



APPLICATIONS:

APPEAL APPLICATION

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

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning

Regarding Case Number: CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

Project Address: 6421-6429 1/2 West Selma Avenue and 1600-1604 North Wilcox Avenue

Final Date to Appeal: 09/06/2018

Type of Appeal:

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

2. APPELLANT INFORMATION

Appellant's name (print): Alexis Olbrei, Southwest Carpenters

Company: Southwest Regional Council of Carpenters

Mailing Address: c/o Wittwer Parkin LLP, 147 S. River Street, Suite 221

City: Santa Cruz State: CA Zip: 95060

Telephone: (831) 429-4055 E-mail: pkan@wittwerparkin.com

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

☒ Self

☐ Other: _____

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Pearl Kan

Company: Wittwer Parkin LLP

Mailing Address: 147 S. River Street, Suite 221

City: Santa Cruz State: CA Zip: 95060

Telephone: (831) 429-4055 E-mail: pkan@wittwerparkin.com

4. JUSTIFICATION/REASON FOR APPEAL

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

Are specific conditions of approval being appealed? ☐ Yes ☒ No

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

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____

Date: _____

8/29/18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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

This Section for City Planning Staff Use Only		
Base Fee: \$89 ⁰⁰	Reviewed & Accepted by (DSC Planner): E. Macer	Date: 8/30/18
Receipt No: 0104936573	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

Attachment to Appeal to City Council

Justification/Reason for Appeal

Baseline Analysis is Improper

CEQA requires that an environmental review document “include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, at the time environmental analysis is commenced...” (CEQA Guidelines section 15125(a).) The high court has held that the baseline for a project consists of “the physical conditions actually existing at the time of analysis.” (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 316.) In the IS/MND for the Selma Wilcox Hotel (Project), it states that the environmental analysis will use “two baselines, referenced as the Original Baseline and the Current Baseline. The Original Baseline will describe the environmental conditions that originally existed at the time of submittal of Case No. ENV-2015-2672-MND... The Current Baseline will describe existing environmental conditions, which includes the 20,624 square feet of restaurant, partial construction of three-levels of subterranean parking, and an excavated area. The Project would be analyzed against the two baselines and the conditions that exist today, the Current Baseline.” (IS/MND Declaration.) The use of two baselines unduly creates confusion in the analysis and is improper. CEQA requires that the baseline for a project consists of the physical environmental conditions as they exist at the time of analysis. The use of the term “Original Baseline” and “Current Baseline” is misleading since the Original Baseline does not reflect the physical environmental conditions as it currently exists. Allowing the use of two baselines in environmental analysis thwarts the information goals of CEQA by creating an impression that an older baseline is valid when it is not.

The IS/MND’s Traffic Analysis is Incomplete and Improperly Defers Mitigation Measure to a Future Time

The IS/MND concludes that there will be significant impacts with regard to traffic at the PM Peak Hour in two years, 2020. “The significant impacts occur at Hollywood Boulevard and Wilcox Avenue and at Selma Avenue and Wilcox Avenue. Traffic reduction measures are proposed to mitigate this impact to a level of less than significance.” (IS/MND p. 3-196.) The mitigation measure proposed to address the significant traffic impact is illusory and does not ensure measures that reduce impacts to a less than significant level. MM-Traffic-2 is a non-existent Transportation Demand Management and Monitoring Program (TDM). The mitigation

measure states that prior to the issuance of the first building permit for the Project, the Applicant “shall prepare and submit a preliminary [TDM] to the Department of Transportation” and that such TDM is to be approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the project. (IS/MND p. 3-200.) This constitutes improper deferral of mitigation measures.

Citing to *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1059 and *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 838, the City argues that mitigation for traffic is not deferred. The traffic mitigation proposed in the IS/MND is wholly dissimilar from the mitigation that was upheld in *Citizens for a Sustainable Treasure Island*. In that case, an EIR was prepared. And, the mitigation measure at issue was proposed to address a possible contingency and in the event that cleanup was required to satisfy the contingency, the mitigation measure required cleanup to satisfy the same environmental regulations and regulatory oversight as the Navy. (See *Citizens for a Sustainable Treasure Island, supra*, 227 Cal.App.4th at 1057.) The court in *Citizens for a Sustainable Treasure Island* found that “the EIR here provides ample information regarding the standards that will be applied, the techniques used, and the oversight provided in the event the City assumes future responsibility for remediation. Specifically, the EIR identifies the standards used by regulatory agencies to determine the efficacy of the cleanup efforts undertaken at each parcel.” (*Citizens for a Sustainable Treasure Island, supra*, (2014) 227 Cal.App.4th 1060-1061.) And reliance on *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 838 is likewise unavailing because the EIR in that case had specified 11 pollution prevention measures that have been “‘widely employed and... demonstrated to be effective means at controlling and preventing pollution from entering downstream waterways,’ and implement “Best Management Practices” in controlling storm water runoff quality.”

By contrast, the mitigation measure proposed here to address the significant traffic impacts is both unlawfully deferred and ephemeral. First, the TDM is deferred because it does not currently exist and no member of the public can comment on the efficacy of the proposed TDM at the time of environmental review. Instead, the TDM will be submitted to the Department of Transportation only after environmental review is complete. In short, the public is deprived of reviewing what the TDM entails. This is contrary to the requirements of CEQA which prohibits deferral of mitigation measures. “There cannot be meaningful scrutiny of a mitigated negative declaration when the mitigation measures are not set forth at the time of project approval.” (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884. See also, Pub. Resources Code section 21080(c)(2).)

Next, the IS/MND states that the “TDM shall include strategies, *as determined to be appropriate by the Department of Transportation*, which would have a minimum ten (10) percent effectiveness in reducing new vehicle trips.” (IS/MND p. 3-200.) The supposed

standards and performance criteria lack rigor and demonstrated efficacy because all the TDM, which is not yet developed yet, needs to achieve is a 10% effectiveness. The analysis leaves unanswered the question whether a TDM with a “minimum ten (10) percent effectiveness in reducing new vehicle trips” would sufficiently mitigate traffic impacts as a matter of law. There is no indication that such a minimal demonstration of effectiveness will sufficiently mitigate traffic impacts to a less than significant level. In fact, common sense indicates that a mere requirement of **10% effectiveness** in reducing new vehicle trips will result in a TDM that is highly unlikely to mitigate traffic impacts and the TDM will not be effective in mitigating traffic impacts.

The IS/MND’s Greenhouse Gas (GHG) Analysis is Insufficient to Support its Conclusion that Impacts from the Project Will be Less Than Significant

On one hand, the City admits that “Currently, there are no applicable California Air Resources Board, South Coast Air Quality Management District (SCAQMD), or City significance thresholds or specific reduction targets and no approved policy or guidance to assist in determining significance at the project or cumulative levels.” (Response to Unite Here 5 comments.) However, then the City relies on a CEQA Guideline which is only applicable to the situation where a jurisdiction has a previously approved plan to state that its GHG analysis is consistent with CEQA: “Therefore, consistent with CEQA Guidelines section 15064(h)(3), the City, as lead agency, has determined that the Project’s contribution to cumulative GHG emissions and global climate change would be less than significant if the Project is consistent with the applicable regulatory plans policies to reduce GHG emissions, not limited to building efficiency measures.” (Response to Unite Here 5 comments.)

CEQA Guidelines section 15064(h)(3) states “A lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program... that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located.” Here, the City admits that there is no “previously approved plan or mitigation program” that the is applicable to assist in determining significance at the project or cumulative levels. The City cannot rely on CEQA Guidelines section 15064(h)(3) to conclude that the project will avoid or substantially lessen the cumulative problem of greenhouse gases when there is no plan to analyze the Project against. The City must adopt a GHG reduction plan in order to make the finding that the Project will not have significant impacts to greenhouse gas emissions.

The City has not adopted a Climate Action Plan or any other plans and policies to reduce greenhouse gas emissions, so the City must disclose how the Project will impact statewide goals. The City must consider in its greenhouse gas analysis:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions.

Center for Biological Diversity v. Department of Fish & Wildlife (2015) 62 Cal.4th 204, 217. In that case, the California Supreme Court invalidated an EIR that incorrectly relied on the California Air Resources Board Scoping Plan. *Id.* at 216. This is because “neither Assembly Bill 32 nor the Air Board’s Scoping Plan set out a mandate or method for CEQA analysis of greenhouse gas emissions from a proposed project.” *Id.* at 216-217.

