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May 23, 2019

Kamran Benji (A)(O)  
United Broadway, LLC  
6300 Wilshire Boulevard  
Los Angeles, CA 90048

Matthew Hayden (R)  
Hayden Planning  
10008 National Boulevard, Unit 229  
Los Angeles, CA 90034

CASE NO. ZA-2018-3288-CUB-SPR  
CONDITIONAL USE/SITE PLAN REVIEW  
1140 South Broadway (1138-1142 South  
Broadway)  
Central City Planning Area  
Zone : C2-4D-O-SN  
C.D. : 14 – Huizar  
D.M. : 126A209  
CEQA : ENV-2018-3289-CE  
Legal Description: Lots 28 and 29, Tract 2289

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15305 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with hotel within a ground floor bar and restaurant, a rooftop patio/bar and within controlled access-cabinets in each of the guestrooms

Pursuant to Los Angeles Municipal Code Section 16.05, I hereby APPROVE:

a Site Plan Review for a development project (hotel) which creates or results in an increase of 50 or more guest rooms;

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a hotel (Hyatt Centric) operating 24 hours daily. Alcohol service is limited to and within the following locations: 1) a 2,140 square-foot ground level restaurant/bar with a maximum of 125 seats; 2) a 2,080 square-foot roof-top pool deck with a maximum 200 seats; and, 3) a total of 139 in-room access cabinets/minibars, one for each guestroom.
8. A camera surveillance system shall be installed with a view to the hotel entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days. and are intended for use by the Los Angeles Police Department.
9. Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
  - a. Entry, visible to pedestrians.
  - b. Customer service desk, front desk or near the reception area.Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
10. **STAR/LEAD Training.** Within the first six months of operation or the effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or

Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training. STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.

11. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
12. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
13. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
14. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed
15. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
16. 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.
17. The Applicant(s) 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.
18. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
19. A minimum 6-foot high glass windscreen shall be installed around the perimeter of the roof-deck to minimize noise.

20. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
21. The ground floor restaurant shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
22. **Prior to the utilization of this grant**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager 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 on-site consumption, in conjunction with the hotel, known as Hyatt Centric, 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.

23. **Guest Rooms.** The hotel shall be limited to a maximum of 139 guest rooms.
24. **Vehicular Access.** All vehicular access shall be limited to the Alley located to the rear of the property.
25. **Bicycle Parking.** All bicycle parking shall be provided in conformance with the bicycle parking requirements of L.A.M.C. Sections 12.21-A,4 and 12.21-A,16.
26. **Pedestrian Connectivity and Access.** The project shall maintain a primary pedestrian entrance along Broadway, which shall be kept unlocked during business hours.
27. A minimum of a 6' -0" wide continuous path of travel shall be provided on the adjoining public right of way in conformance to the Downtown Design Guide.
28. The applicant shall maintain pedestrian access should the sidewalk be temporarily closed during construction.
29. Temporary walkways in the public right-of-way covered due to construction shall be adequately illuminated at night.
30. **Landscaping.**
  - a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
  - b. The applicant shall install a landscape rooftop at the fourth floor level, as shown in Exhibit A. The landscaped area may be designed to be accessible as permitted by the Department of Building and Safety.

31. **Trash.** Trash and recycling receptacles shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from public right-of way or adjacent residences.
32. **Security.** Security grilles and roll-down doors shall not be permitted.
33. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
34. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code.

#### **Parking/Valet**

35. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
36. Parking attendants shall be provided during all hours of operation.
37. If applicable, any valet operator shall be required to obtain a valid LAPD Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203 (b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.
38. Passenger loading shall be limited to the existing passenger loading spaces along Broadway which shall also apply to any valet service. No other street parking shall be used by the valet service for passenger loading at any time.
39. Valet service shall not utilize any local streets for the parking of vehicles at any time.
40. The applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use public transit or carpool to work. Said program may include but not be limited to: subsidies for public transit and installation of bike racks. A copy of the program shall be submitted to the Development Services Center for inclusion in the file.

#### **Construction Noise**

41. A minimum ten-foot high noise barrier shall be installed on the perimeter of the site during construction, with the exception of the south property line (an existing masonry commercial building is in place along this property line). The noise barrier shall be solid and constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, with no cracks or gaps, through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it should be tongue and groove and must be at least 7/8-inch thick or have a surface density of at least 3½ pounds per square foot. Any door or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of 3/4-inch thick or greater wood, solid-sheet metal of at least 18-gauge metal, or an exteriorgrade solid-core steel door with prefabricated door jambs. An alternative option to the above criteria would be to install noise attenuation blankets, with a minimum STC rating of 28, and overlapping seams.

**ADMINISTRATIVE CONDITIONS**

48. **Expedited Processing Section.** Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
49. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
50. 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 including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning 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 Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
51. The Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application, if it is determined that the operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

**INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. 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.
- ii. 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.
  - iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

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

**TRANSFERABILITY**

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

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JUNE 7, 2019** unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available online at <http://planning.lacity.org>.** Public offices are located at:

**Downtown**  
 Figueroa Plaza  
 201 North Figueroa Street, 4th  
 Floor  
 Los Angeles, CA 90012  
 (213) 482-7077

**San Fernando Valley**  
 Marvin Braude San Fernando  
 Valley Constituent Service Center  
 6262 Van Nuys Boulevard, Room  
 251  
 Van Nuys, CA 91401  
 (818) 374-5050

**West Los Angeles**  
 West Los Angeles Development  
 Services Center  
 1828 Sawtelle Boulevard,  
 2nd Floor  
 Los Angeles, CA 90025  
 (310) 231-2598

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

### NOTICE

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

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on October 17, 2018, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Section 12.24-W,1 and Section 16.05 have been established by the following facts:

### **BACKGROUND**

The project site is located at 1138–1140 South Broadway (mid-block between 11<sup>th</sup> and 12<sup>th</sup> Streets) and consists of two rectangular lots with approximately 11,468 square feet of lot area. The site is located along the eastern side of Broadway and has approximately 100 feet of street frontage with a lot depth of approximately 115 feet. The project site is located within the Central City Community Plan, with a Regional Center Commercial land use designation and is zoned C2-4D-O-SN. The project site is located within the City Center Redevelopment Project area, the Historic Broadway Sign District, a Los Angeles State Enterprise Zone, and within a designated Transit Priority Area.

The project site is developed with a two-story commercial building, constructed in 1935, and surface parking lot. The project involves the demolition of the existing and surface lot and the construction, use, and maintenance of a 14-story hotel with 139-rooms, ground floor restaurant/bar with 125 seats and rooftop patio/bar with up to 200 seats. The project requires the demolition of an existing two-story structure at the site. The project includes two levels below ground for employee facilities, administrative offices, and boiler room. Street-level entry to the parking garage elevators extends below ground to access the two parking levels above the lobby with a total of 42 stalls. The guest rooms begin on floors above the garage on 11 levels. A pool and outdoor area is located on the top floor of the building. The project would also result in the removal and replacement of two non-protected off-site trees located within the public right-of-way.

Surrounding properties are designated for Regional Center Commercial land uses and are zoned C2-4D-O and C2-4D-O-SN. Properties along Broadway are zoned C2-4D-O-SN and are developed with the Hearst Building (currently under renovation) and the 11-story Public Works Building on the west side of the street and the surface lots on the eastern side of Broadway with the exception of the 15-story Case Hotel located at the corner of Broadway and 11<sup>th</sup> Street.

The requested entitlements include a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 139-room hotel, ground floor bar/restaurant, rooftop patio/bar and within controlled access-cabinets in each of the 139-rooms in the C2-4D-O-SN Zone and Site Plan Review for the construction, use, and maintenance of a project containing 50 or more guest rooms.

South Broadway, adjoining the subject property to the northwest is designated a modified 2-way Avenue II dedicated to a width of 56-feet and is improved with 17 feet of curbs, gutters, sidewalks, street lamps, and asphalt pavement.

Unnamed Alley, bordering the subject property to the southeast, is dedicated to a width of 12 feet and is improved with asphalt pavement and gutter only.

#### **Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:**

City Planning Case No. CPC-1986-0606-GPC / Ordinance No. 164307-SA2885 A Zone Change on the subject property effective January 30, 1989, classifying the property in a C4-2D Zone, with a Development Limitation of 6:1 Floor Area Ratio (FAR).

#### **Previous Cases on Surrounding Properties**

Case No. ZA-2008-4494-CUB - On December 19, 2010, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for off-site consumption in conjunction with the continued use and maintenance of an existing 1,520 square-foot market and deli, located at 1139 South Hill Street.

Case No ZA-2008-2464-CUB-ZV - On June 1, 2010, the Zoning Administrator approved a request for a conditional use permit, to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an interior remodel of the existing 40, 754 square-foot vacant historical theater (Belasco Theatre - LA Historical Monument #4 76) including ancillary theater, two restaurants with 622 seats and a total occupancy of no more than 1,537 patrons, a nightclub, live entertainment, permit patron dancing public dancing in the existing historic theater/commercial entertainment establishment to be comprised of three dance floors having a total of 3,903 square feet as otherwise not allowed, located at 1050 South Hill Street.

Case No. DIR-2013-1216-SPR-CDO – On February 12, 2014, the Director of Planning approved a Site Plan Review and a CDO Plan Approval for the construction of Building B, a 123-foot in height mixed-use building with 35,609 square feet of ground floor commercial space and 437 residential dwelling units and a publicly accessible paseo connecting Broadway and Main Street.

Case No. ZA-2014-1439-CUB-ZV – On April 16, 2015, the Zoning Administrator approved a conditional use and zone variance to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a hotel and restaurants, bars and cafe on a property in the C2-4D-O Zone.

#### **PUBLIC CORRESPONDENCE**

a letter dated September 11, 2018 was submitted by the Downtown Los Angeles Neighborhood Council in support of the requested entitlements subject to the following conditions.

- In the event of a change of operator/tenant, the new operator/tenant will return to present to DLANC when required to apply for plan approval;
- A minimum of a 6' -0" wide continuous path of travel is provided at the ground floor public right of way following the Downtown Design Guidelines;
- Applicant will maintain pedestrian access should the sidewalk be temporarily closed during construction; and
- Applicant will ensure any temporary walkways covered due to construction are well-lit.

A letter dated August 27, 2018 was received from Creed LA requesting mailed notice of the environmental review document when it is made available for public review and requesting notice of any hearings or actions related to the proposed project.

