compatible with existing and future development on neighboring properties.

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

The hotel use is defined as a residential use due to the habitable rooms; however, it is not required to provide open space pursuant to LAMC Section 12.21-G as there are no dwelling units proposed. Although recreational and service amenities are not required, the hotel will provide an indoor fitness are, swimming pool, putting green, and sundry shop. In addition, the hotel will offer the unique amenity of being located within an integrating commercial shopping center offering convenient pedestrian linkages between the various buildings at the site. As conditioned herein, impacts will be minimized on neighboring properties.

### **Environmental Findings**

#### **15. Environmental Finding.** On November 9, 2017, the Department of City Planning released an Addendum to the previously adopted Mitigated Negative Declaration No. ENV-2015-3167-MND. The original MND was adopted on June 16, 2016.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164, the lead or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Pursuant to CEQA Guidelines Section 15162, when a negative declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency

determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- a. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
- d. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- e. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- f. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- g. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Given the fact no new significant impacts were identified as a result of the now Modified Project, an Addendum was prepared. This Addendum reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. All feasible mitigation measures have been incorporated into the project as Conditions of Approval to ensure that there will be no significant unavoidable environmental impacts.

The Proposed Modified Project may cause potentially significant impacts on the environment without mitigation. The Addendum to the environmental analysis (ENV-2015-3167-MND) concludes that none of the proposed changes to the Project would generate or result in any new significant environmental impacts and the mitigation measures identified in the adopted Mitigated Negative Declaration shall be readopted for the purposes of avoiding and mitigating all potential adverse impacts on the environment in association with the associated case: CPC-2016-3841-ZV-CU-CUB-SPR. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impacts(s) on the environment (after mitigation) will not:

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self-sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.

- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

The prepared Addendum was not published for formal comment; however, staff has received letters from interested parties. While such letters presented arguments against the Proposed Project, they did not present any new information that would warrant any changes to the environmental analysis as presented in the Addendum to the previously adopted MND.

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.

16. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Flood Zone C, areas of minimal flooding.