At the time the Natural Resources Agency promulgated Guidelines section 15064.4, the agency explained that the Scoping Plan “may not be appropriate for use in determining the significance of individual projects ... because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan.” *Id.* at 222. “In short, neither Assembly Bill 32 nor the Scoping Plan establishes regulations implementing, for specific projects, the Legislature’s statewide goals for reducing greenhouse gas emissions. Neither constitutes a set of “regulations or requirements adopted to implement” a statewide reduction plan within the meaning of Guidelines section 15064.4, subdivision (b)(3).” *Id.* at 223.

In the IS/MND, the GHG analysis “compares the Project’s GHG emissions to the emissions that would be generated by the Project in the absence of any GHG reduction measures (i.e., the No Action Taken [NAT] Scenario). This approach mirrors the concepts used in the CARB’s Scoping Plan for the implementation of AB 32.” (IS/MND p. 3-70.) But comparing the Project’s GHG emissions that would be generated by the Project in the absence of any GHG reduction measures with GHG emissions generated with GHG reduction measures does not provide the analytical route necessary to determine what is required from individual projects in order to ensure consistency with statewide reduction efforts and whether the Project is aligned with those objectives.

As was the case in *Center for Biological Diversity*, the City has not “related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects, and nothing . . . cited in the administrative record indicates the required [analysis] is the same for an individual project as for the entire state population and economy.” *Id.* at 225-226. The IS/MND commits the same error identified in *Center for*

Biological Diversity because it fails to quantify the amount of reduction required from individual projects. Instead, it simply forwards a conclusory statement without any substantial evidence in its support: “While the AB 32 Scoping Plan’s cumulative statewide objectives were not intended to serve as the basis for project-level assessments, this analysis finds that its NAT Scenario comparison based on the Scoping Plan is appropriate because the Project would contribute to statewide GHG reduction goals.” (IS/MND p. 3-71.) A fair argument exists that the Project would result in significant impacts to greenhouse gas emissions.

The IS/MND Fails to Evaluate Cumulative Impacts

Perhaps the biggest flaw in the IS/MND is the failure to analyze cumulative impacts. The IS/MND identifies “136 related projects that are potentially under construction concurrent with the Project” with five that are 350 feet or less from the Project site:

[S]everal projects are proposed within a two-block radius, including:

- No. 2 – 1600 Schrader, approximately 300 feet from the Project Site, would have 168 hotel rooms and 4,000 square feet of restaurant
- No. 5 – 6516 Selma Avenue, approximately 100 feet from the Project Site, would have 212 hotel rooms, 2,308 square feet café, 11,148 square feet restaurant/bar.
- No. 28 – 1541 Wilcox Avenue, approximately 275 feet from the Project Site, a 220-room hotel with 13,004 square feet of restaurants, 1,432 square feet of meeting rooms, and 1,020 square feet of related uses.
- No. 33 – 6417 Selma Avenue, adjacent to the Project Site, would have 180 hotel rooms. This Project is finished construction and expected to be open in summer 2017.

(IS/MND p. 3-29.)

In the mandatory findings of significance section, the IS/MND also identifies 1525 Cahuenga Boulevard, approximately 350 feet from the Project Site, with 69 hotel rooms, and 1,500 square feet of office space as a near and related project. (IS/MND p. 3-251.) The IS/MND concludes that “[e]ach of these related projects would be subject to their own CEQA analysis (MND or EIR) to evaluate potential impacts and provide mitigation measure where appropriate.” (IS/MND p. 3-251.) The fact that each of the other nearby hotel developments may have their own environmental review is irrelevant to this Project’s cumulative impacts analysis. The IS/MND fails to engage in a meaningful cumulative impacts analysis because it does not even ask the right question, regarding whether there will be cumulative effect to traffic, GHG emissions, and noise, for example by looking at the incremental effects of this individual Project in connection with past, current, and probable future projects. Instead, it unlawfully defers this analysis by justifying that environmental review will occur for these other projects.

“When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable. ‘Cumulatively considerable’ means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.” (CEQA Guidelines section 15064(h)(1).)

In the context of traffic impacts, because this Project will have a significant impact on at least two intersections and there are several other hotel developments within a two-block radius of the Project, traffic impacts for this Project will be cumulatively considerable when viewed in connection with all of the other nearby hotel development projects. The IS/MND forwards a conclusory statement that the “other related projects have several intervening buildings and major roadways/freeway in between, and are at least 2 blocks away or more, which will ensure that any other localized impacts of the related project would not combine with the Project.” (IS/MND, p. 3-251.) This unsupported statement does not demonstrate that the Project will not have a cumulative traffic effect.

The IS/MND’s cumulative effect sections regarding Greenhouse Gas Emissions and Noise are similarly paltry and fail to serve as sufficient environmental documents under CEQA. With regard to Greenhouse Gas Emissions, the IS/MND simply concludes that the “the Project’s generation of GHG emissions would not make a cumulatively considerable contribution to GHG emissions and impacts will be less than significant.” But, there is no analysis of the GHG contributions of past, current, and probable future hotel development projects in the surrounding vicinity. Furthermore, as discussed *infra*, the City has not adopted any GHG thresholds on which to base its analysis and so it cannot rely on CEQA Guidelines section 15064(h)(3) to conclude that the Project’s incremental contribution to a cumulative effect is not cumulatively considerable. Finally, the cumulative impacts analysis does not analyze the possible cumulative effect of the Project’s operational noise, especially with the rooftop bar/lounge feature, in light of the other surrounding nearby hotel projects. In fact, it only analyzes the project’s construction-related and traffic-related noise. (IS/MND p. 3-255.)

It is the City’s burden of environmental investigation, not the public’s. As discussed above, the IS/MND’s discussion of cumulative impacts is woefully inadequate. In addition, because the IS/MND already concluded that there will be a significant impact to traffic, and there are several developments nearby which will also contribute to traffic, the cumulative impact to traffic is significant. Furthermore, the lack of environmental investigation for cumulative effect to noise and greenhouse gas emissions strongly indicate that an EIR is required as well. Finally,

a fair argument exists that impacts to traffic and greenhouse gases emissions have not been mitigated to less than significant. For these reasons, the Project requires preparation of an EIR.

Aggrieved by Decision

Southwest Carpenters live and work in the City of Los Angeles and is concerned about the environmental impacts of this Project. Without an adequate environmental review document, an EIR, Southwest Carpenters is aggrieved because the Project's environmental impacts have not been fully disclosed. Similarly, Southwest Carpenters has a keen interest in seeing adequate mitigation provided to properly address environmental impacts through preparation of an EIR.

Decision-Maker Error

The Planning Commission erred in approving the IS/MND for the Project when a fair argument exists that the Project as proposed may have a significant environmental impact, requiring preparation of an EIR. (See *League for Protection of Oakland's Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) This failure to prepare the proper environmental document as required under CEQA, CEQA Guidelines, and case law constitutes an abuse of discretion.



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: AUG 17 2018

Case No. CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

Council District: 13 – O'Farrell

CEQA: ENV-2016-2602-MND

Plan Area: Hollywood

Project Site: 6421 – 6429 ½ West Selma Avenue;
1600 – 1604 North Wilcox Avenue

Applicant: 6421 Selma Wilcox Hotel, LLC
Representative: Alfred Fraijo Jr., Shepard, Mullin, Richter & Hampton, LLP

At its meeting of **July 12, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

The continued maintenance of a 20,624 square-foot ground floor restaurant and the construction of a new 1,939 square-foot ground floor restaurant and a 114 guest room hotel over three levels of subterranean parking. The proposed building measures approximately 88.6 feet in height, with eight stories, and 79,878 net square feet of floor area. The proposed restaurant would have a maximum of 100 seats (60 indoor and 40 outdoor seats). The hotel would have a lobby bar with 48 seats and the rooftop would include a pool and amenity deck with a bar/lounge area with a maximum of 187 seats, and other accessory uses. No change is proposed for the existing 20,624 square-foot restaurant. The Project proposes to provide 50 parking spaces on-site within the subterranean structure and 36 parking spaces off-site to be accessible via a valet service.