A letter dated October 17, 2018 was received from Unite Here Local 11 raising concerns and objections to the proposed project and to the proposed project's environmental analysis. The letter reads as follows:

*Dear Associate Zoning Administrator,*

*On behalf of over 30,000 workers represented by UNITE HERE Local 11 ("Local 11" or "Commenter"), we respectfully write to provide comments regarding the Zoning Administrator's ("ZA") consideration of the above-referenced Hyatt Centric Project (ZA-2018-3288-CUB-SPR; ENV-2018-3289-CE) ("Project"), proposed by United Broadway, LLC ("Applicant"), located at 1138-1442 South Broadway ("Project Site"). Before the ZA are the following discretionary requests by the Applicant: (1) a class 32 categorical exemption from CEQA; (2) a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 139-room hotel, ground floor bar/restaurant, rooftop patio/bar and within controlled access cabinets in each of the 139 rooms in the C2-4D-O-SN Zone; and (3) a Site Plan Review for the construction, use, and maintenance of a project containing 50 or more guest rooms. The proposed project involves the demolition of an existing commercial building and surface parking lot and the subsequent construction, use, and maintenance of a 15-story, 67,500 square-foot hotel with 139 rooms, ground floor restaurant/bar with 125 seats and rooftop patio/bar with up to 200 seats.*

*Local 11 represents more than 30,000 workers employed in hotels, restaurants, sports arenas, airports and convention centers throughout Southern California and Arizona. Members of Local 11, including many who live and work in the City of Los Angeles, including in the vicinity of the Project Site, join together to fight for improved living standards and working conditions. Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of engaging in the CEQA process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that "unions have standing to litigate environmental claims." Bakersfield Citizens v. Bakersfield (2004) 124 Cal.App.4th 1184, 1198.*

*Commenter is concerned that the Project may not qualify for a class 32 categorical exemption and that the environmental analysis may have underestimated the Project's potential impacts on the surrounding community, including but not limited to potential impacts on air quality and traffic. CEQA contains categorical exemptions for projects that are unlikely to have environmental impacts. See Pub. Res. Code § 21084. These exemptions are to be construed narrowly and are not to be expanded beyond the scope of their plain language. See Castaic Lake Water Agency v. City of Santa Clarita (1995) 41 Cal.App.4th 1257; see also Wildlife Alive v. Chickering (1976) 18 Cal.3d 190, 205. They must also be construed in light of their statutory authorization, which limits such exemptions to classes of projects that have been determined not to have significant effects on the environment – ensuring categorical exemptions are interpreted in a manner affording the greatest environmental protection. See Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster (1997) 52 Cal.App.4th 1165, 1192; see also Save Our Schools v. Barstow Unified Sch. Distr. Bd. of Educ. (2015) 240 Cal.App.4th 128, 140; County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 966.*

*The Project proposes the construction of a large, 15-story hotel with a new proposed use for the Project Site. In addition, the Project would provide a disproportionately low number of parking spaces given the proposed Project operations. A total of 42 vehicle parking spaces is proposed in order to serve the guests and customers of a 139-room hotel with a rooftop patio/bar with up to 200 seats.<sup>1</sup> The low number of proposed vehicle parking spaces may cause potentially significant environmental impacts on traffic and air quality. Given the low number of proposed*

vehicle parking spaces, it is likely that many guests to the Project would utilize ride-sharing services like Lyft and Uber as transportation to and from the Project. In addition, given the low number of parking spaces, many visitors to the Project may be forced to drive around the area in search of street parking. Impacts of this activity should have been analyzed in the traffic and air quality analysis and potentially mitigated.

As stakeholders in Los Angeles and in the Downtown area, we have concerns about how this Project will impact our members' environment and we urge the Applicant to implement additional measures to mitigate potential impacts on traffic and air quality in the area. One of the ways to mitigate these potential impacts is to reduce traffic by incentivizing the use of public transit. Numerous local bus routes service the area in the vicinity of the project site.<sup>2</sup> As one method to mitigate potential impacts on traffic and air quality, the Applicant could encourage the use of public transit to and from the Project through a Transportation Demand Management program ("TDM"). Implementation and compliance with a TDM program would reduce traffic impacts of the Project by encouraging Project employees, residents, and patrons to reduce vehicular traffic on the street and freeway system during the most congested time periods of the day and reducing parking demand so that the parking supply is sufficient. The TDM program could include implementation of several TDM strategies including, but not limited to, the following:

- Flexible work schedules and telecommuting programs
- Alternative work schedules
- Pedestrian-friendly environment
- Bicycle amenities (bicycle racks, lockers, showers etc.)
- Rideshare carpool
- Vanpool promotion and support
- Education and information on alternative transportation modes
- Transportation Information Center
- Guaranteed Ride Home program
- Transportation Management Coordination Program
- Discounted employee and resident transit passes
- Parking strategies such as unbundled parking and parking cash-out

In addition, the Applicant could mitigate potential GHG impacts by planting more trees on the Site which have been shown to lower carbon emissions.<sup>3</sup>

In conclusion, the Project's traffic and air quality analysis may underestimate the Project's potential impacts on the surrounding environment. Additional mitigation measures could be implemented to ensure that the Project does not have significant impacts on the existing community. We encourage the ZA to implement additional mitigation measures, such as those mentioned above, or require the Project to undergo a more thorough environmental review in the form of a Mitigated Negative Declaration or an Environmental Impact Report.

A letter dated November 30, 2018 was received from Irvine Associates, Inc. on behalf of a nearby property owner expressing concerns about the lack of community outreach conducted by the applicant for the proposed project and expressing concerns regarding the project's environmental analysis. The letter reads as follows:

Dear Mr. Tovar,

On behalf of our Client, a nearby property owner, I would like to express our opposition over the proposed hotel project, Hyatt Centric (the "Project"), to be located at 1138-1142 S. Broadway, Los Angeles, CA 90015 (the "Project Site"). Specifically, our Client is concerned about the lack of community outreach conducted by the Applicant for this Project. Although the Project case file includes a letter of support from the Downtown LA Neighborhood Council (DLANC) dated Sept. 2018, our Client received no notification regarding any public meeting or discussion of the Project before the DLANC or its subcommittees. For a project of this scale, the Applicant must perform adequate community outreach in

order to understand the concerns of nearby residents and property owners. As is, the Applicant has failed to sufficiently engage the community. This demonstrates a willful disregard for the wellbeing of those who live and work nearby and are most impacted by the Project.

Additionally, the Applicant is inappropriately seeking a Class 32 (Infill Development) Categorical Exemption ("CE"), which fails to address the potentially significant impacts associated with the proposed hotel with regard to noise (both construction- and use-based impacts), historical analysis and cumulative impacts.

Finally, the Applicant is not meeting their obligation to perform the required dedications and/or improvements to the alley adjacent to the Project Site and the Application does not include a Waiver of Dedications and Improvements action.

Due to the lack of proper community outreach, several significant environmental impacts that have not been addressed, and the Applicant's failure to perform the required dedications/improvements to the alley, we cannot support the Project as currently proposed.

### **Alley Dedication and Improvements**

Based on a review of the proposed Site Plan, the Project will utilize and encroach upon the alley – thereby restricting its access for adjacent properties. The environmental documents fail to analyze the impact resulting from the lack of dedication and improvement to the alley, located at the rear of the Project Site. As measured on Navigate LA, this alley is only 12 ft. in width (6 ft. half width). Per the Mobility Plan 2035, an alley should have a minimum width of 20 ft. (10 ft. half width). **As such, at minimum, a four (4) ft. dedication should be imposed on the Project in order to achieve the minimum 10 ft. half alley width required.** The Project's application package makes no reference to any dedication and no Bureau of Engineering (BOE)

Planning Case Referral Form (PCRF) was submitted. Additionally, the Applicant has not requested a Waiver of Dedications and Improvements (WDI), to deviate from these standards. Pursuant to LAMC Section 12.37.1.3, "The waiver request must be set forth in the application filed with the Department of City Planning, and may not be raised for the first time at the hearing on the entitlement or at any entitlement appeal hearing." This oversight must be addressed and warrants deeper investigation of the Project's impacts.

It is also worth noting that at the time of submittal, the Applicant submitted the Citywide Design Guide checklist instead of the Downtown Design Guide Checklist (based on the Projects location, the Downtown Design Guide Checklist is required). This is important to add as the Downtown Design Guidelines provide additional design requirements and suggestions for both the proposed building and the alley that are not found in the Citywide Design Guidelines.

In addition to the required alley dedication, the lack of any necessary improvements, such as those outlined in the Downtown Design Guidelines, further exasperate the negative impacts of the Project. For example, the Downtown Design Guidelines state that projects should "ensure that residents are not adversely impacted by the use of alleys for parking access, service, and loading," "illuminate alleys for both vehicles and pedestrians," and be designed with "permeable paving to infiltrate storm water and eliminate standing water." As the subject Project is not currently proposing any improvements to the alley, they are failing to comply with the Downtown Design Guidelines.

Furthermore, many of the alley improvements outlined in the Guidelines are related to mitigating noise impacts on nearby residents. The noise impacts of this Project are another source of opposition, as discussed below.

### **Noise**

The Construction Noise Impact Analysis (CNIA), prepared by Eilar Associates, Inc. (April 27, 2018), analyzes the potential noise impacts resulting from the construction of the Project. In addition, the study analyzed the construction noise impacts on nearby sensitive receivers (nearby hotel and multi-family residential uses) and determined that there would be no Significant Impact. No operational noise analysis was conducted.

The assumptions in the CNIA are flawed and the conclusion is incorrect. The study found that concrete mixer trucks and concrete pump trucks will produce a noise levels of up to 76 dBA at 50 feet from the source. These sound levels exceed the LAMC threshold of 75 dBA as documented in Table 2 of the CNIA. As such a significant noise impact would occur and an EIR must be prepared. The analysis in the CNIA incorrectly assumes that a noise barrier around the perimeter of the Project Site would be effective in reducing noise levels from concrete and mixing trucks. However, this assumption is flawed because the concrete trucks cannot occupy the Project Site when the

foundation is being poured. Concrete trucks will likely be staged adjacent to the site on Broadway or in the alley. Thus, the sound barrier will be completely ineffective in attenuating noise because it would not block the line of sight from the noise sources and the receptors. Additionally, the construction noise analysis fails to address noise levels from any construction activity that occurs above grade level. A 10-foot high sound barrier at the ground level would be ineffective in mitigating construction noise on levels 2 through 14 that will reach a height of 198 feet above grade. These unmitigated impacts cannot be dismissed through a Categorical Exemption and must be addressed in a more detailed environmental analysis pursuant to CEQA.

Furthermore, the study fails address the potential noise impacts resulting from the actual land uses associated with the Project itself. Hotels alone generate significant levels of noise and, when combined with two bars (including a rooftop bar), the Project will further exasperate the growing noise issues in the area caused by the unmitigated cumulative impacts of recent development. The operational noise analysis fails to address the potential for outdoor bar and patio spaces to generate excessive noise levels from crowds, music and amplified sound. The analysis also fails to address operational noise impacts due to loading and unloading activity within the alley.

Case No. ZA-2012-3185-VCU-ZV-ZAA-TDR-1A, a similar hotel project located near the Project Site at 1130 S. Hope St., was opposed for similar reasons. As part of the Letter of Determination (dated Feb. 20, 2014), several conditions were placed on the project to mitigate concerns related to noise. Such conditions include:

- Rooftop Bar and pool deck are restricted to hotel guests only, with hours of operation from 6AM- 11PM Sunday - Thursday, and 6AM-12AM Friday/Saturday;
- No live entertainment or amplified music;
- A 24-hour "hot line" phone number must be provided to receive complaints from the nearby community;
- Any noise or sound generated by the hotel and/or its accessory uses may not be audible beyond the site;
- A glass facade fully enclosing the roof top deck is required and must sound proof;
- Operational noise, such as noise produced by loading/unloading activities, must be minimized (with no outdoor audible devices permitted) and conducted as quickly as possible to reduce impacts;
- Refrain from making any noise in the alley so as to minimize impacts on residential neighbors.

This project was required to prepare a Mitigated Negative Declaration (MND) in order to address the associated environmental impacts. Given the scale of this project (only 44 guest rooms), compared to the proposed Hyatt Centric hotel use, coupled with the lack of any analysis related to the operation noise impacts of the hotel and its ancillary uses, this is strong evidence that a Class 32 Categorical Exemption is insufficient.

Therefore, the noise resulting from the proposed Project must be further considered through an expanded environmental review process. As it stands, the Project fails to comply with CEQA's mandate to analyze the impacts of noise generated by the Project.

