

FINDINGS

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 that will be available to hotel guest only. The rooftop deck includes 277 seats with hours of operation from 7 a.m. to 2 a.m., daily for the enclosed area (open to the public) and 7 a.m. to 12 a.m. for unenclosed rooftop deck (open to hotel guests only).

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 is for the enjoyment of hotel guests only and the open to the public 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 operating 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 is limited to hotel guests only and 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 8th floor totaling 1,000 square feet and having 72 seats (open to the public). The rest of the venue is unenclosed and includes 8,162 square feet and 205 seats (limited to hotel guests only). According to the applicant, the enclosed and unenclosed spaces are expected to operate as a restaurant and lounge with food service being available at all hours of operation.

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, public access, 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 access, 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 8th 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 8th 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.