1. **Found**, pursuant to CEQA Guidelines Section 1507 4(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-2602-MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **found** the mitigation measures have been made enforceable conditions on the project; and **adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved** and **recommended** that the City Council **adopt**, pursuant to Section 12.32 F and Q of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change and Height District Change from C4-2D to (T)(Q)C2-2D;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a 1,939 square-foot restaurant with 100 seats (60 indoor and 40 outdoor seats), and 114 guest room hotel including the ground floor lobby bar with 48 seats, in-room mini-bars, and a rooftop amenity deck with a bar lounge area with a maximum of 187 seats, and pursuant to LAMC Section 12.24 S, up to a 20

- percent reduction in the required parking;
4. **Approved**, pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment to permit a 10-foot northerly side yard and a 19-foot easterly rear yard in lieu of the required 11-foot side yard and 20-foot rear yard setbacks, pursuant to LAMC Sections 12.14 C.2, 12.11 C2 and 12.11 C3;
 5. **Approved**, pursuant to LAMC Section 16.05, Site Plan Review for the construction, use, and maintenance of a project with 50 or more guest rooms;
 6. **Adopted** the revised "Exhibit A";
 7. **Adopted** the attached Conditions of Approval as modified by the Commission including Staff's Technical Modification dated July 11, 2018; and
 8. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 6 - 2



James K. Williams, Commission Executive Assistant II
 Los Angeles City Planning Commission

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

Effective Date/Appeals: *The decision of the Los Angeles City Planning Commission regarding the Vesting Zone Change and Height District Change is not appealable.* The remainder of the determination letter is appealable to the City Council within 20 days of the mailing of this determination letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 20-day period shall not be considered by the Council.

Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: SEP 06 2018

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.** The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of

Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Zone Change Ordinance, Modified Conditions of Approval, Findings

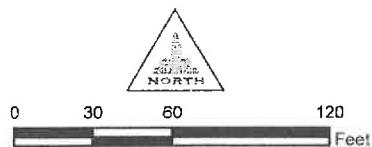
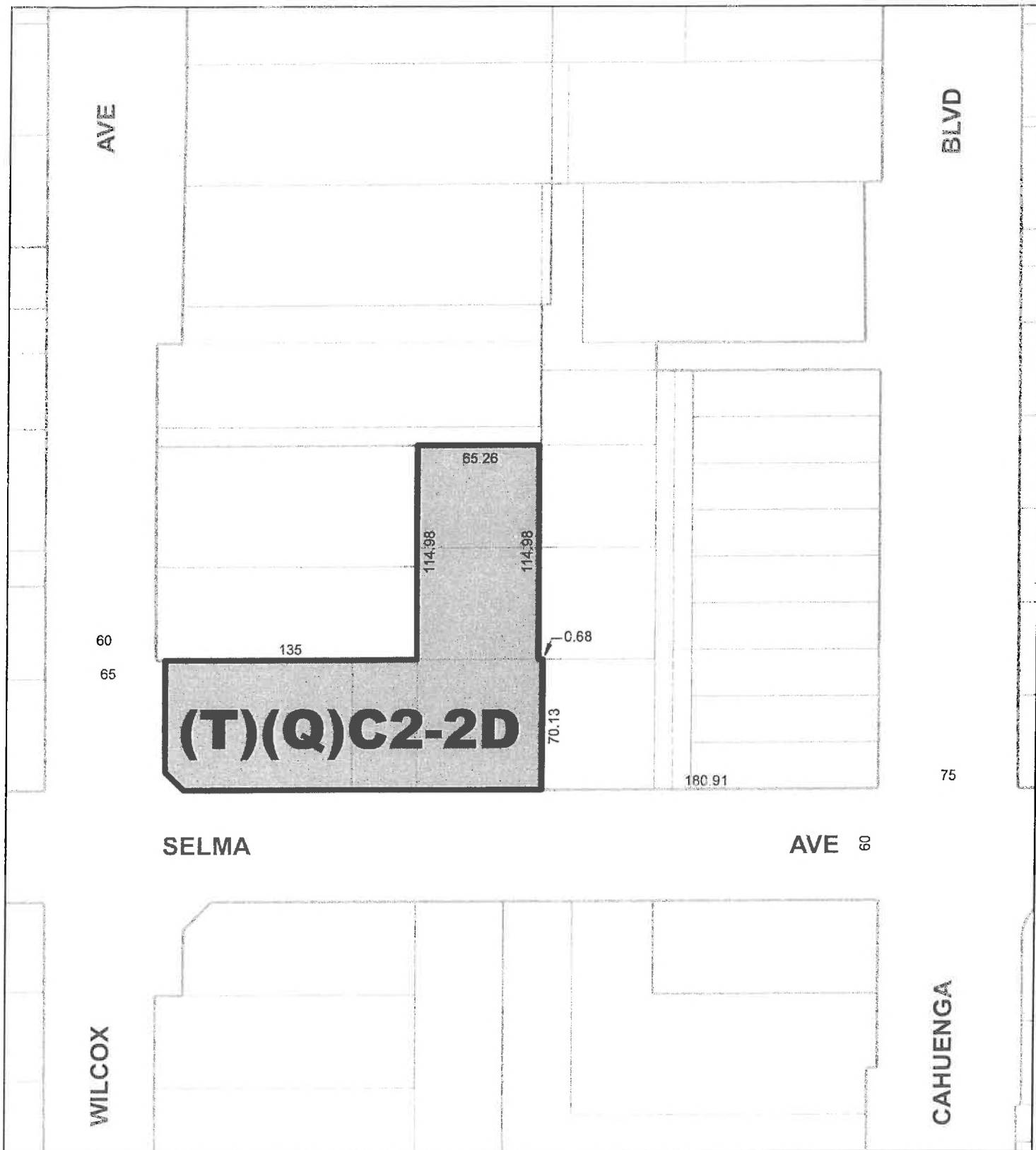
c: Nicholas Hendricks, Senior City Planner
May Sirinopwongsagon, City Planner

ORDINANCE NO. _____

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

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

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

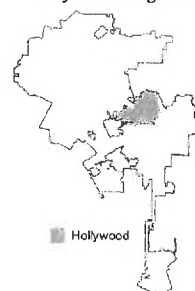


CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

MY/af

072318

City of Los Angeles



(Q) QUALIFIED CONDITIONS

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. **Uses.** The uses on the subject property shall be limited to the C2 Zone, pursuant to LAMC Section 12.14, except that Automotive Uses shall be prohibited.
2. **Development.** The use and development of the subject property shall be in substantial conformance with the site plan, floor plan, elevations, and renderings labeled Exhibit "A" dated July 2, 2018. Minor deviations may be allowed in order to comply with provisions of the Municipal Code.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

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

1. Responsibilities/Guarantees.

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

2. Dedication(s) and Improvement(s).

- a. **Dedication.** A minimum 20-foot radius property line return or a 15-foot by 15-foot property line cut corner be dedicated at the intersections of Selma Avenue and Wilcox Avenue adjoining the site.
- b. **Improvements.** Improve Selma Avenue and Wilcox Avenue adjoining the site by the reconstruction of the existing concrete sidewalks to complete full-width concrete sidewalks including the corner radius cuts with tree wells including any necessary removal and reconstruction of the existing improvements satisfactory to the City Engineer.

3. Bureau of Street Services, Urban Forestry: Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

Note: All protected tree removals and removal of trees located within the public right-of-way must be approved by the Board of Public Works. Contact Urban Forestry Division at 213-847-3077

4. Bureau of Street Lighting: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; one (1) on Wilcox Avenue.
5. Department of Transportation. Driveway Access and Circulation shall be reviewed and approved with Citywide Planning Coordination Section (201 North Figueroa Street, Room 550, at 213-482-7024). New driveways should be a Case 2 – designed with a recommended width of 30 feet for wo-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveway, or as approved by the Department of Transportation and Department of Building and Safety.
6. Fire Department. Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

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

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

“D” DEVELOPMENT CONDITIONS

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

1. **Height.** The height of all buildings and structures, except for mechanical and other rooftop equipment, on the subject property shall not exceed 89 feet from the proposed grade, as shown in Exhibit “A” stamp dated July 2, 2018, excluding the parapet.
2. **Floor Area.** The total floor area of all buildings or structures located on a lot shall not exceed a Floor Area Ratio (FAR) of 3.7:1.

CONDITIONS OF APPROVAL

As modified by the City Planning Commission on July 12, 2018

Pursuant to Section 12.24-W,1, 12.28, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions:

1. **[Modified] Site Plan.** The use and development of the property shall be in substantial conformance with the illustrative site plan, floor plans, elevations, sections, and renderings labeled Exhibit "A", dated July 2, 2018, except as may be revised as a result of this action.
2. **[Added] Building Location.** Each level of the subterranean parking structure shall be located at the following depths, as identified on the stamped Exhibit A Section Sheet 01C:
 - a. Level P1: -11'-5 ⁵/₈"
 - b. Level P2: -22'-6"
 - c. Level P3: -33'-2 ³/₄"

The configuration of Levels P2 and P3 shall be in substantial conformance with stamped Exhibit A Sheets 2 and 3 and shall not be expanded in area. Use of the areas within the subterranean structure shall be in substantial conformance with those identified on the stamped Exhibit A.