#### **Historic Analysis**

Categorical Exemptions are not permissible if a Project has the potential to impact a historic resource. Pursuant to CEQA Guidelines § 15064.1.a.3, for a Lead Agency to determine if a resource is historic, the Lead Agency must determine whether the resource meets the criteria for listing in the California Register of Historical Resources (California Register). No such analysis has been performed. The property at 1138 S. Broadway is developed with an 83-year old structure that was constructed in 1935. While this structure is not currently listed as a local or state historic cultural monument, the absence of such a listing does not preclude the ability for a property to be considered a historic resource pursuant to CEQA. The California Office of Historic Preservation recommends evaluating the significance of any structure that is proposed to be demolished if the structure is older than 45 years old. As this property is well beyond 45 years old, an assessment of the project site's potential to be deemed a historic resource pursuant to CEQA should be evaluated by a qualified architectural historian. The conclusory statement in the Categorical Exemption that the project would not result in any historic impacts is not substantiated by expert opinion or analysis. The demolition of a potentially significant historic resource would result in a significant unavoidable impact, triggering the need for an EIR. Furthermore, the Hyatt Centric Los Angeles Project is located directly across the street from the historic Herald Examiner Building (LA Historic-Cultural Monument No. 178). No analysis has been conducted to assess whether the design and construction of the Hyatt Project would have any indirect impacts upon the Herald Examiner Building. The proposed project has the

*potential to alter the urban architectural design and scale and massing of development surrounding the Herald Examiner Building. The Project could also affect existing views and create shade and shadow impacts upon the Herald Examiner Building. Alterations to the historic urban setting could degrade or diminish the historic context of the Herald Examiner Building. Without any historic analysis, the lead agency does not have the required information to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties. As such a historic analysis should be conducted.*

### **Cumulative Impacts**

*CEQA requires that environmental review be conducted to analyze the cumulative impact of multiple large projects in a given area. The analyses supporting the Categorical Exemption fail to address cumulative impacts from other large-scale developments in Downtown Los Angeles, including hotels and mixed-use projects, both adaptive reuse and new construction. As demonstrated above, the studies submitted in support of a CE for the Project fail to fully analyze the potential impacts, including thorough analysis of the cumulative impact of the Project in relation to other nearby present and future uses.*

*For these reasons, and others, you can understand why our Client is troubled by the Project. We must go on record in opposition to the Project.*

A letter dated February 8, 2019 was received from the applicant's environmental consultant, Kinsinger Environmental Consulting, responding to comments made at the public hearing and in written communications concerning the proposed project's environmental analysis. The letter reads as follows:

*Dear Mr. Tovar:*

*This letter is a response to various letters and comments provided at the public hearing on October 17, 2018, as well as those submitted afterward, regarding the above referenced application.*

### **Comments from Irvine and Associates:**

**1. Comment:** *"On behalf of our Client, a nearby property owner, I would like to express our opposition over the proposed hotel project, Hyatt Centric (the "Project"), to be located at 1138-1142 S. Broadway, Los Angeles, CA 90015 (the "Project Site")."*

*Response: The commenter is making a general statement of opposition – no response required.*

**2. Comment:** *"Specifically, our Client is concerned about the lack of community outreach conducted by the Applicant for this Project. Although the Project case file includes a letter of support from the Downtown LA Neighborhood Council (DLANC) dated Sept. 2018, our Client received no notification regarding any public meeting or discussion of the Project before the DLANC or its subcommittees. For a project of this scale, the Applicant must perform adequate community outreach in order to understand the concerns of nearby residents and property owners. As is, the Applicant has failed to sufficiently engage the community. This demonstrates a willful disregard for the wellbeing of those who live and work nearby and are most impacted by the Project."*

*Response: The commenter states that "the Applicant has failed to sufficiently engage the community". The applicant, as is generally the practice in the City of Los Angeles entitlement process, contacted the DLANC, as the subject property is located within it's boundary and the DLANC represents all stakeholders within it's boundary – including the commenter.*

*The DLANC asked the applicant to make a public presentation regarding the project to give information about, and share the proposal with, the community, for general comment by the community in order to provide feedback about the project and any potential issues/perceived impacts. The process is beneficial for both the community and the applicant.*

*The meeting was held with the DLANC Planning and Land Use Committee on August 21, 2018. The meeting agenda was fully and properly noticed and published in accordance with the Brown Act requirements that govern the DLANC. Subsequently, the project, and a project position statement by the DLANC, were further considered by the full DLANC Board at their meeting of September 11, 2018.*

*This meeting agenda was similarly fully and properly noticed and published in accordance with the Brown Act requirements that govern the DLANC. Neither of these meetings were required for the applicant to attend nor participate in. The applicant did so as a courtesy to the community to conduct outreach as generally practiced in the City of Los Angeles.*

*With regard to the commenter, they were fully aware of the project, and in attendance at the legally required public hearing conducted for the project, held by the City of Los Angeles Associate Zoning Administrator on October 17, 2018, the commenter attended. The commenter was made aware of the hearing as required by the 500-foot hearing notice mailing conducted for the meeting. Copies of the hearing notice, the mailing label with the commenter's address, and certificate of mailing are included in the public file. As such, the applicant conducted all non-required and legally required outreach for the project.*

**3. Comment:** *"Additionally, the Applicant is inappropriately seeking a Class 32 (Infill Development) Categorical Exemption (CE), which fails to address the potentially significant impacts associated with the proposed hotel with regard to noise (both construction- and use-based impacts), historical analysis and cumulative impacts."*

*Response: This is a general statement, see Comments and responses below for more detailed information.*

**4. Comment:** *"Finally, the Applicant is not meeting their obligation to perform the required dedications and/or improvements to the alley adjacent to the Project Site and the Application does not include a Waiver of Dedications and Improvements action."*

*Response: This is a general statement, see Comments 6-11 and responses below for more detailed information.*

**5. Comment:** *"Due to the lack of proper community outreach, several significant environmental impacts that have not been addressed, and the Applicant's failure to perform the required dedications/improvements to the alley, we cannot support the Project as currently proposed."*

*Response: The commenter is making a general statement of opposition – no response required.*

**6. Comment:** *"Based on a review of the proposed Site Plan, the Project will utilize and encroach upon the alley – thereby restricting its access for adjacent properties."*

*Response: The comment indicates the project encroaches on the alley. This comment is false, the project is fully constructed within the property boundaries and is not proposed in the public right-of-way.*

**7. Comment:** *"The environmental documents fail to analyze the impact resulting from the lack of dedication and improvement to the alley, located at the rear of the Project Site. As measured on Navigate LA, this alley is only 12 ft. in width (6 ft. half width). Per the Mobility Plan 2035, an alley should have a minimum width of 20 ft. (10 ft. half width). As such, at minimum, a 4 ft. dedication should be imposed on the Project in order to achieve the minimum 10 ft. half alley width required.*

*Response: The subject property abuts an existing through alley to the east, which extends from 11<sup>th</sup> Street northerly to 12th Street southerly, and ingress/egress to the site will occur along the alley (See Figure 1). The comment states that the project is required to dedicate and improve the alley. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.37 A, in pertinent part, highway dedication and improvement is only required for property in the R3 or less restrictive zones along the property frontage that abuts a major or secondary highway. As the alley is not one of these types of designated streets, no dedication or improvement is required.*

*During construction, the project will only be required to repair and replace any portion of the alley affected by construction, as required by the Bureau of Engineering. The applicant will process an "A" or "B" Permit as required at the time of construction to complete any alley repairs needed for the associated project construction.*

**8. Comment:** *"The Project's application package makes no reference to any dedication and no Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) was submitted."*

*Response: As indicated above, no dedication is required. The applicant did submit a PCRF request to BOE on June 5, 2018. A copy of the filing was provided at the time of case filing.*

**9. Comment:** *"Additionally, the Applicant has not requested a Waiver of Dedications and Improvements (WDI), to deviate from these standards. Pursuant to LAMC Section 12.37.1.3, "The waiver request must be set forth in the application filed with the Department of City Planning, and may not be raised for the first time at the hearing on the entitlement or at any entitlement appeal hearing." This oversight must be addressed and warrants deeper investigation of the Project's impacts."*

*Response: As no dedication is required pursuant to LAMC Section 12.37 A, no WDI is required pursuant to LAMC Section 12.37 I.*

**10. Comment:** *"It is also worth noting that at the time of submittal, the Applicant submitted the Citywide Design Guide checklist instead of the Downtown Design Guide Checklist (based on the Projects location, the Downtown Design Guide Checklist is required). This is important to add as the Downtown Design Guidelines provide additional design requirements and suggestions for both the proposed building and the alley that are not found in the Citywide Design Guidelines."*

*Response: While there is no Downtown Design Guide Checklist, and therefore it is not required to be filed, the project was considered for compliance with the Downtown Design Guide, prior to case filing on June 6, 2018. The applicant consulted with City Planning, Community Redevelopment Agency staff (CRA), BOE, and the Department of Transportation (DOT) during the design and development of the project (including meetings held on March 16, 2017, February 7, 2018, February 21, 2018, and April 3, 2018).*

*There was full agreement by City staff that the alley should be used for ingress/egress so as to minimize curb cuts along the property's Broadway (westerly) frontage, a designated Modified Avenue II and major north-south thorough-fare serving the community. This direction was informed by the City's Downtown Design Guide, and the project was also generally reviewed for consistency with the Downtown Design Guide and determined to comply.*

*Broadway provides access to the City's historic core and is the subject of policy efforts to redevelop and enhance an important part of the City's downtown. Accordingly, there are design requirements intended to enhance the pedestrian experience along this street and minimize the intrusion of curb cuts/vehicular access and reduce pedestrian/vehicular conflicts for safety purposes.*

*The project has been so designed to provide a pedestrian-scaled and oriented development along Broadway, with a main lobby, ground floor restaurant, and outdoor dining area. Vehicular access is therefore provided at the rear of the site along the alley and away from Broadway. Ultimately, per the Downtown Design Guide Section D, the project has been reviewed by appropriate staff, including DOT, and the Associate Zoning Administrator will make the final determination of compliance with the Design Guide and make affirmative general plan findings.*

**11. Comment:** *"In addition to the required alley dedication, the lack of any necessary improvements, such as those outlined in the Downtown Design Guidelines, further exasperate the negative impacts of the Project. For example, the Downtown Design Guidelines state that projects should "ensure that residents are not adversely impacted by the use of alleys for parking access, service, and loading," "illuminate alleys for both vehicles and pedestrians," and be designed with "permeable paving to infiltrate storm water and eliminate standing water." As the subject Project is not currently proposing any improvements to the alley, they are failing to comply with the Downtown Design Guidelines."*

*Response: Alley dedication has been addressed above. The project will incorporate any improvements required by BOE under the "A" or "B" Permit needed for the project. The commenter is also misquoting the Downtown Design Guide on page 25. The text "ensure that residents are not adversely impacted by the use of alleys for parking access, service, and loading" is a guideline, not a requirement. The guideline is implemented by criteria 9, 10, and 11. Criteria 9 is a requirement that each home buyer and renter in the Downtown shall sign a statement acknowledging that:*

- *Sound levels may be higher than in other locations due to traffic on streets and alleys, street activity, ground floor uses, vehicular loading, and trash collection;*
- *There will be additional development all around them;*
- *Alleys will be used as the primary access to all parking in the Downtown and for loading, utilities and trash collection.*

*These criteria are not related to the proposed project. However, nearby home buyers and renters will benefit from the guideline as they will be aware of the higher ambient sound levels in the Downtown, including ambient noise associated with the project.*