3. **[Added] Building Articulation.** The northerly and easterly elevations shall be revised to utilize façade articulation utilized on the southerly and westerly elevations to the satisfaction of the Director of Planning. The variation in brick articulation utilized on the westerly and southerly elevations shall be carried over to the northerly and easterly elevations, respectively.
4. **Density.** A maximum of 114 guest rooms may be permitted.
5. **Rooftop.**
 - a. The covered bar and lounge area indicated on the roof plan stamped Exhibit "A", shall designed to be able to be fully enclosed with noise-attenuating features (physical as well as operational) by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
 - b. Prior to the issuance of a Certificate of Occupancy, the sound levels shall be measured consistent with the procedures in LAMC Section 111.02. Documentation of the measurements shall be submitted to the Department of City Planning for the file.
 - c. A minimum six (6) foot high glass wall shall be installed around the perimeter of the rooftop deck, except where there is rooftop structure or other enclosed structure located at the perimeter of the building.
6. **Parking.**
 - a. **[Modified]** Automobile parking spaces shall be provided pursuant to LAMC Section 12.21-A,4 and may be reduced utilizing bicycle parking replacement. Automobile parking may further be reduced by up to 20 percent, provided that the reduction is only applied to parking provided off-site.

Pursuant to Condition No 37, as part of the review of the effectiveness of, and compliance with the terms of this grant, the Zoning Administrator shall also assess the demand for parking. Upon review of evidence that there is a demand for the total number of Code required parking spaces, the Zoning Administrator may determine that the 20 percent reduction in parking is no longer granted and require that the applicant provide the total number of parking spaces required by LAMC Section 12.21-A,4.

- b. **[Added]** Automobile parking spaces may be provided off-site, within 750 feet, and shall be provided in compliance with LAMC Section 12.21-A,4(g) and 12.26-E,5. The applicant shall submit a copy of the recorded covenant and any lease agreements to the Department of City Planning to be placed in the file.
- c. Bicycle parking spaces shall be provided pursuant to LAMC Section 12.21-A,4 and 16, as effective on March 13, 2013.
- d. **[Modified]** Electric Vehicle Parking. The Project will include at least 20 percent (20%) of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans will 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 will be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total code required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

7. Drop off/Pick Up.

- a. If valet service is used a copy of the contract with the valet company shall be submitted to the Department of City Planning demonstrating that valet service is made available to customers/guests of the petitioner(s). If valet service is implemented the petitioner(s) will additionally be required to provide the Department of City Planning with information pertaining to the valet rates or cost of valet service as it relates to customers utilizing said service. The availability of valet parking/service shall be made known to the public via the restaurant menu or hotel brochure, a posting of the information on readily visible locations in the hotel lobby and the hotel restaurant and on any hotel or hotel restaurant website.
- b. A drop off/pick up area may be designated off-site, within the area of the subject property's street frontage, for hotel guests and patrons of establishments on site.
- c. The drop off/pick up areas shall be subject to the review and approval from the Department of Transportation. The approved plan shall be submitted to the Department of City Planning for the file.

- 8. **Landscaping/Hardscape.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A.

- a. **Tree Wells.**
 - i. The minimum depth of tree wells located on a podium or 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 a podium or rooftop shall be based on the size of the tree at maturity:
 1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
 - b. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise required by the Urban Forestry Division, Bureau of Public Works.
 - c. A minimum three (3) foot wide landscape planter, with a minimum depth of 42 inches, shall be installed around the perimeter of the rooftop, except where there is rooftop structure or other enclosed structure located at the perimeter of the building.
9. **Irrigation.** The Project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with DCP.
10. **Solar Panels.** The project shall install the equivalent of 10 percent of the rooftop of the eight-story building or 595 square feet, whichever is greater, of solar panels as part of an operational photovoltaic system to be maintained for the life of the project. The 10 percent shall be calculated based on the area of the rooftop identified on the Rooftop Deck Floor Plan of the stamped Exhibit A dated July 2, 2018.
11. **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.
12. **Glare.** The exterior of the proposed structure shall be constructed of materials 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 to minimize glare and reflected heat.
13. **Construction Generators.** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.

B. Alcohol Related Conditions:

14. Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with:

- a. the operations of a 1,939 square-foot restaurant which may have a maximum of 100 seats (60 indoor and 40 outdoor seats). Outdoor seating located within the public right-of-way shall obtain a revocable permit prior to the issuance of a permit.;
- b. the operations of a 114 guest room hotel within:
 - i. the hotel lobby bar, which may have a maximum of 48 seats;
 - ii. "mini-bars" located within the hotel guest rooms;
 - iii. the rooftop outdoor bar and lounge and covered lounge, with a maximum of 187 seats.

15. Hours of operation approved herein are as follows:

- a. the 1,939 square-foot restaurant: 6:00 a.m. to 2:00 a.m., daily;
- b. the hotel lobby bar: 6:00 a.m. to 2:00 a.m., daily;
- c. the rooftop bar and lounge.
 - i. Outdoor patio areas: 7:00 a.m. to 12:00 a.m. (Midnight), daily
 - ii. Enclosed patio area: 7:00 a.m. to 12:00 a.m. (Midnight), daily, subject to the following:

When the enclosed bar and lounge 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.

The doors to the rooftop's covered bar and lounge area shall be closed whenever live entertainment, including DJs, and/or amplified music is played in the indoor area.
- d. After-hour use of the facilities, other than routine clean-up and maintenance is not permitted.

16. Restaurant.

- a. The 1,939 square-foot ground floor restaurant shall operate as a bona-fide restaurant, with its kitchen open for all hours of restaurant operations and food shall be available during all such hours. Customers of all ages shall be permitted during all hours of operations.
- b. The exterior windows and glass doors of the hotel premises/ground floor restaurant and bar/lounge areas shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and private security.

17. Age Verification.

- a. 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.

- b. **Hotel Guest Room Mini-Bars.** The hotel manager(s) shall require proof of identification and age for all registered guests at check-in. Rooms where the registered guest is under twenty-one years of age, or where the age of the guest cannot be determined, shall have their in-room liquor cabinet disabled and locked if any such lockers are provided in the room

18. **Live Entertainment:**

- a. **Restaurant.** Live entertainment, amplified music, or ambient music may be permitted indoors within the 1,939 square-foot restaurant and the outdoor seating area.
 - b. **Hotel.**
 - i. Live entertainment, amplified music, or ambient music may be permitted within the within the hotel lobby and enclosed rooftop bar and lounge area.
 - ii. No live entertainment or amplified music shall be permitted in any patio or outdoor areas, including the outdoor rooftop patio or bar and lounge area. Ambient music may be permitted.
 - c. Live entertainment is subject to any required permits to be reviewed and approved by the Los Angeles Police Commission, as applicable. Live entertainment may include but not be limited to live bands, a DJ or karaoke, provided the latter is not conducted in private rooms.
 - d. 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.
 - e. No Dance Hall or Hostess Dance Hall, as defined by LAMC Section 12.03, use shall be permitted without the approval of a Conditional Use Permit pursuant to LAMC Section 12.24 W,18. Patron Dancing is not permitted nor shall the Petitioner(s) accommodate or endorse dancing features in any fashion.
 - f. There shall be no pool table or billiards table, electronic games, coin-operated games, dart games, or video machines maintained upon the premises at any time.
19. A "Free Designated Driver Program" shall be implemented in which "FREE Non-Alcoholic Beverages" will be offered to the designated drivers: such as coffee, tea, or sodas approved by the Zoning Administrator. An explanation of the program shall be printed on the restaurant menus and/or made known to patrons via a two-sided card placed on all restaurant tables. Information pertaining to the "Designated Driver Program" shall additionally be detailed on the hotel website or page and/or any social media account dedicated to the hotel/hotel restaurant operations.

20. **[Modified]** Security. Between the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of two (2) security guards in the ground floor hotel restaurant on Thursdays, Fridays and Saturdays.

During the hours of 8:00 p.m. and 12:30 a.m., the applicant shall provide a minimum of two (2) security guards in the rooftop enclosed bar/lounge area and in the outdoor rooftop patio areas, Thursday, Fridays, and Saturdays.

In addition to the security guard requirements delineated above, the applicant shall be required to provide a minimum of two (2) security guards on the premises during the all hours of hotel operation. The additional security employment required per this provision for the ground floor restaurant and bar/lounge areas as well as the rooftop bar/lounge area, will be employed in addition to and in enhancement of the three security guards who are mandated to be employed on the hotel premises during all hours of operation.