*Criteria 10 is a requirement that "residential units shall not be located on the ground floor adjacent to alleys in order to reduce light, glare, and noise concerns." There are no residential units in the ground floor of the project. The requirement will also provide protection for any potential residential units in nearby future projects.*

*Criteria 11 is a requirement that residential units shall be designed to maintain interior sound levels, when windows are closed, at or below 45 dB. Because the exterior sound level may exceed 60 dB, measures in addition to conventional construction are suggested to meet the interior standard, including:*

- *Use of 1/4" laminated or double glazing in windows*
- *Installation of rubberized asphalt in the alleys.*

*Residential units will be required to comply to help reduce noise, and the project will install rubberized asphalt if required by BOE under it's "A" or "B" Permit process.*

*The project will have security lighting around the property, including along the alley. Subject to BOE approval, the project may incorporate green alley elements such as permeable paving under it's "A" or "B" Permit process.*

**12. Comment:** *"Additionally, the Applicant is inappropriately seeking a Class 32 (Infill Development) Categorical Exemption ("CE"), which fails to address the potentially significant impacts associated with the proposed hotel with regard to noise (both construction- and use-based impacts), historical analysis and cumulative impacts."*

*Response: The commenter states that a: "the Applicant is inappropriately seeking a Class 32 (Infill Development) Categorical Exemption ("CE")," and that b: that it "fails to address the potentially significant impacts associated with the proposed hotel with regard to noise (both construction- and use-based impacts), historical analysis and cumulative impacts."*

*With regard to a: "inappropriately seeking a Class 32 (Infill Development) CE" we conducted an analysis specific to the question of appropriately meeting the requirements defined by the California Environmental Quality Act (CEQA) for Infill Development under Section 15332 of CEQA in our submittal application to the planning department.*

*The City of Los Angeles (City) requires a completed Environmental Assessment Form (EAF) (CP-1204) providing the documentation necessary to determine whether the project is eligible for the Class 32 Exemption (CE). The City sets out a list of recommended technical studies and some standard thresholds-of-significance guidance to substantiate the Class 32 Exemption.*

*To qualify for the Class 32 Exemption under state law the project must demonstrate that:*

- 1. The project must not fall into any of the five categories of CEQA "Exceptions to a CE".*
- 2. The project meets the conditions described in Section 15332 of the CEQA Statutes and Guidelines. (Section 21083, Public Resources Code. Reference: Section 21084 Public Resources Code.)*
- 3. Potential impacts are less-than-significant without mitigation based on corroborating technical studies. (OPR, 2018)*

*The CE application discusses the five categories of CEQA exceptions and why these exceptions do not apply to this project. It shows how and why we determined that the project is eligible for the CEQA Class 32 Exemption. It summarizes the results of corroborating technical studies with empirical evidence to support that potential impacts are less-than-significant without mitigation. With regard to b: "fails to address the potentially significant impacts associated with the proposed hotel with regard to noise (both construction- and use-based impacts), historical analysis and cumulative impacts."*

*We addressed potentially significant impacts for construction noise in our EAF document and studies because that is the EAF-required criteria for determining if a project is eligible for the Class 32 exemption. Furthermore, Downtown Design Guidelines take use-base noise into consideration in criteria 9, 10 & 11. (See Comment 11 above.) However, we took your concern under consideration and added a use-based analysis in the revised noise analysis report, the results of which are summarized in some of the following comment responses. (Eilar Associates, Inc. 01/24/2019) Historical resources and cumulative effects are addressed in the evaluation of "CEQA exceptions" portion of the EAF document and discussed further here in response to comments 21 and 22.*

**13. Comment:** *"In addition, the study analyzed the construction noise impacts on nearby sensitive receivers (nearby hotel and multi-family residential uses) and determined that there would be no Significant Impact. No operational noise analysis was conducted."*

*Response: Initially, we did not conduct a formal operational noise analysis for "use-based impacts" because use-based impacts are expected to be less than construction noise impacts and the construction noise analysis shows compliant noise levels at sensitive receptors. Furthermore, Downtown Design Guidelines take use-base noise into consideration in criteria 9, 10 & 11. (See Comment 11 above.) However, we took your concern under consideration and revised the noise*

*study to include a use-based analysis, the results of which are summarized in some of the following comment responses. (Eilar Associates, Inc. 01/24/2019)*

**14. Comment:** *“The assumptions in the [Construction Noise Impact Analysis] CNIA are flawed and the conclusion is incorrect. The study found that concrete mixer trucks and concrete pump trucks will produce a noise levels of up to 76 dBA at 50 feet from the source. These sound levels exceed the LAMC threshold of 75 dBA as documented in Table 2 of the CNIA. As such a significant noise impact would occur and an EIR must be prepared.”*

*Response: The commenter states that, a: “a significant noise impact would occur” and b: “an EIR must be prepared.”*

*With regard to a (“a significant noise impact would occur”), the study shows that a noise barrier around the project site will reduce the noise levels of concrete mixer trucks and concrete pump trucks, operating simultaneously, to below the significance threshold level of 75 dBA. Eilar Associates, Inc. has specifically responded as follows:*

*“As shown in Table 5 of the revised report (Section 3.5), concrete mixer trucks and concrete pump trucks produce a noise level of up to 76 dBA and 74 dBA at 50 feet from the source, respectively. These noise levels do not take into consideration the proposed temporary construction barrier, which will lower the noise levels at off-site properties. As shown in Table 7 of the revised report (Section 5.2), noise impacts from the concrete mixer trucks and concrete pump truck (in the Foundations phase of construction) will be attenuated to 65.4 dBA at a distance of 50 feet from the source with the proposed temporary barrier wall in place. This noise impact complies with the City of Los Angeles Municipal Code, and therefore is not expected to result in a significant impact.” (Mo Ouwenga, Eilar Associates, Inc. Response to Noise Comments for Hyatt Centric, 01/24/2019) (Eilar Associates, Inc. 01/24/2019)*

*With regard to b (“an EIR must be prepared”), according to CEQA, only when there are significant impacts that cannot be mitigated. An MND must be prepared when there are significant impacts that can be mitigated. A Categorical Exemption applies only when potentially significant impacts are avoided by design before project approval. Our evaluation has included design modifications and may include more design modifications that will ensure that it avoids potentially significant impacts in the design phase. (California Code of Regulations Title 14§ 1500 et seq. (See Appendix A, CEQA Process Flowchart)*

**15. Comment:** *“The analysis in the CNIA incorrectly assumes that a noise barrier around the perimeter of the Project Site would be effective in reducing noise levels from concrete and mixing trucks. However, this assumption is flawed because the concrete trucks cannot occupy the Project Site when the foundation is being poured. Concrete trucks will likely be staged adjacent to the site on Broadway or in the alley. Thus, the sound barrier will be completely ineffective in attenuating noise because it would not block the line of sight from the noise sources and the receptors.”*

*Response: The commenter stated that “this assumption is flawed because the concrete trucks cannot occupy the Project Site when the foundation is being poured. Concrete trucks will likely be staged adjacent to the site on Broadway or in the alley. Thus, the sound barrier will be completely ineffective in attenuating noise because it would not block the line of sight from the noise sources and the receptors.”*

*The premise that the assumption is “flawed because the concrete trucks cannot occupy the Project Site when the foundation is being poured,” is not accurate, “concrete ready mix trucks will drive*

*down a temporary dirt ramp to the bottom of the site excavation and pour a portion, perhaps one half or so, of the foundations. After that, the concrete ready mix trucks and concrete pump can stage on Broadway where a temporary sound wall can be installed on top of a K rail at the street side of the parking.” (Mark Montoya, Snyder Langston, pers. Comm. 12-24-2018).*

*Additionally, Eilar Associates, Inc. has responded as follows: “...a sound attenuation barrier may be used to attenuate noise from the concrete trucks as they queue along the roadway [S. Broadway]. The sound barrier may be constructed using K-rail with plywood along the top and should have a minimum height of ten (10) feet. This barrier would block line of sight from the noise sources to offsite receptors and would be expected to provide approximately 10 decibels of attenuation.” (Mo Ouwenga, Eilar Associates, Inc. Response to Noise Comments for Hyatt Centric, 01/24/2019) (Eilar Associates, Inc., 01/24/2019 See Section 5.2)*

*Finally, our construction implementation design plan requires the construction contractor to advise us in our final design on how to implement the staging to avoid exceeding significance thresholds for noise due to a staging issue.*

**16. Comment:** *“Additionally, the construction noise analysis fails to address noise levels from any construction activity that occurs above grade level. A 10-foot high sound barrier at the ground level would be ineffective in mitigating construction noise on levels 2 through 14 that will reach a height of 198 feet above grade.”*

*Response: The commenter states that, “A 10-foot high sound barrier at the ground level would be ineffective in mitigating construction noise on levels 2 through 14 that will reach a height of 198 feet above grade.”*

*Eilar Associates, Inc. has responded as follows: “Construction noise at upper stories of the buildings is expected to be considerably quieter than activity at the ground level, as equipment used on upper stories would be limited to smaller pieces of equipment, such as nail guns and compressors or other such small, handheld equipment. A brief analysis of these noise impacts during the Building Construction phase has been added to Section 5.2 of the report to demonstrate that noise impacts from activity on upper floors will be less than significant without a sound barrier in place.” (Mo Ouwenga, Eilar Associates, Inc. Response to Noise Comments for Hyatt Centric, 01/24/2019)*

**17. Comment:** *“The operational noise analysis fails to address the potential for outdoor bar and patio spaces to generate excessive noise levels from crowds, music and amplified sound.”*

*Response: (See also, comment 20)*

*“A noise evaluation was conducted of the rooftop bar and pool deck to determine anticipated noise levels at off-site receivers. Calculations show that noise impacts are expected to meet the nighttime noise limits set by the City of Los Angeles Municipal Code.” (Mo Ouwenga, Eilar Associates, Inc. Response to Noise Comments for Hyatt Centric, 01/24/2019) “According to Table II within Section 111.03, the presumed ambient noise level for commercially zoned properties is 60 dBA between the hours of 7 a.m. and 10 p.m. and 55 dBA between the hours of 10 p.m. and 7 a.m.” (LAMC) Chapter XI, Article 2, §111.03)*

*Details of the methodology and results of the rooftop bar and pool deck noise analysis are provided in Section 5.1 of the revised noise analysis (Eilar Associates, Inc. 01/24/2019). The analysis shows that, with the rooftop bar and pool deck at the maximum capacity of 160 people plus amplified music at 27 speaker locations, and considering the proposed six-foot high glass wind screen around the the perimeter of the roof deck, noise impacts at off-site properties are expected to comply with City of Los Angeles Municipal Code noise limits.*

Furthermore, Downtown Design Guidelines take use-base noise into consideration in criteria 9, 10 & 11. (See Comment 11 above.)

**18. Comment:** “The analysis also fails to address operational noise impacts due to loading and unloading activity within the alley.”

*Response:* The commenter states that, “The analysis also fails to address operational noise impacts due to loading and unloading activity within the alley.” The revised noise analysis includes the potential for noise impacts due to loading and unloading activity within the alley during the day and at night (Eilar Associates, Inc. 01/24/2019).

The revised noise analysis included a combined operational noise model that accounted for a “worst-case hour,” during which the roof deck is at full capacity, a delivery is received, and HVAC is operational. As shown in the Eilar Associates, Inc. revised Acoustical Analysis Report, Section 5.1, Table 6, combined operational noise levels are lower than the noise limit on all floors, and therefore operational noise levels at all receivers are expected to comply with the City of Los Angeles noise limits as currently designed. (Eilar Associates, Inc. 01/24/2019)

Furthermore, Downtown Design Guidelines take use-base noise into consideration in criteria 9, 10 & 11. (See Comment 11 above.)

**19. Comment:** “Furthermore, the study fails [to] address the potential noise impacts resulting from the actual land uses associated with the Project itself. Hotels alone generate significant levels of noise and, when combined with two bars (including a rooftop bar), the Project will further exasperate the growing noise issues in the area caused by the unmitigated cumulative impacts of recent development.”

*Response:* The commenter states that “the Project will further exasperate the growing noise issues in the area caused by the unmitigated cumulative impacts of recent development”. (The rooftop bar is discussed in response to comment 17.)

Eilar Associates, Inc. has responded as follows: “Potential operational noise impacts, including activity at the rooftop bar and pool area, operation of rooftop mechanical units, and delivery loading/unloading, have been analyzed to determine whether the operation of the Hyatt Centric is expected to generate operational noise levels that exceed applicable standards. Calculations show that operations of the Hyatt Centric are expected to meet the noise requirements of the City of Los Angeles as designed. Please refer to Section 5.1 of the revised report for additional information.” (Mo Ouwenga, Eilar Associates, Inc. Response to Noise Comments for Hyatt Centric, 01/24/2019)

**20. Comment:** “This project [Case No. AZ=2012-3185-VVCU-ZV-ZAA-TDR-1A] was required to prepare a Mitigated Negative Declaration (MND) in order to address the associated environmental impacts. Given the scale of this project (only 44 guest rooms), compared to the proposed Hyatt Centric hotel use, coupled with the lack of any analysis related to the operation noise impacts of the hotel and its ancillary uses, this is strong evidence that a Class 32 Categorical Exemption is insufficient.”

*Response:* The commenter states that a: “Given the scale of this project (only 44 guest rooms), compared to the proposed Hyatt Centric hotel use, coupled with the lack of any analysis related to the operation noise impacts of the hotel and its ancillary uses,..” and that b: “this is strong evidence that a Class 32 Categorical Exemption is insufficient.”

With respect to a: “...coupled with the lack of any analysis related to the operation noise impacts of the hotel and its ancillary uses,..” The City requirement for noise analysis in the Environmental

*Assessment Form (EAF) Categorical Exemption Guidelines (Form 7828) states that “A Noise Study is not required”.*

*“However, the applicant must provide substantial evidence that there will not be significant noise impacts as this will disqualify them from eligibility for the Class 32 Exemption (see State CEQA Guidelines Sections 15064(b) and 15064.7). LAMC Chapter XI, Article 2, Section*

*112.05 on construction noise may be used to demonstrate that the project will not result in a significant impact.*

*Under this standard, the applicant must at minimum demonstrate compliance with LAMC Section 112.05. The record evidence would need to support the conclusion that construction noise would not exceed the 75 dBA limitation in 112.05. If necessary, features to reduce noise to below-threshold levels (75 dBA) can be incorporated into the project design. If, however, the applicant cannot demonstrate to the City’s satisfaction (pursuant to the evidentiary requirements of CEQA) that construction noise will be reduced to below-threshold levels (75 dBA) then a MND or EIR would be appropriate.” Therefore, by definition, no operational analysis is required to meet the Categorical Exemption eligibility requirements when “construction noise will be reduced to below-threshold levels (75 dBA)” as the noise analysis for this project demonstrates.*

*With respect to b: “b: “this is strong evidence that a Class 32 Categorical Exemption is insufficient.” The use-based, operational analysis in the revised report provides substantial evidence that “there will not be significant noise impacts” (Eilar Associates, Inc. 01/24/2019) therefore; on the basis of potential noise impacts, the project is eligible for the Class 32 Categorical Exemption (Debbie Kinsinger, KEC CEQA consultant, pers. comm. 1/25/2019).*

**21. Comment:** *“Categorical Exemptions are not permissible if a Project has the potential to impact a historic resource. Pursuant to CEQA Guidelines § 15064.1.a.3, for a Lead Agency to determine if a resource is historic, the Lead Agency must determine whether the resource meets the criteria for listing in the California Register of Historical Resources (California Register). No such analysis has been performed.”... “While this structure is not currently listed as a local or state historic cultural monument, the absence of such a listing does not preclude the ability for a property to be considered a historic resource pursuant to CEQA. The California Office of Historic Preservation recommends evaluating the significance of any structure that is proposed to be demolished if the structure is older than 45 years old.”*

*Response: The commenter states that “the Lead Agency must determine whether the resource meets the criteria for listing in the California Register of Historical Resources (California Register). No such analysis has been performed.”*

*The “historic analysis has been performed to determine if a resource is historic” and evidence supporting the findings that a: the building on site is not a significant historical resource is presented here and b: evidence that the new project will not “cause a substantial adverse change in the significance of an historical resource” is presented as a response to the next comment.*

*With respect to a: “No such analysis has been performed.” SurveyLA, The Los Angeles Historic Resources Survey, was completed in 2016 and includes the evaluation of the “Central City Individual Resources -09/02/2016” in its assessment of “newly recorded historic resources”. The building on the project site is located in the Central City Community Plan area and is within the Historic Broadway district. SurveyLA evaluated all of the “street-facing” buildings within the plan area for significance as a part of the survey. In that assessment, the building on site did not contribute to*

any of the “historically significant contexts” in the assessment nor support the context of a building that was “newly recognized as significant”.

For instance, this property was historically the private residence and ornamental gardens of Ozro W. Childs, founder of the University of Southern California. The lawn tennis court was located approximately where the building now stands. “The [Historic Context Statement] HCS not only identifies contexts and themes within which a property may be significant, but also includes “Eligibility Standards,” which are specific physical and associative characteristics a property must have to convey its significance. For example, ... A residence associated with an important writer in Los Angeles must be directly associated with the person's productive career and retain the physical characteristics present during that time.” There is no remnant of physical characteristics from the Orzo Childs period of time. If the building were “architecturally significant” in any other way, including “supporting the historical significance of other historically significant buildings”, it would have been included as an “other address” supporting the “primary address” within the survey.  
<https://preservation.lacity.org/survey/la-findings-and-reports#Central%20City>

Finally, there are no “non-address” related historic resources on site such as “air raid sirens, historic street lamps, and individual single-specimen trees” on site. Therefore, the building on the project site does not qualify as meeting the criteria as a historical resource even though it was built in 1935, more than 45 years ago. Therefore, there is no “exception” to qualifying for a CEQA Categorical Exemption on a historical significance basis.

**22. Comment:** “No analysis has been conducted to assess whether the design and construction of the Hyatt Project would have any indirect impacts upon the Herald Examiner Building. The proposed project has the potential to alter the urban architectural design and scale and massing of development surrounding the Herald Examiner Building. The Project could also affect existing views and create shade and shadow impacts upon the Herald Examiner Building. Alterations to the historic urban setting could degrade or diminish the historic context of the Herald Examiner Building. Without any historic analysis, the lead agency does not have the required information to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties. As such a historic analysis should be conducted.”

*Response: The commenter stated that:*

- a. “No analysis has been conducted to assess whether the design and construction of the Hyatt Project would have any indirect impacts upon the Herald Examiner Building. The proposed project has the potential to alter the urban architectural design and scale and massing of development surrounding the Herald Examiner Building” and...
- b. “The Project could also affect existing views and create shade and shadow impacts upon the Herald Examiner Building”
- c. “Alterations to the historic urban setting could degrade or diminish the historic context of the Herald Examiner Building.”
- d. “Without any historic analysis, the lead agency does not have the required information to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties.”

With respect to d: “Without any historic analysis, the lead agency does not have the required information to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties”; the criteria for a CE exception is causing “substantial adverse change in the significance of an historic resource.” The City has a substantial amount of planning directed toward preventing degradation or diminishment of the “historic context of the Herald Examiner building” or other potential impacts to historical significance as The Hearst Corporation has been working on redevelopment and restoration plans with the City since 2007.

*An initial set of 2007 plans were abandoned, then redesigned and approved on December 23, 2014. The plans include two new buildings and the restoration of the Herald Examiner building. (City of Los Angeles, 2014. Herald Examiner EIR Complex, Letter of Determination, Approval of Plans/Zoning Administrator Adjustment/Site Plan Review CASE NO. ZA 2006-6513 (CUB)(CUX)(CU)(ZV)(ZAA)(SPR)(2A)(PA 1)).*

*The previously approved rehabilitation and re-use of the historic Herald Examiner building would activate and preserve an important architectural monument for the City, while the two new buildings would act as bookends respecting and framing the historic Herald Examiner building in a new and exciting way. (City of LA, 2014. Page 16 paragraph 1). The two new mixed use residential buildings, being developed by "Forest City", are each 7-stories tall. One of them, "The Axis", is nearly completed and located on the Southeast corner of 11th and Hill Street. It replaces the old Herald Press building (Figure 2). The other Forest City building will be located at 1158 S. Broadway. It is referred to as the "12th Street building" in planning documents. It will be on Southeast corner of 12th and Broadway, the same side of the street as the the proposed Hyatt Centric Hotel to the South, and will replace a paved surface parking lot. With respect to d: "Without any historic analysis, the lead agency does not have the required information to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties.", in terms of a:, the City can and does tier to the Herald Examiner EIR Complex in their consideration of approvals for other properties that have a: "the potential to alter the urban architectural design and scale and massing of development surrounding the Herald Examiner Building".*

*For instance, The planning for 7-story Axis Building at Hill Street and 11th that replaced the lower elevation Herald Press building directly behind the Herald Examiner building was analysed for "the potential to alter the urban architectural design and scale and massing of development surrounding the Herald Examiner Building" in the EIR described in the approval for the Harold Examiner Complex. The design of [The Axis building on the Southeast corner of Hill St. and 11th] also includes a public plaza where the building massing recedes on the north side along 11th Street, which serves a dual function of allowing for better visual access of the Herald Examiner Site while also attracting more pedestrian activity within the surrounding areas. All of these aspects of the Revised Project bring it into conformity with the applicable standards and provisions of the Downtown Design Guidelines, which aim to promote urban in-fill mixed use centers similar to what is being proposed. (City of Los Angeles, 2014. Letter of Determination, Page 19, paragraph 3) Additionally, in the development of the 2007 plans that tier to the 2014 EIR, the two 7-story buildings were originally conceived of as a 24-story high-rise condominium on 11th and Hill Street and a 37-story highrise condominium on 12th and Broadway". The City, in it's 2014 planning, tiers from the original EIR's concept which described:*

*"...several structures in the immediate vicinity with similar massing and comparable height. The Aon Tower stands 55 stories and the former Transamerica Tower located two blocks east of the project site stands 33 stories, both of which are taller [sic] than the proposed 37-story 12 th Street building." (City of LA, 2007. Page 30, paragraph 5) The massing of the Hyatt Centric is much less than the massing of the original 2007 EIR designs which were analysed as a "unified project" that included the restoration of the the Herald Examiner building. Furthermore, the Hyatt Centric is in keeping with the historic massing of the original 13-story Italian Romanesque Revival Style building known as the Comercial Club located on the Southeast corner of S. Broadway and 11th directly across from the Herald Examiner, currently under construction as the 13-story Hotel Proper (Alan Michelson, 2018. Pacific Coast Architecture Database (PCAD "Commercial Club Building, Downtown, Los Angeles, CA (1925-1926)).*

*Therefore, with respect to d: in terms of a; the City does have “substantial” information required “to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties”. The 2007 EIR historic analysis, by incorporation in the 2014 EIR, provides the required background and analysis that is available to tier to by the City in planning new construction with potential to affect the Herald Examiner Building.*