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.

21. Admission and Third Party Promoters.

- a. The applicant/operator shall not require an admission or cover charge. Any advertising of an admission charge or cover is prohibited.
- b. The applicant shall not sublet the premises to outside "promoters" for nightclub or concert activity. Private parties hosted by the hotel or future operators of the ground floor dining area 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 permit is submitted for approval to LAPD and ABC.
- c. The facility shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the facility for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
- d. At no time shall any form of membership card or compensation be a pre-requisite for admission to the facility at large unless the applicant is featuring a special event which has received prior written approval from the Hollywood Vice Office to commence in conjunction with the operation of the subject premises.

22. 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.

23. Partitions separating booth/dining areas in the ground floor and rooftop restaurants and bar/lounge areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth/dining areas within the interior space for the facility that restrict, limit, or obstruct the clear observation of the occupants.

24. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in

the premises, nor shall the licenses provide, permit, or make available either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customers.

25. No loitering on the premises, public way adjacent to the premises, or property adjacent to the premises over which the applicant has control.
26. The applicant shall be responsible for maintaining free of litter, the premises and the area adjacent to the premises over which they have control. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied.
27. Within six months of the date of this determination and within six months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. Upon completion of the training, the applicant shall provide evidence to the Zoning Administrator that such training was provided.
28. The applicant / hotel operator / restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
 - 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 on this hotline.
29. Petitioner(s) shall install and maintain security cameras and a three-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 as required by law.
30. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director's designee shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Director's Designee may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
31. The approved conditions shall be retained on the premises at all times and produced upon request of the Police Department, the Department of Building and Safety or City Planning. All licenses, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, copies of the ABC operating conditions and conditional use permit conditions shall be provided to all employees working in the facility. Establishment employees are required to be knowledgeable of the establishment operating conditions and shall sign a

document acknowledging that they have read and understood all of the ABC and conditional use permit conditions. Said acknowledgment form(s) shall be maintained at the location by the operator and/or manager who shall present the document(s) to Police Department personnel, ABC Investigators or any other City agency upon request.

32. Petitioner(s) shall maintain on the premises and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the Security Company service(s), Valet Company service(s), and the property owner.
33. 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.
34. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
35. The business operator and/or the operator's agents shall comply with California Labor Code Section 6404.5(c) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
36. **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. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with the retail store, known as [OPERATION NAME], and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

37. **[Added] Plan Approval.** The applicant shall file a Plan Approval application twenty-four (24) months from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Department of City Planning. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of this grant, including but not limited to the approval of a 20 percent reduction in parking pursuant to LAMC Section 12.24 S. The applicant shall provide documentation which reflect the parking demands of the operation of the hotel and restaurants. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

38. 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 BEST (Beverage and Entertainment Streamlined Program) 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 BEST (Beverage and Entertainment Streamlined Program) 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.
39. The applicant(s) shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.
40. **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.
41. 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.

C. Environmental Conditions:

42. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the hotel street level and to keep unpermitted persons from entering the construction area.
43. **Public Services (Police).**
- a. The plans shall incorporate a design that references the "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the LAPD. These measures shall be approved by the LAPD prior to the issuance of building permits.
 - b. Public Services (Police). Upon completion of the Project, the LAPD 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.

44. **Construction Traffic Control/Management Plan.** A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction-related traffic shall be restricted to off-peak hours.

45. **Transportation Demand Management and Monitoring Program.**

- a. The Applicant shall prepare and submit a preliminary Transportation Demand Management Plan (TDM) to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the project.

The TDM shall include strategies, as determined to be appropriate by the Department of Transportation, which would have a minimum ten (10) percent effectiveness in reducing new vehicle trips.

In the event that the Project would provide twenty (20) or more required parking spaces off-site, the TDM shall demonstrate a minimum twenty (20) percent effectiveness in reducing new vehicle trips.

- b. In the event that the Project would provide twenty (20) or more parking spaces off-site and is required to implement a TDM which has a minimum twenty (20) percent effectiveness in reducing the total net project trips, a Monitoring Program (MP) shall be prepared to provide continued monitoring of the TDM's effectiveness. The MP shall be prepared by a licensed Traffic Engineer and submitted to the Department of Transportation for review. The MP shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, achievement of the peak hour trip volume requirements listed. Should the review show that the peak hour trip cap threshold has been exceeded the Project shall have one year to attain compliance or be subject to a penalty program.

Implementation of the TDM shall be at the Project's expense.

Strategies may include, but shall not be limited to, the following:

1. Provide guest assistance on arrival and departure to find options to personal or rented vehicles to access the site.
2. If found feasible by LADOT and Metro, improve the existing bus stop on the north side of Hollywood Boulevard east of Wilcox Avenue where there is an existing sign, bench and trash receptacle with a weather protected cover. Improve the bus stop on the south side of Hollywood Boulevard west of Cahuenga Boulevard where a bus sign only with a bench, trash receptacle, weather protected cover and bench. Improve the bus stop on the north side of Sunset Boulevard west of Wilcox Avenue where a bus sign, a bench, and trash receptacle with a weather protected cover;
3. Provide a visible on-site kiosk with options for ridesharing, bus routes and bike routes in a prominent area(s) in view for hotel guests, employees and patrons of the restaurants;

4. Provide information for guests of the hotel upon check in that includes the transit, bike routes, and nearby walking opportunities as options to use rather than person vehicles;
 5. Provide an on-site TDM manager to assist hotel guests navigate the alternative modes of transportation options, in matching rideshare partners for the employees, determining transit routes for employees, and promoting TDM program;
 6. Provide access pass and transit pass reductions for employees;
 7. Provide bicycle spaces to encourage cycling as an alternative to single occupant vehicles;
 8. Provide bicycle sharing service for guests and employees use;
 9. Provide amenities to encourage guests of the hotel spend some of their time eating, relaxing and recreating on-site.
46. **Transportation (Pedestrian Safety).** The developer and contractors shall maintain ongoing contact with administrator of Selma Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (213)580-2950 or (213)580-2900 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

D. Administrative Conditions

47. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
48. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
49. **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.
50. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
51. **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.

52. **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.
53. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
54. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

55. 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.
- The quarterly gross sales of food shall not exceed the gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department of the California State Department of Alcoholic Beverage Control upon request.

FINDINGS

General Plan/Charter Findings (Charter Section 556)

1. **General Plan Land Use Designation.** The Project Site is located within the Hollywood Community Plan, adopted by the City Council on December 13, 1988. The site has a land use designation of Regional Center Commercial, as designated on the plan map. The Regional Center Commercial land use designation lists the following corresponding zones: C2, C4, P, PB, RAS3, and RAS4. The site is currently zoned C4-2D and is subject to the Development "D" Limitations contained within Ordinance No. 165,660, adopted in 1990. The Community Plan indicates within the footnotes that development intensity is limited to 4.5:1 FAR and a maximum of 6:1 FAR with the approval from City Planning Commission. Additionally, the Framework Element characterizes designated Regional Centers as having a range of FARs from 1.5:1 to 6:1. The proposed Project will have a maximum 3.7:1 FAR. The recommended Vesting Zone and Height District Change would permit commercial uses that are consistent with the established entertainment district and encourage the future growth of the Hollywood Center.
2. **General Plan Text.** The Hollywood Community Plan text includes the following relevant objectives:

Objective 1: To coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area. 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: To promote economic well-being and public convenience through:

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

Policy: The focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street. The Hollywood Center is included in the Hollywood Redevelopment Project area as adopted in May 1986. This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region. Future development should be compatible with existing commercial and development, surrounding residential neighborhoods, and the transportation and circulation system. Developments combining residential and commercial uses are especially encouraged in this Center area.

The Project Site is located within the Hollywood Center, which is an established commercially developed, entertainment center. The proposed Project would develop the underdeveloped and underutilized site, with a new eight-story building. The site is currently developed with a one-story building and a partially constructed, three-level, subterranean parking structure on the northeastern portion of the site. The Project would maintain the existing building, complete construction of the subterranean structure on the western portion of the site, and construct an eight-story building which would be located primarily on the western portion of the site. A portion of the building would be constructed over the existing building along Selma Avenue. The existing building will continue to operate as a bona-fide restaurant and the proposed building would include a new ground floor restaurant and a 114 guest room hotel. As the Project Site is an L-shaped site located within a built urban environment, developing the site vertically has allowed for a more efficient use of the site

and permitted floor area. However, the existing C4 zone would limit the ability to utilize the site for certain commercial uses, whether services or amenities, that are compatible with the present and future development of the Hollywood Center. Uses, such as outdoor eating or dining, would be limited to the ground floor and entertainment related commercial uses are generally limited. The recommended C2 Zone would permit commercial uses that are compatible with the Hollywood Center and would promote the future development and improvement of the area. The recommended Height District Change would modify the existing D Limitations to permit a maximum FAR of 3.7:1 and would ensure that the development of the site is physically compatible with the existing and future development of the Hollywood Center.

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

Regional Centers

GOAL 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

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.

The Framework Element describes Regional Centers as having a range of FARs from 1:5:1 to 6:1, with buildings characterized by 6- to 20-stories (or higher). And are usually major transportation hubs. The Project proposes to develop the site with an eight-story building with three levels of subterranean parking. The building would have a total floor area of 79,878 net square feet, or a 3.7:1 FAR. As proposed the Project is consistent with the anticipated development of Regional Centers. The proposed 114 guest room hotel would provide an additional service and amenity in an area that is highly visited by tourist and business travelers. The site is located a block south of Hollywood Boulevard which is serviced by a number of bus lines as well as the Metro Red Line. The site is located between the Metro Red Line Hollywood/Cahuenga and Hollywood/Vine stations. The proximity to public transit would provide alternative transportation options for hotel guest to visit other regions. Additionally, the proposed restaurant and hotel lobby bar and rooftop bar and lounge provides an additional amenity for visitors to area. The establishment of the hotel, bar, lounges, and dining areas would also provide an increase in employment opportunities than the previously existing one-story commercial development. As such, the Project would meet the goals and objectives of the Framework Element to encourage the future development of the designated regional center and enhancement of the urban lifestyle.

4. **The Mobility Element.** The Project Site is located one block south of Hollywood Boulevard, which is serviced by the Metro Red Line, which began operating in stages between 1993 and 2000. The site is located to the west of the Hollywood/Highland stop and to the east of the Hollywood/Vine stop. In addition to the Metro Red Line, the site is serviced by a number of bus lines which operate along Hollywood Boulevard, Sunset Boulevard, and Highland Avenue. The Mobility Element (Mobility Plan 2035) of the General Plan is not likely to be affected by the recommended action herein. Selma Avenue is a designated Local Street –

Standard, dedicated to a width of 60 feet and is improved with curb, gutter, and sidewalk. Wilcox Avenue is a designated Modified Avenue III, dedicated to a width of 65 feet at the Project Site's frontage and is improved with roadway, curb, gutter, and sidewalk. The Project has been conditioned to require compliance with dedication and improvement required by the Bureau of Engineering, which would be consistent with the Mobility Element. In addition to establishing Street Standards, the Mobility Element encourages "the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure" (Policy 5.4). The Project proposes to provide the required number of automobile parking spaces, while also utilizing reductions permitted by the Zoning Code, and from the City Planning Commission pursuant to LAMC Section 12.24 S. The Project has been conditioned to require that 20 percent of the required parking spaces are to be wired for the installation of future EV chargers, and that 5 percent of the required parking spaces are to be installed with EV chargers. As conditioned, the Project would be able to provide a service to local residents and employees in the area, while encouraging the use of low and zero emission fuel sources and the infrastructure to support it. Additionally, the Project would comply with existing Green Building codes, which were adopted to help facilitate the reduction of energy consumption.

5. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.
6. **Health and Wellness Element and Air Quality Element.** Policy 5.1 and 5.7 of the Plan for a Healthy LA, the Health and Wellness Element, and Policy 4.2.3 of the Air Quality Element are policy initiatives related to the reduction of air pollution and greenhouse gases. As conditioned herein, the Project would be required to provide parking spaces which would be equipped for the immediate installation and use of EV Charging Stations, as well as for future use. The Project has also been conditioned to install solar panels to an operating photovoltaic system. The installation and operation of the solar panels would help to reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, the conditions would provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and the City. As conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element, by ensuring that future developments are compatible with alternative fuel vehicles and shift to non-polluting sources of energy. The solar and EV conditions are also good zoning practice because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions. As such, the Project provides service amenities to improve habitability for the patrons of the Project and to minimize impacts on neighboring properties.

Entitlement Findings

7. **Zone Change and Height District Change Findings (Charter 558 and LAMC 12.32).**
 - a. **Pursuant to Section 12.32 C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The Project Site is comprised of five parcels located at the northeast corner of Selma Avenue and Wilcox Avenue within the Hollywood Community Plan area. The site has 65 feet of frontage along the western side of Wilcox Avenue and approximately 200 feet of frontage along the northern side of Selma Avenue. The northeastern portion of the site extends 185 feet to the north, midblock between Wilcox Avenue and Cahuenga Boulevard. The site has a land use designation of Regional Center Commercial and is zoned C4-2D. The Regional Center Commercial land use designation lists the following corresponding zones: C2, C4, P, PB, RAS3, and RAS4. The recommended Vesting Zone and Height District Change to (T)(Q)C2-2D would be consistent with the land use designation.

Public Necessity, Convenience, and General Welfare. The vesting zone and height district change to (T)(Q)C2-2D would enable the development of the subject site with a proposed ground floor restaurant and a 114 guest room hotel, while maintaining the operations of the existing restaurant. The Project would complete the construction of the subterranean parking structure and construct a new eight-story building over the western portion of the site, resulting in a building with a 3.7:1 FAR. The ground floor of the building would consist of a 1,939 square-foot restaurant and the lobby of the proposed eight-story hotel. The northeastern portion of the site would remain developed with the one-story building and subterranean structure, with a portion of the proposed building being constructed over it along Selma Avenue. While the C4 Zone would permit commercial uses, the types of commercial uses are limited and contain restrictive development standards. A typical amenity of a use such as a restaurant or hotel is an outdoor eating area. In a built urban environment, where physical constraints require buildings to be built vertically, the ability to have this type of amenity in the C4 Zone would be limited as it is only permitted on the ground floor. The ability to use the rooftop, or any floor above the ground floor, for this type of amenity would allow for improved site design at every level of the Project.

The Project Site is located within the Hollywood Center, a designated Regional Center, which has become an established commercial and entertainment district. The area is frequently visited by tourist and business travelers in the City. The development of a hotel and restaurant uses would provide an alternative location for visitors to stay and dine within the Hollywood Area. Additionally, the site's proximity to regional transit stations would improve accessibility to commercial and employment centers. The inclusion of ground floor restaurants and the rooftop bar and lounge, would provide an additional amenity and service for hotel guest, as well as the existing residents and employees, and visitors in the area.

Good Zoning Practice. The Hollywood Community Plan is intended to serve a number of purposes, including to guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends. As recommended, the vesting zone and height district change from C4-2D to (T)(Q)C2-2D would permit the development of a building with a floor area and height that is compatible with existing buildings, while permitting commercial uses that are consistent with the existing, and growing, commercial development in the Hollywood area. The Project Site is located one block to the south of Hollywood Boulevard and a block north of Sunset Boulevard. The site is partially developed with an existing restaurant on the northeastern portion of the site, is underdeveloped and underutilized when taken into consideration the proximity to public transportation and commercial district. The C2 Zone would permit additional commercial uses that are consistent with the existing entertainment district and the future growth of the district. While the C2 Zone would permit additional uses, the vesting zone change has been conditioned to prohibit uses which would not promote

the growth of the Hollywood Center as a commercial and entertainment center, as discussed in Finding No. 2. Future uses would be subject to the regulations of the zone, and would be required to obtain a conditional use, if applicable, prior to any change of use or authorization of a use. As such, uses which may be considered a nuisance for sensitive uses, such as residential development or schools, would be subject to discretionary review and conditioned appropriately if approved.

- b. **Pursuant to Section 12.32-G and Q of the Municipal Code “T” and “Q” Classification Findings.** The current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. The “T” Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The “Q” conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
- c. **Pursuant to Section 12.32-G,4(b) of the Municipal Code, D Limitation Findings.** In establishing D limitations, the Council shall find that any or all the limitations are necessary: (1) to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood, and (2) to secure an appropriate development in harmony with the objectives of the General Plan, or (3) to prevent or mitigate potential adverse environmental effects of the Height District establishment or change. The Project Site is currently zoned C4-2D and is subject to the D Limitations contained within Ordinance No. 165,660. The D Limitations limits the total floor area on a site to a 2:1 FAR. Additional floor area may be granted, up to 4.5:1, but no greater than 6:1, FAR; however, the additional floor area would have to be approved by the City Planning Commission and/or CRA/LA. The limitation is consistent with Footnote No. 9 of the Community Plan. Pursuant to the Zoning Code, Height District 2 permits a maximum 6:1 FAR, with no limitation on the height of the building in the recommended C2 Zone. The recommended D Limitation would limit the total FAR to 3.7:1, with a maximum height of 89 feet. Without the limitation, due to the site’s physical constraints, the maximum 6:1 FAR would lead to a building which would be taller and incompatible with the surrounding properties. The limitation would ensure that the proposed development is physically compatible with the surrounding properties, which range from one to ten stories. The proposed limitations would permit the development of the project, as described in Finding Nos. 2 and 6.a, which would promote the objectives of the Hollywood Community Plan. As such the D Limitations would protect the best interest of and assure a development that is more compatible with the surrounding property or neighborhood and secure an appropriate development in harmony with the objectives of the General Plan.