*In keeping with this planning approach, with respect to d: in terms of b: “affect existing views and create shade and shadow impacts upon the Herald Examiner Building” the Commercial Club that faces the Herald Examiner on the East side of S. Broadway that was built before the Herald Examiner, was originally 13-stories. The new Hotel Proper, in its place is also 13 stories, therefore, shade and shadow impacts on the Herald Examiner building are unchanged by the new building.*

*The findings from the original historic analysis in the 2007 EIR as updated in the 2014 EIR provide a substantial resource for the City to tier to in their approvals for Hotel Proper and the Hyatt Centric. With respect to d: in terms of c: “degrade or diminish the historic context of the Herald Examiner Building”, the 2007 plan for the Herald Examiner restoration and development of the related Hearst Corporation properties as condominiums, led to a new integrated Streetscape Plan that unifies the buildings along Hill Street, 11th Street, S. Broadway and 12th Street (City of LA, 2014, Page 25, 26, 29, 35, 36).*

*The originally approved “Unified Site Streetscape Plan”, memorialized as Condition No. 46, has been revised in response to the evolving needs and desires of the local community. Per Case No. ZA 2006-5863(ZAI-1A, the purpose of the streetscape plan was to create the “bridge” between the three project sites, allowing them to be considered as a “unified development”. The revised “Improvements Project”,*

*Condition No. 46, is the functional equivalent, and provides for the elements necessary to “be substantial[ly] and visually apparent so as to connect all of the development’s parts into a unifying whole” (Case No. ZA 2006-5863-ZAI-1A). The revised Condition No. 46 is as jointly proposed by the local Council Office and the applicant.*

*Thus, 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 improvement, that is or will be compatible with existing and future development on neighboring properties. (City of LA, 2014, page 35 – 36)*

*For example, in the development of “The Axis”, the building located on the old Herald Press building site, directly behind the main Herald Examiner building, was “determined by the City as part of the [2007] EIR to not be a significant cultural resource” (City of LA, 2007. CASE NO. ZA 2006-6513 (CUB)(CUX)(CU)(ZAA)(SPR) Conditional Use, Zone Variance, Zoning Administrators’ Adjustment, Site Plan Review, March 21, 2007, page 14, paragraph 2). However, its street-level retail facings and other new structures in the block including the proposed Hyatt Centric, the 12th Street building, and Hotel Proper will be “kept unified through [the] new streetscape plan along Broadway” (City of LA, 2014, Page 29).*

*In keeping with historic context, and the “Unified Site Streetscape Plan”, the new Hotel Proper is maintaining the original façade of the first two levels of it’s predecessor, the Commercial Club building built in 1925, as well as the original 13-story height and massing. The Commercial Club later became Cabrillo Hotel in the early 1940s, the Case Hotel from the late 1940s to the mid-1960s, and a YMCA from 1965 to 2004 (Bianca Barragan, Nov. 2, 2016. Curbed LA, “Exclusive new details on Downtown LA’s Trendy Proper Hotel” .)*

*Therefore, with respect to d: "in terms of c: "degrade or diminish the historic context of the Herald Examiner Building", the City has "substantial" information required "to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties". The findings from the original historic analysis in the 2007 EIR as updated in the 2014 EIR provide a substantial resource for the City to tier to in their approvals for Hotel Proper and the Hyatt Centric.*

**23. Comment:** *"CEQA requires that environmental review be conducted to analyze the cumulative impact of multiple large projects in a given area. The analyses supporting the Categorical Exemption fail to address cumulative impacts from other large-scale developments in Downtown Los Angeles, including hotels and mixed-use projects, both adaptive reuse and new construction. As demonstrated above, the studies submitted in support of a CE for the Project fail to fully analyze the potential impacts, including thorough analysis of the cumulative impact of the Project in relation to other nearby present and future uses. "*

*Response: From the City of Los Angeles Guidance on implementation of CEQA Section 15332 "Infill Development":*

*The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. This exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects. (City of Los Angeles CP-7828 [07-23-2018])*

*The City's CEQA CP-7828 form guides the City in its determination of whether a project may be exempt under CEQA according to the statutes provided in CEQA Sections 15300. The City evaluated the answers on this form to determine the project's eligibility for exemption from CEQA which would otherwise require Cumulative Effects analysis as suggested in the comment, "CEQA requires that environmental review be conducted to analyze the cumulative impact of multiple large projects in a given area." This type of comprehensive cumulative effects review is part of the evaluation prior to certification of the General Plan EIR. This project conforms with the General Plan and is consistent with the City Center Community Plan.*

*With respect to the clause, "This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts."; the project conducted cumulative effects analysis as a part of each of the technical studies that determine its eligibility for the CEQA Class 32 designation.*

*Further, to address the comment, and due to the fact that a development application for a project proposal on property south of the site at 1123-1161 Main Street was recently filed – after the subject project's public hearing was held, the applicant engaged their traffic consultant to assess the recent project proposal as it was not originally considered. The analysis determined that even with the additional project, the subject project proposal would need result in any impacts associated with traffic (see Cumulative Memo dated January 4, 2019 attached.)*

**Comments from Unite Here!**

**24. Comment:** *"...the Project may not qualify for a class 32 categorical exemption and that the environmental analysis may have underestimated the Project's potential impacts on the surrounding community, including but not limited to potential impacts on air quality and traffic."*

*Response: The project qualifies for a class 32 categorical exemption on the basis described in the response to Irvine and Associates comments 12 and 13. Potential impacts on air quality and traffic were evaluated in technical studies that found potential impacts to be less-than-significant.*

**25 Comment:** *“A total of 42 vehicle parking spaces is proposed in order to serve the guests and customers of a 139-room hotel with a rooftop patio/bar with up to 200 seats. The low number of proposed vehicle parking spaces may cause potentially significant environmental impacts on traffic and air quality.”*

*Response: The commentor states that the “low number of proposed vehicle parking spaces may cause potentially significant environmental impacts on traffic and air quality.” The ratio of parking spaces to hotel rooms is assigned by the City according to the Los Angeles Municipal Code Article, Chapter I General Provisions and Zoning, Article 2 Specific Planning, Section 12.21 General Provisions, A. Use, 4. Off-Street automobile Parking Requirements, (p) Exception for Central City Area (added by Ord. No. 129,334, Eff. 2/28/65.) (2).*

*(2) One space for each two individual guest rooms or suites of rooms for the first 20, one additional parking space for each four guest rooms or suites of rooms in excess of 20 but not exceeding 40, and one additional parking space for each six guest rooms or suites of rooms in excess of 40. (LAMC §12.21 A 4. (p) By the above formula, the hotel’s 139 rooms require 32 spaces. In addition there is a parking space requirement for the area occupied by “retail, restaurant, bar and related uses” under LAMC § 12.21.A, 4(x)(3)6:*

*Except for the Downtown Business District parking area described in Section 12.21A,4(i) the following described areas there need only be two parking spaces for every one thousand square feet of combined gross floor area of commercial office, business, retail, restaurant, bar and related uses, trade schools, or research and development buildings on any lot... 6. Any Enterprise Zone as that term is defined in Section 12.21.4 of this Code. (Amended by Ord. No. 177,103, Eff. 12/18/05.)*

*There is approximately 3,000 square feet of restaurant space in two restaurants and 1,220 square feet of “related uses” (kitchen and pantry) so a total of 8 additional spaces are required for those areas, bringing the subtotal to 40 required parking spaces. The project has 42 spaces, 2 more than required.*

*The commentor states that “The low number of proposed vehicle parking spaces may cause potentially significant environmental impacts on traffic and air quality.”; however, the amount of traffic and air quality impacts generated by the project are based on empirical measurements of existing traffic and consider planned growth using approved and tested models for predicting impacts on traffic and air quality. The air quality and technical studies for this project show direct and cumulative impacts that are less-than-significant.*

**26. Comment:** *“in addition, given the low number of parking spaces, many visitors to the Project may be forced to drive around the area in search of street parking.”*

*Response: The hotel provides valet parking so that visitors won’t be “forced to drive around the area in search of street parking”. The project’s parking ratio is in compliance with the City’s model for determining adequate parking (See Comment 25). The Downtown Design Guidelines “Encourage the use of alternate modes of transportation by providing incentives for reduced automobile use.”*

**27. Comment:** *As stakeholders in Los Angeles and in the Downtown area, we have concerns about how this Project will impact our members’ environment and we urge the Applicant to implement additional*

*measures to mitigate potential impacts on traffic and air quality in the area. One of the ways to mitigate these potential impacts is to reduce traffic by incentivizing the use of public transit. Numerous local bus routes service the area in the vicinity of the project site. As one method to mitigate potential impacts on traffic and air quality, the Applicant could encourage the use of public transit to and from the Project through a Transportation Demand Management program (“TDM”).*

*Response: The commentor states that they “urge the Applicant to implement additional measures to mitigate potential impacts on traffic and air quality in the area. One of the ways to mitigate these potential impacts is to reduce traffic by incentivizing the use of public transit.” The Downtown Design Guide sets standards that “Encourage Alternate Modes of Transportation” and suggest that a development “Provides no more than the minimum required parking unless provided for adjacent buildings that lack adequate parking” and “at least one secure bicycle parking space for every two residential units” This project satisfies the parking requirement. (See response to comment 25) In response to encouraging alternate modes of transportation the City requires 12.21 A 16 (a)(1)(ii) (ii) Guest Rooms. All hotels, motels, and apartment hotels containing more than five guest rooms shall provide both short- and long-term bicycle parking, respectively, at a rate of one per ten guest rooms. A minimum of two short-term and two long-term bicycle parking spaces shall be provided.*

*The project is less than 1,500 feet from major public transportation stops and provides 16 bicycle parking spaces, 8 long-term and 8 short-term spaces. The minimum requirement for the 139 rooms is 7 long-term and 7 short-term spaces.*

*The commentor states that “As one method to mitigate potential impacts on traffic and air quality, the Applicant could encourage the use of public transit to and from the Project through a Transportation Demand Management program (“TDM”). The Los Angeles Department of Transportation is updating its TDM Program in order to:*

*“To support the City’s role as a lead agency under CEQA, LADOT is developing methods to assess a proposed project’s transportation impacts based on anticipated vehicle miles traveled (VMT) per capita and accessibility needs—metrics that consider the impact of new development and projects on all people who travel, not just people who choose to drive. By updating the City’s transportation impact criteria and analysis methods, transportation related impacts can be mitigated through measures that improve the quality and reliability of everyone’s transportation choices.”*

*The new TDM Ordinance is not final and at this time the City is conducting additional outreach before publishing the Draft Ordinance & Final Guidelines. LADOT states that the program will be “adaptive by design” and will provide “project applicants with a clear and predictable process to obtain project approval as well as yearly opportunities to alter their plan should monitoring and evaluation demonstrate a need for adjustment.” (LADOT 4/2/2018, Modernizing Transportation Management in Los Angeles Ordinance Background & Frequently asked Questions).*

**28. Comment:** *The Applicant could mitigate potential GHG impacts by planting more trees on the Site which have been shown to lower carbon emissions.*

*Response: The commentor states that a. “the Applicant could mitigate potential GHG impacts by planting more trees on the Site” and b. “which have been shown to lower carbon emissions.” Technical studies conducted for this project have determined that potential direct, indirect and cumulative impacts to traffic, air quality and greenhouse gases are less than significant; therefore,*

*no mitigation is required. None-the-less, street trees are part of the landscape requirements for the project.*

**Comments From Zoning Administrator Hearing:**

*At the public hearing for the project, held on October 17, 2018, there were approximately 12 speakers who commented on the project. Of the speakers, 8 made general comments opposing the project (on issues such as the need for housing, the need for fair wages, the lack of parking in the area, etc.). There were 4 speakers who made specific comments opposing the project based on environmental concerns. These comments included:*

- Concern the project is not eligible for a CE*
- Concerns about traffic impacts*
- Concerns about noise impacts*
- Concerns about air quality impacts*

*These comments were made generally, offered no analysis to substantiate the comments, and were not made by experts. However, the concerns have all been in addressed in the responses above.*

**PUBLIC HEARING**

The public hearing was held on Wednesday October 17, 2018 at downtown Los Angeles City Hall. The hearing was attended by the applicant's representative, Mathew Hayden, by Tom Moran representing an adjacent property owner and by several representatives of various trade unions.

Mr. Hayden described the subject site and the surrounding land uses and described the scope of the proposed project and outlined the requested entitlements. He noted that the project is an urban infill project located at 1138 - 1140 Broadway in the Central City. The project consists of a Hyatt Centric Hotel that will contain 139 guest rooms with 14 levels, including two levels below grade for employee facilities and offices.

Mr. Hayden noted that the project design conforms to the downtown Design. He noted that the ground floor has been designed to maximize the pedestrian experience fronting on Broadway. The ground floor level will provide a street level entry to the lobby from Broadway and includes a restaurant and a bar. The restaurant will include sidewalk dining to activate and enliven the street. The building incorporates exterior design elements and features to provide visual interest and to enhance the pedestrian experience. Mr. Hayden noted that the building's front doors, windows, facades and landscape treatments create an attractive street frontage. Landscaping is provided at-grade and on a 4<sup>th</sup> floor garden and on the roof level to enhance the site's aesthetics.

Mr. Hayden noted that the project incorporates varied materials and a varied color palette that consists of glass, plaster, porcelain tile, glazing and metal. Horizontal elements are incorporated to counter vertical lines of the building. He noted that a prominent base anchors the building featuring a decorative screen to shield the Project's parking. The ground floor façade encompasses a large pedestrian level glass area providing views into the lobby and restaurant. The building's roof line is curved and features a Krion solid surface element to accent the rooftop patio/pool area.

[“Mr. Hayden noted that the building mass is stepped back on the fourth floor above where a fitness center and an outdoor garden deck are provided. The south elevation will incorporate an outdoor element to be devoted to local artists as a public mural.

Mr. Hayden noted that the project's parking, along with other back of the house uses, are located to the rear of the building and are concealed from view. Vehicular access to the site will be provided via an adjoining alley to the rear of the property. Parking will be provided in two levels above ground accessible via parking garage elevators. Mr. Hayden noted that a total of 42 parking stalls will be provided in conformance to the code and that attendants will park all vehicles and there will be no self-parking by guests or visitors. Mr. Hayden noted that two elevators will be provided to park

vehicles and that there is adequate queuing on-site to facilitate efficient parking of vehicles. Trash and loading are located on-site at the rear of the building with access from the rear alley.

Mr. Hayden stated that guest rooms would be located above the garage on levels 4 through 14 (i.e. floors 3 through 12 above ground). A roof top deck with a bar and a swimming pool will be provided.

Several representatives of various trade unions testified in opposition to the project and raised concerns regarding the project's environmental analysis asserting that the proposed project will result in significant traffic, noise and air quality impacts and that the proposed Class 32 Categorical Exemption is inadequate.

At the close of the hearing, the Zoning Administrator took the request under advisement.

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

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

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

- No recommendations were submitted for consideration.

### **BASIS FOR CONDITIONAL USE PERMITS**

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

### **CONDITIONAL USE FINDINGS**

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

The subject site is a rectangular shaped interior lot with approximately 100 feet of frontage on the east side of Broadway between 11<sup>th</sup> and 12<sup>th</sup> Streets within the Central City Community Plan. The site is designated for Regional Center Commercial land uses and is zoned C2-4D-O-SN. The proposed project consists of a 67,408 square foot hotel with 139 guest rooms and accessory uses and on-site amenities including a ground floor restaurant with sidewalk dining, a ground floor bar/lounge and roof top deck with a bar and swimming pool. The applicant is requesting a Conditional Use to permit the sale and dispensing of a full line of

alcoholic beverages for on-site consumption in conjunction with the hotel's restaurant, two bars and in-room cabinets.

The subject site is located within the South Park area of Downtown Los Angeles. The immediate area is developed with a mix of commercial, dining, and entertainment uses. The subject site is improved with an approximately 4,820 square-foot one-story commercial building constructed in 1935 and a surface parking lot. The building is currently occupied by the Michael Vincent Academy, a hair and make-up school.

The proposed hotel will be a Hyatt Centric Hotel and is permitted by-right in the C2 Zone provided the site is not located within 500 feet of any A or R Zone. Surrounding properties within 500 feet of the subject site are zoned C2-4D-O, C2-4D-O-SN and M2-2D-O with the exception of the property located at northeast corner of Hill Street and 11<sup>th</sup> Street approximately 400 feet northwest of the subject site which is zoned [Q]R5-4D-O and is improved with the Belasco Theatre. However, pursuant to Interdepartmental Memo dated February 27, 2014 issued by the Department of City Planning, a Conditional Use Permit pursuant to Section 12.24-W,24 is not required for hotel uses in the CR, C1, C1.5, C2, C4 or C5 Zones in the Central City Community Plan area, even if the hotel is located within 500 feet of an A or R Zone.

Properties immediately surrounding the subject site are designated for Regional Center Commercial land uses and the subject site is located approximately one-half mile from the Convention Center and LA Live. The proposed project will support tourism and entertainment by providing much needed hotel guest rooms in downtown Los Angeles and will provide a convenience to the community. The proposed hotel is a high quality Hyatt Centric hotel that will offer amenities not only for its guest but also for visitors and residents of the area. Such additional amenities include the above stated restaurant at ground level and a rooftop pool deck and lounge. The additional 139 rooms will help to meet that demand, creating many jobs and improving the local business environment in the process, as guests visit other Downtown restaurants and shopping opportunities during their stay.

The ground floor restaurant is oriented on Broadway with sidewalk dining and will activate the street and promote a pedestrian environment. The project will also make the area safer, as the hotel will have security and other staff overseeing the immediate surrounds and the additional foot traffic and guests in the upper floor will serve to deter criminal behavior.

The sale of a full line of alcohol beverages for on-site consumption incidental to the hotel's accessory uses will provide a convenience and an amenity for both hotel guests, local employees and local residents and will provide dining options with incidental alcoholic beverages in an area of South Park lacking services. The project will add to the list of viable hotel options in the area, help address the demand for hotel rooms near the Los Angeles Convention Center, and complement the entertainment nature of the area. As such, the project will enhance the built environment and will provide a service that is beneficial to the downtown community.

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

The project proposes the construction of a new 14-story, 139-room hotel along Broadway mid-block between 11<sup>th</sup> Street and 12<sup>th</sup> Street within the South Park area of downtown Los Angeles. The proposed height of 14 stories is comparable with other high-rise structures near the intersections of Broadway and 11<sup>th</sup> Street and Broadway and 12<sup>th</sup> Street. Loading and unloading has been designed to occur within the project site and not on, or along, the public

right-of-way. Vehicular access to the site will be via an adjoining alley to the rear of the site and will not interfere with the flow of traffic on Broadway. Only drop-off and pick up of guests will be accessible from Broadway. Landscaping and lighting will comply with the Downtown Design Guidelines. Trash and back of house operations are located to the rear portion of the property away from public view and are completely enclosed along the ground floor. The project site is otherwise surrounded by surface parking, low-rise commercial structures on the east side of Broadway and the Herald Examiner Building and City of Los Angeles Public Works Building on the west side of Broadway. The proposed project design will not compromise the compatibility or future development of these abutting uses.

The request to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with the hotel's ground floor restaurant and bar and a roof-top bar and the hotel's guest rooms will be compatible with surrounding properties. The sale of alcoholic beverages will provide an amenity to hotel guests and local employees and residents. The applicant proposes limited live entertainment on the premises. However, the site is not directly adjoining any sensitive uses. The nearest residential uses are approximately 300 feet south of the subject site. The conditions of the grant address noise, safety and security. A minimum 6-foot high glass windscreen is required to be installed around the perimeter of the roof-top deck and any noise emanating from the site is subject to compliance with the City's noise regulations. The hotel will operate 24 hours daily and will provide security around the clock.

The grant authorized herein incorporates a number of conditions that are intended to insure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. Thus, as conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

3. **The project substantially conforms 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 adopted Central City Community Plan, which is one of 35 Community Plans that make up the Land Use Element of the General Plan. The Community Plan designates the subject property with a land use designation of Regional Center Commercial, corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4 Zones. The subject property is zoned C2-4D-O-SN, and is thus consistent with the existing land use designation. The project site is located within the City Center Redevelopment Project area, the Historic Broadway Sign District, a Los Angeles State Enterprise Zone, and within a designated Transit Priority Area.

The Central City Community Plan seeks to promote the following:

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

*Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.*

*Objective 2-4.1: Promote nightlife activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.*

The project proposes the construction of a new 14-story hotel with 139 guestrooms and ground floor and rooftop restaurants. The project will help address the needs of Downtown

visitors by providing them with hotel rooms and quality amenities. The project with the sale of alcohol will help promote a 24-hour downtown environment, and help to reinforce the developing pocket of activity at the south end of Broadway through nightlife activity.

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

The project site is located within an area which is designated for and developed with commercial uses. The proposed project involves the demolition of an existing two-story commercial building and the construction of a 14-level hotel with 139 rooms. The entitlement requested only pertains to the sale of a full line of alcoholic beverages for on-site consumption within the hotel rooms and within a ground floor restaurant and rooftop pool area. The applicant is proposing limited live entertainment. The project's ground floor bar and restaurant and the hotel's alcohol serving elements will advance the welfare of the pertinent community by supporting local residents and tourists seeking new options for a restaurant and/or outdoor lounge.

The service of alcoholic beverages in conjunction with the hotel's accessory uses will provide an amenity to hotel guests and patrons of the hotel's bars and restaurant. The conditions of the grant address loitering requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community. Therefore, with the imposition of such conditions, the sale and dispensing of a full line of alcohol at this location will not adversely affect the welfare of the surrounding community.

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 2079). Currently, there are twenty-eight (28) active on-site licenses and 10 active off-site license total in this census tract.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 554 which has jurisdiction over the subject property, a total of 400 crimes were reported in 2017, including 264 Part I and 294 Part II crimes, compared to the area average of 191 total crimes for the same reporting period. Alcohol-related Part II crimes reported include Narcotics (14), Liquor Laws (34), Public Drunkenness (29), Disturbing the Peace (0), Disorderly Conduct (56), Gambling (0), DUI-related (12), and Miscellaneous Other Violations (58). 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.

Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience.

In this case, the granting of the application will not result in undue concentration, as the hotel is a desirable use that will provide the convenience of alcohol to its guests and patrons as an amenity. The proposed operations, including the hotel, restaurant, and pool deck, are desirable uses in an area designated for such commercial uses and will revitalize the community. The physical presence and 24-hour nature of the hotel, including sidewalk dining, will enhance the public welfare and safety, ensuring a comfortable pedestrian experience.

The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. As such, the granting of the request herein will not result in undue concentration.