8. Conditional Use Findings.

- a. **That 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 applicant is requesting a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages in conjunction within a proposed 1,939 square-foot ground

floor restaurant and within three locations of the proposed hotel. The proposed restaurant would have 60 indoor seats and 40 outdoor seats. Within the hotel, alcohol sales and consumption is proposed within the hotel lobby, "mini-bars" within the 114 guest rooms, and the rooftop bar and lounge area. The proposed restaurant and hotel would be developed primarily on the western portion of the L-shaped site located at the northeast corner of Selma Avenue and Wilcox Avenue. The northeastern portion of the site would remain developed with the existing restaurant, which was previously approved a Conditional Use, Case No. ZA-2015-2671-CUB, by the Zoning Administrator in 2016.

The site is located one block south of Hollywood Boulevard and one block north of Sunset Boulevard. The Project Site is located within a dense, urban environment, one block south of the Hollywood Boulevard Entertainment District. The surrounding areas are developed with residential uses, hotels, restaurants, and various retail and commercial uses. The proposed restaurant would provide an alternative service amenity in an area which is not only a vibrant international destination, but is developed with a number of businesses and residences. The proposed restaurant is anticipated to operate as a bona-fide restaurant with the proposed sale of alcoholic beverages anticipated to be incidental to food service. The proposed hotel will serve to provide temporary residency for tourist and business travelers within close proximity to commercial and employment centers, as well as regional servicing public transit. The request to sell alcoholic beverages within "minibars" is intended to serve as an amenity for hotel guest, accessory to the operations of the hotel. The proposed lobby bar and rooftop bar and lounge would serve hotel guests, as well as the general public. The sale and dispensing of alcoholic beverages is anticipated to be an incidental amenity for patrons of the operations. The operations of the proposed restaurant, hotel lobby bar and rooftop bar and lounge will provide an additional amenity for those who are employed or visiting the Hollywood area.

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

The Project Site is located within the Hollywood Community Plan and is located approximately one block south of the Hollywood Entertainment District. The site is presently developed with a restaurant and partially constructed parking structure on the northeastern portion of the site. The Project would complete construction of the subterranean parking structure in the excavated area on the western portion of the site and construct a new eight-story building. As proposed, the subterranean parking structure would accommodate up to 52 parking spaces. The Project proposes to provide up to 37 parking spaces off-site at 1541 North Wilcox Avenue. Parking on- and off-site would be serviced by valet, with a drop off/pick up area proposed along Selma Avenue and Wilcox Avenue. As previously discussed, the site is located within close proximity to the Metro Red Line and other forms of public transit. It is anticipated that patrons and guests of the Project would utilize public transit or other forms of ride-share services that would not require the parking of vehicles at the site or within the off-site parking location. As such, pursuant to LAMC Section 12.24 S, the required number of spaces may be further reduced by 20 percent provided that the reduction occurs with the parking provided off-site.

The proposed building would include a 1,939 square-foot ground floor restaurant and a 114 guest room hotel with rooftop amenities such as a pool and rooftop bar and lounge area. As designed and conditioned, a minimum six-foot high glass wall would be installed

along the perimeter of the rooftop area. The proposed restaurant and hotel will be located within close proximity to Hollywood Boulevard, which is a developed with commercial and entertainment uses. However, there are existing multi-family developments within the area as well. The proposed operations of the rooftop and outdoor operations have been conditioned to limit live entertainment and amplified music, as well as the hours of operations of the outdoor areas. The conditions related to live entertainment, amplified and ambient music, and hours of operation, which were reviewed and recommended by the Los Angeles Police Department (LAPD), would prevent late night noise, ensuring that its operations will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The Project Site is located within the Hollywood Community Plan with a land use designation of Regional Center Commercial. The site is not located within a specific plan. The site is presently developed as a one-story commercial building and partially constructed subterranean parking structure on the northeastern portion of the site. The recommended vesting zone change to (T)(Q)C2-2D would permit the construction of an approximately 89-foot tall, eight-story commercial building. The building would maintain the existing restaurant located on the northeastern portion of the site, and proposes a new 1,939 square-foot restaurant on the western corner of the site. The two restaurants would be separated by the lobby of the proposed 114 guest room hotel. As discussed in Finding No. 2, the Project would redevelop an underutilized site with uses that are compatible with the existing development in the surrounding area and would be in conformance with the objectives and policies of the Community Plan. The sale of a full line of alcoholic beverages in conjunction with the operations of the proposed restaurant and hotel, would be an added amenity for guests and patrons of the Project.

Additionally, the Project has been conditioned to require parking spaces to be constructed for the immediate installation and use of EV Chargers, as well as for future use, and for the installation of solar panels to an operating photovoltaic system. As such, the project is in substantial conformance with the General Plan and the Community Plan.

- d. **Additional required findings for the sale of alcoholic beverages:**
i. **The proposed use will not adversely affect the welfare of the pertinent community.**

The Project proposes to develop the site with a new commercial building which would maintain the existing restaurant, and proposes to construct a new ground floor restaurant and an eight-story, 114 guest room hotel. The proposed restaurant is anticipated to operate as a bona-fide restaurant and the sale and dispensing of alcoholic beverages incidental to food service is a common amenity found with the operations of a restaurant. The proposed hotel would include rooftop amenities including a bar and lounge area, which would be partially covered. The request to serve alcoholic beverages within the guest rooms and as an incidental service within the lobby bar and rooftop bar and lounge is a common amenity that is found with the operations of a hotel. The Project Site is located within close proximity to Hollywood Boulevard, which is a commercially developed entertainment district. The proposed restaurant and hotel will be compatible with the range of commercial uses such as restaurants, nightclubs, theaters, retail, and other hotels. As conditioned, the proposed restaurant and hotel operations as it relates to the sale and dispensing of

alcoholic beverages have been conditioned as to not adversely affect the welfare of the pertinent community.

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

According to the California State Department of Alcoholic Beverage Control licensing criteria, there are 3 on-site and 2 off-site licenses allocated to the subject Census Tract Number 1907.00, based on a population of 3,379. Within 1,000 feet of the subject site, there are currently 62 active licenses, including 59 on-site and 3 off-site licenses.

The number of existing on-site licenses within the census tract where the subject site is located exceeds ABC 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 site is located within the Hollywood Community Plan and is located approximately one block south of the Hollywood Entertainment District. The area is developed with a diverse range of commercial uses, which include restaurants, theaters, and retail uses. 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 the public welfare and will not interfere with the quiet enjoyment of property by residents in the area. 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. 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. These conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages in conjunction with the proposed restaurant and the hotel for on-site consumption is not undue or anticipated to create a law enforcement issue. Consequently this approval will not result in an undue concentration of premises selling and dispensing of a full line of alcoholic beverages.

According to statistics provided by the Los Angeles Police Department's Hollywood Vice Unit, within Crime Reporting District No. 646 which has jurisdiction over the subject property, a total of 1,777 crimes were reported in 2017 (662 Part I and 1,115 Part II crimes), compared to the Citywide Average of 191 crimes for the and the High Crime Reporting District Average of 229 crimes. Alcohol related Part II Crimes reported include Narcotics (167), Liquor Laws (58), Public Drunkenness (27), Disturbing the Peace (2), Disorderly Conduct (159), Gambling (2), DUI related (29),

and other offenses (269). 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.

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 restaurant and hotel has been the subject of criminal or nuisance activity. On March 24, 2018, LAPD Hollywood Vice submitted a list of proposed operating conditions for the proposed restaurant and hotel as it relates to the sale and dispensing of alcoholic beverages. These proposed operating conditions are included herein, thus, the approval of the request is not anticipated to result in late night nuisance activity or contribute to the area's crime rate.