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

The requested entitlements will not detrimentally affect nearby residential zones or uses. Currently, the subject property is surrounded primarily by commercially zoned properties with commercial uses. No sensitive uses were observed within a 1,000-foot radius of the subject property. The service of a full line of alcoholic beverages for on-site consumption will be ancillary to the Hotel and its accessory uses. This hotel use is oriented toward Broadway and will redevelop the subject property along this major corridor in the Central City Community Plan area. The hotel will benefit the community, support tourism, and offer an amenity in an appropriate area of the downtown part of Los Angeles.

The sale of alcoholic beverages for on-site consumption in conjunction with the hotel's accessory uses will not detrimentally affect the neighboring commercial or residential uses in the area. The project site is surrounded by commercial uses along Broadway and 11th Street. Since the site is located in a prime commercial corridor, the diversity amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project. Such imposition of conditions, as well as the imposition of a term grant, will make the use a more compatible and will not make the project detrimental to abutting uses.

### **SITE PLAN REVIEW FINDINGS**

7. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

There are twelve elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of code requirements of the Los Angeles Municipal Code. The project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Central City Community Plan designates the subject property for Regional Center Commercial land uses, corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3 and RAS4 Zones. The property is zoned C2-4D-O-SN. The property is also located within the Historic Broadway Signage District within the boundaries of the Downtown Design Guide. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, as reflected in the adopted Framework Element and Community Plan.

The Framework Element for the General Plan (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 polices 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 goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1 (Land Use Standards and Typical Development Characteristics).

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The project will contribute toward and facilitate the City's long-term fiscal and economic viability by adding 139 short-term, overnight hotel rooms within downtown's South Park district for visitors and tourists to the area. The project's proximity to the Metro Rapids 728, 733, and 745, and other transit connections, will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its location within an existing, high-intensity commercial district will enable the city to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts.

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.

Policy 3.10.1: Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 (Land Use Standards and Typical Development Characteristics) and 3-6 (Land Use Designation and Corresponding Zones). Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

Policy 3.10.3: Promote the development of high-activity areas in appropriate locations that are designed to induce pedestrian activity, in accordance with Pedestrian-Oriented District Policies, and provide adequate transitions with adjacent residential uses at the edges of the centers.

The proposed hotel will create new permanent jobs within downtown's South Park commercial core while providing additional lodging options for visitors and tourists to this popular destination. The project's design, including ground floor treatment, will encourage pedestrian activity and its location.

Goal 5A: A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Policy 5.2.2: Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime. Additionally, develop these areas so that they are compatible with surrounding neighborhoods.

The project will support downtown's South Park district by locating new development in an area served by transit and are already functioning as center for the community and the region as a whole, as well as enhance the urban environment, encouraging daytime and nighttime pedestrian

activity within a highly active commercial district through pedestrian-friendly design. Furthermore, the project's proximity to the Metro Rapids 728, 733, and 745 and other transit connections enable the project to function at both the local and region scale.

The Mobility Element (Mobility Plan 2035)

The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. No dedication along Broadway is required. Improvements are required to repair, reconstruct and upgrade the adjoining sidewalks. Broadway is a Modified Avenue II and designated for Tier 1 Protected Bicycle Lanes by Mobility Plan 2035. The project as designed and conditioned meets the following policies of Mobility Plan 2035:

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

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

The project's design, including ground floor treatment, will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design. The dedicated valet (bike and vehicle) drop-off zone is within the subject property, along the northern property line. Furthermore, the project is required repair, reconstruct and upgrade the adjoining sidewalks.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

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

Policy 3.4: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

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

The project's proximity to the Metro Rapids 728, 733, and 745 and other transit connections will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its ground floor treatment will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design.

In addition, the project will provide Code-required bicycle parking thereby supporting "first-mile, last-mile solutions", enabling workers, hotel guests and patrons of the restaurants' improved access to the project.

The Central City Community Plan seeks to promote the following:

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

*Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism.*

*Objective 2-4.1: Promote nightlife activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.*

### Downtown Design Guide

#### *Sidewalks and Setbacks*

The proposed project is built with a zero- to three-foot setback along Broadway property line with small planters at the base of the building, providing a consistent street wall with the abutting properties to the north and west. The existing 16-foot sidewalks are maintained and with uses such as outdoor dining proposed in the public right-of-way. In addition, street trees, as required the Board of Public Works, Urban Forestry Division, will be planted consistent with the Downtown Street Standards.

#### *Ground Floor Treatment*

The Downtown Design Guide designates Broadway as a Retail Street. The proposed project promotes sidewalk activity by locating the main pedestrian entrance along Broadway. The project is designed with ground floor, floor-to-ceiling storefront windows framed by dark warm painted plaster and decorative perforated metal screening covering the upper level parking. All back-of-house uses are located at the back of the ground floor, allowing all of street frontage to be occupied by active uses, such as the hotel lobby and the proposed restaurant.

#### *Parking and Access*

The proposed project is required 42 parking spaces, all of which is located within the two upper levels of parking. These spaces will be accessible only to valet personnel via car elevator. All access to the required parking is via the existing alley. All existing, unused curb cuts will be removed, rebuilding complete sidewalks in their place. The drop-off/pick-up zones are designed to promote sidewalk/street wall continuity and to reduce conflicts with pedestrians by being located along the Broadway curb.

Lastly, the project's proximity to the Metro Rapids 728, 733, and 745 and other transit connections, along with providing bicycle parking in conformance the requirements of the Los Angeles Municipal Code will encourage the use of alternate modes of transportation.

#### *Massing and Street Wall*

The project has been designed to be sensitive to the neighborhood context by reinforcing the street wall and overall scale and massing of the surrounding buildings. Specifically, the project provides a strong ground floor with floor-to-ceiling storefront windows framed by dark warm painted plaster. As required, at least 90% of the project's frontage is built at the maximum allowable setback. In addition, the project's height of 198 feet and fifteen stories exceeds the minimum allowable street wall height of 45 feet and four (4) stories, and is consistent with the other buildings Broadway.

### *On-Site Open Space and Landscaping*

As discussed further below, the proposed hotel project is not required on-site open space or landscaping, however it does provide a landscaped rooftop at the fourth floor level which helps to reduce the heating effect of a traditional rooftop, while also adding visual interest to individuals looking down on the rooftop from above within the subject building or other surrounding buildings.

### *Architectural Detail*

The proposed hotel building has been designed to be consistent and compatible with the surrounding buildings in the area. Specifically, the project maintains the vertical architectural rhythm, as well as the massing and scale established by the adjacent buildings. The project utilizes colors and materials to further harmonize the new development with the existing development. The project employs a dark warm brown painted plaster framing and topped by champagne anodized metal panel screening the upper levels of parking.

### *Signage*

All signage has been designed to integrate seamlessly with the design of the project's architecture. The location, size, and appearance of signs complements the building and are in character with the Historic Broadway Signage District.

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

The project proposes the construction of a new 15-story, 139-room hotel along Broadway mid-block between 11th Street and 12th Street within the South Park area of downtown Los Angeles. The project consists of two basement levels, a ground floor with lobby, restaurant/bar, two upper levels of vehicle parking, ten floors of hotel rooms, and rooftop pool deck.

The project site is located at 1138–1140 South Broadway (mid-block between 11<sup>th</sup> and 12<sup>th</sup> Streets) and consists of two rectangular lots with approximately 11,468 square feet of lot area. The site is located along the eastern side of Broadway and has approximately 100 feet of street frontage with a lot depth of approximately 115 feet. The project site is located within the Central City Community Plan, with a Regional Center Commercial land use designation and is zoned C2-4D-O-SN. The project site is located within the City Center Redevelopment Project area, the Historic Broadway Sign District, a Los Angeles State Enterprise Zone, and within a designated Transit Priority Area.

### Height, Bulk and Setbacks

Surrounding properties are designated for Regional Center Commercial land uses and are zoned C2-4D-O and C2-4D-O-SN. Properties along Broadway are zoned C2-4D-O-SN and are developed with the Hearst Building (currently under renovation) and the 11-story Public Works Building on the west side of the street and the surface lots on the eastern side of Broadway with the exception of the 15-story Case Hotel located at the corner of Broadway and 11<sup>th</sup> Street.

The project's height of 198 feet and fourteen stories exceeds the minimum allowable street wall height of 45 feet and four (4) stories, and is consistent with the other buildings Broadway. Therefore, the project has been designed and approved in a manner that is consistent and compatible with the existing and future developments in the neighborhood.

The project at the ground floor has been designed to maximize the pedestrian experience, with a primary ground-floor entrance to the main lobby off the public right-of-way along Broadway. A ground floor restaurant with sidewalk dining opens out and will enliven this portion of Broadway, where there was previously an enclosed building and surface parking lot. The project will improve the pedestrian and ground floor experience along the street to create a sense of space and transition from the street. Landscaping will be provided at grade, and on a 4th floor garden and roof top level to beautify and further enhance the site.

#### Off-Street Parking Facilities and Loading Areas

All parking, trash, loading, and other back-of-house uses have been carefully located within the interior of the building and along the back-alley side of the structure, out of sight from residents of the community, or from neighboring properties. The proposed project is required 42 parking spaces, with access to the required parking is via the alley along the property's eastern boundary.

The entrance to the parking levels is located easterly, along the alley, away from the Broadway frontage. The parking will have attendants and features efficient mechanical lifts. All rooftop areas and equipment will be screened to ensure development compatible with existing properties.

All existing, unused curb cuts will be removed, rebuilding complete sidewalks in their place. The drop-off/pick-up zones are designed to promote sidewalk/street wall continuity and to reduce conflicts with pedestrians by being located along the Broadway curb. Both the access to the required parking and the drop-off/pick-up zones enable the project to minimize the number and size of curb cuts, furthering encourage pedestrian activity and safety.

Therefore, the off-street parking facilities and loading areas will be compatible with the existing and future developments in the neighborhood.

#### Lighting

Lighting for the proposed project has been conditioned to 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. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

#### On-Site Landscaping

The proposed hotel project is not required on-site open space or landscaping, however does provide a landscaped rooftop at the fourth floor level which helps to reduce the heating effect of a traditional rooftop, while also adding visual interest to individuals looking down on the rooftop from above within the subject building or other surrounding buildings. While as proposed the landscaped rooftop is not accessible, the conditions do not preclude such activity of the space. Furthermore, the project will provide street trees as required by the Urban Forestry Division, Board of Public Works. Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

#### Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the L.A.M.C. Compliance with these regulations will allow the project to be compatible with existing and future development.

Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

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

Although a Hotel is defined as a residential building per the L.A.M.C. Section 12.03, only residential project containing dwelling units are required to provide open space pursuant to L.A.M.C. Section 12.21-G. The proposed hotel includes 139 guest rooms with ground floor lobby space, restaurant and bar. Though not required, the project includes amenities for guests such as a main lobby, a restaurant, 4th floor garden area, balconies, a rooftop pool, and fitness room. All outdoor areas will be landscaped with varying types of both drought-tolerant and shade species. The added amenities help to reduce the heating effect of a traditional rooftop, while also adding visual interest to individuals looking down on the rooftop from above within the subject building or other surrounding buildings. These on-site amenities enable the hotel to provide desired services to the hotel guest and will help to minimize impacts on neighboring properties.

**ADDITIONAL MANDATORY FINDINGS**

10. 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.

Inquiries regarding this matter shall be directed to Jordann Turner, Planning Staff for the Department of City Planning, at (213) 978-1365.



FERNANDO TOVAR  
Associate Zoning Administrator

FT:JT:bk

cc: Councilmember Jose Huizar  
Fourteenth Council District  
Adjoining Property Owners  
Interested Parties