The subject grant has been conditioned to allow the Director's designee to require a Plan Approval application to evaluate the operations of the project if documentation is submitted showing that the project is not in compliance with the approved conditions. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not grant a conditional use and thus avoid the need to proceed with prolonged nuisance abatement proceedings. The project has been conditioned to prevent negative impacts and integrate the use into the community as well as protect community members from adverse potential impacts. As such, the proposed restaurant and hotel with the sale of a full line of alcoholic beverages will be compatible with the surrounding development and will not adversely affect the welfare of the surrounding community.

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

The following sensitive uses are located within 1000 feet of the project site:

- Selma Park (6561 West Selma Avenue)
- Selma Avenue Elementary School (6611 West Selma Avenue)
- Y.M.C.A. (6560 West Selma Avenue)
- Blessed Sacrament Church (6660 West Selma Avenue)
- King's Education (1555 Cassil Place)
- First Baptist Church (6682 Selma Avenue)

The proposed restaurant and hotel are located within the proximity of sensitive uses, including residential development. While the proposed restaurant and hotel proposes the sale of alcoholic beverages for on-site consumption, it is anticipated that the sale and consumption will be ancillary to the primary operations of the proposed restaurant and hotel. The site is located within a developing commercial corridor along Selma Avenue and in the Regional Center Commercial, which has long been a center of entertainment in the City. With the conditions referenced herein, the impacts of the on-site consumption and dispensing of a full line of alcoholic beverages would be reduced and will not detrimentally affect nearby residentially zoned or developed communities and other sensitive uses within the area.

9. **Zoning Administrator's Adjustment Findings.** In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative:

- a. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The Project Site is an L-shaped site with 65 feet of frontage along the western side of Wilcox Avenue and approximately 200 feet of frontage along the northern side of Selma Avenue. The northeastern portion of the site extends 185 feet to the north, midblock between Wilcox Avenue and Cahuenga Boulevard, as shown in the map below. The northeastern portion of the site is developed with an existing commercial building with a partially constructed subterranean structure. The Project proposes to complete the construction of the subterranean structure, to be utilized for parking, and to construct a new eight-story building. While the building will be located primarily on the western portion of the site, a portion of the building would be constructed over the existing building along Selma Avenue, which will be maintained as part of the Project.

Pursuant to the LAMC Section 12.14 C,2 and 12.22 A,18, a building would be required to provide five-foot side yard, with one additional foot added for every story over the second story. For the rear yard, the Zoning Code requires a minimum fifteen-foot setback, with one additional foot added for every story over the third story. As an eight-story building, the Project is required to provide an eleven-foot northerly side yard and a twenty-foot easterly rear yard setback. The applicant has requested an adjustment to permit a reduced northerly side yard setback of ten feet and a reduced easterly rear yard setback of nineteen feet.

As proposed and requested, the Project would comply with the setback requirements of a seven-story building. However, as the rooftop will include a covered rooftop bar and lounge seating area and will be used for other amenities, it is considered an eighth story. The rooftop includes outdoor amenities such as a pool and amenity deck and an uncovered bar and lounge seating area. Along the northern elevation, fully enclosed structures are limited to roof structures and storage, which would otherwise be permitted to be located at the perimeter of the building. Outdoor seating areas which are located along the northern elevation are further setback from the perimeter of the building and are buffered with a landscape planter. Along the eastern elevation, the rooftop amenities and fully enclosed structures are setback further than the required twenty feet and the requested nineteen feet. The second through seventh stories would observe the requested nineteen feet, which is consistent with the required rear yard setback of a seven-story building. As such, the provided yards would still conform to the intent of the provisions to not obstruct light or ventilation on any of the adjoining properties.

- b. **In light of the project as a whole including any mitigation measures imposed, 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 L-shaped site is located at the northeast corner of Selma Avenue and Wilcox Avenue, with 65 feet of frontage along Wilcox Avenue and 200 feet of frontage along Selma Avenue. The proposed building has largely been configured to be oriented along Selma Avenue. As described in Finding No. 9.a, the second through seventh story would observe a reduced northerly side yard of ten feet and a reduced easterly rear yard of

nineteen feet. To the north, the adjacent property is developed with a surface parking lot. To the west, the adjacent property is developed with a ten story hotel. As designed, the reduced yards would provide an adequate setback to maintain access to light and ventilation for existing and future developments on adjacent properties. Additionally, a Mitigated Negative Declaration (Case No. ENV-2016-2602-MND) was prepared for the proposed Project. The mitigation measures identified in the MND have been incorporated as enforceable conditions of approval. The mitigation measures, in conjunction with conditions of approval related to the size, height, and operations of the proposed Project would ensure that the Project as a whole would be compatible with and would not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

c. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The Project Site is located within the Hollywood Community Plan, with a land use designation of Regional Center Commercial. The applicant has requested a Vesting Zone Change and Height District Change from C4-2D to (T)(Q)C2-4D. The Project proposes to maintain the existing commercial building and to complete construction of the subterranean parking structure and to construct a new eight-story building. The building would consist of a 1,939 square-foot restaurant and a 114 guest room hotel. The hotel would include a lobby bar and rooftop amenities such as a pool, rooftop bars with both outdoor and indoor bar and lounge seating areas. With the approval and adoption of the requested Vesting Zone Change and Height District Change, the Project would be in substantial conformance with the purpose, intent and provisions of the General Plan and the Hollywood Community Plan, as described in Finding Nos. 2 through 5. The site is not located within a specific plan area.

10. Site Plan Review Findings. In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

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

The Project Site is located within the Hollywood Community Plan, with a land use designation of Regional Center Commercial. The site is presently developed with a one-story commercial building and partially constructed subterranean parking structure on the northeastern portion of the site. The recommended Vesting Zone and Height District Change to (T)(Q)C2-2D would permit the construction of the approximately 89-foot tall, eight-story building on the western portion of the site and the maintenance of the existing building on the northeastern portion of the site. The Project would continue operations of the existing restaurant, and proposes a new 1,939 square-foot restaurant and a 114 guest room hotel. The hotel would have a ground floor lobby bar, and would include additional amenities on the rooftop such as a pool and bar and lounge area. The Project has been conditioned to require parking spaces to be constructed for the immediate installation and use of EV Chargers, as well as for future use, and for the installation of solar panels to an operating photovoltaic system. As discussed in Finding Nos. 2 through 6, the Project would redevelop an underutilized site with uses that are compatible with the existing development in the surrounding area and would be in substantial conformance with the objectives and policies of the General Plan and the Hollywood Community Plan.

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

The Project proposes to construct an approximately 89-foot tall, eight-story building with three-levels of subterranean parking. The Project would maintain the existing one-story building which is currently operating as a restaurant, and proposes a new 1,939 square-foot restaurant and a 114 guest room hotel. The existing restaurant would maintain the existing entryway along Selma Avenue. The proposed restaurant, located directly at the corner of Selma Avenue and Wilcox Avenue would have a separate entrance on Selma Avenue, but would also be accessible from an interior entrance from the hotel reception area. The proposed building would be constructed over three levels of subterranean parking, which would be accessible from a driveway located along Wilcox Avenue. It is intended that a valet drop off/pick up area will be provided along Selma Avenue and Wilcox Avenue to park the cars either on-site or at the off-site parking location. Short term bicycle parking is proposed within the public right-of-way along Selma Avenue and Wilcox Avenue and long term bicycle parking is proposed on the first subterranean level.

- c. Any residential project provides recreational and service amenities to improve habitability for its 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 amenities for hotel guests such as use of the rooftop deck, which includes a swimming pool. As conditioned, the Project would installed electric vehicle charging stations for five percent of the required parking provided on-site and the installation of an operational photovoltaic system (solar) that will offset the electrical demand of the EV chargers and other on-site electrical uses. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles. The EV ready parking spaces will also provide guests and patrons who use an electric vehicle a direct service amenity.

Environmental Findings

- 11. Environmental Finding.** A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2016-2602-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). Comments were received from members of the public stating that the MND fails to adequately analyze impacts of the Project related to air quality, greenhouse gases, and traffic. No technical studies were submitted with the comments which were received. The MND analyzes the potential impacts of the Project from two baselines referred to as the Original Baseline and the Current Baseline. The Original Baseline analyzes the Project's potential impact as it existed at the time of submittal of Case No. ENV-2015-2672-MND. The Current Baseline analyzes the Project's potential impact as the site currently exists. Projects in the surrounding area have been identified and analyzed as part of the MND. The MND incorporates mitigation measures to address identified impacts under both baselines. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND there is no substantial evidence that the proposed project will have a significant

effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. The records upon which this decision is based are with the Environmental Review Section of the City Planning Department in Room 750, 200 North Spring Street.

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

