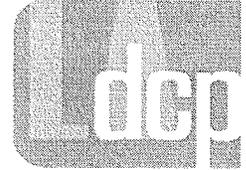


ITEM 5



DEPARTMENT OF CITY PLANNING  
RECOMMENDATION REPORT



City Planning Commission

**Date:** May 22, 2014  
**Time:** After 8:30 am  
**Place:** Van Nuys City Hall Council Chamber  
2nd Floor  
14410 Sylvan Street  
Van Nuys, CA 91401

**Case No.:** CPC-2013-551-ZC-CUB-  
CU-ZAA-SPR  
**CEQA No.:** ENV-2013-552-MND  
**Council No.:** 10 – Wesson  
**Plan Area:** Wilshire  
**Certified NC:** Wilshire Center –  
Koreatown

**Public Hearing:** February 14, 2014  
**Appeal Status:** Zone Change is appealable by the  
Applicant to the City Council,  
Zoning Administrator Adjustment,  
Site Plan Review, are appealable to  
City Council.  
**Expiration Date:** July 16, 2014

**GPLU:** Regional Center  
Commercial  
**Zone:** P2, CR-2  
**Applicant:** Maxsum Development, LLC  
Milan L. Garrison  
Nest on Catalina, LLC  
**Representative:** Maxsum Development, LLC  
Milan L. Garrison

**PROJECT LOCATION:** 621-631 S. Catalina Street. Legally described as Lots 6, 7 and 8 of Elsinore Tract

**PROPOSED PROJECT:** The proposed project is a new 75 feet in height (six-story) apartment hotel with 82 units, including 75 hotel guest rooms and 7 apartment units. The development includes 1,564 square feet of retail/restaurant space on the ground floor, a 1,285-square foot fitness center on the second floor, and 84 on-site parking spaces in two levels, one at-grade and one subterranean. The site consists of three contiguous lots situated on the west side of Catalina Street between 6<sup>th</sup> Street to the north and Wilshire Boulevard to the south, all of which are currently improved as a 97-space paved surface parking lot. The site is approximately 24,350 square feet and the total project size is 102,099 square feet. The site is zoned P-2 and CR-2 with a General Plan Land Use designation of Regional Center Commercial.

- REQUESTED ACTIONS:**
1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration (ENV-2013-552-MND-REC1) as adequate environmental clearance;
  2. Pursuant to Section 12.32 F of the Los Angeles Municipal Code, a **Zone Change** (ZC) from P-2 (lot 8) and CR-2 (lots 6 and 7) to C2-2 for lots 6, 7 and 8;
  3. Pursuant to Section 12.24 W.1 of the Los Angeles Municipal Code, a **Conditional Use** (CUB) for the on-site sale of alcoholic beverages as an incidental business in or accessory to the operation of hotels or apartment hotels, in conjunction with the proposed apartment hotel restaurant and within each guest room mini-bar;

4. Pursuant to Section 12.24 W.24.(a) of the Los Angeles Municipal Code, a **Conditional Use (CU)** for a hotel use to be located within 500 feet of a residentially zoned area;
5. Pursuant to Section 12.28 of the Municipal Code, a **Zoning Administrator's Adjustment (ZAA)** from the following: Section 12.21 C.6. (b), to permit a loading space height of 11 feet and 6 inches in lieu of the required minimum height of 14 feet;
6. Pursuant to Section 12.28 of the Municipal Code, a **Zoning Administrator's Adjustment (ZAA)** from the following: Section 12.14 C and 12.11. C. 2. to permit a 1'0" side yard setback (north side) and a 6'8" side yard setback (south side) in lieu of the required 9 feet;
7. Pursuant to Section 12.28 of the Municipal Code, a **Zoning Administrator's Adjustment (ZAA)** from the following: Section 12.14 C and 12.11. C. 3. to permit a 1'0" rear yard setback in lieu of the required 18 feet; and
8. Pursuant to LAMC Section 16.05.C.1(b), **Site Plan Review (SPR)** for a development with 50 or more dwelling units or guest rooms, or combination thereof.

**RECOMMENDED ACTIONS:**

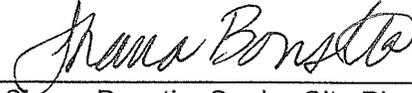
1. **Adopt** the Mitigated Negative Declaration (ENV-2013-552-MND-REC1) as adequate environmental clearance;
2. **Recommend** that the City Council **Approve a Zone Change (ZC)** from P-2 (lot 8) and CR-2 (lots 6 and 7) to C2-2 for lots 6, 7 and 8;
3. **Approve a Conditional Use (CUB)** for the on-site sale of alcoholic beverages as an incidental business in or accessory to the operation of hotels or apartment hotels, in conjunction with the proposed apartment hotel restaurant and within each guest room mini-bar, as conditioned;
4. **Dismiss as Not Necessary, a Conditional Use (CU)** for a hotel use to be located within 500 feet of a residentially zoned area;
5. **Approve a Zoning Administrator's Adjustment (ZAA)** from the following: Section 12.21 C.6. (b), to permit a loading space height of 11 feet and 6 inches in lieu of the required minimum height of 14 feet;
6. Pursuant to Section 12.28 of the Municipal Code, a **Zoning Administrator's Adjustment (ZAA)** from the following: Section 12.14 C and 12.11. C. 2. to permit a 1'0" side yard setback (north side) and a 6'8" side yard setback (south side) in lieu of the required 9 feet;
7. Pursuant to Section 12.28 of the Municipal Code, a **Zoning Administrator's Adjustment (ZAA)** from the following: Section 12.14 C and 12.11. C. 3. to permit a 1'0" rear yard setback in lieu of the required 18 feet;
8. **Approve a Site Plan Review (SPR)** for a development with 50 or more dwelling units or guest rooms, or combination thereof; and
9. **Adopt** the attached Findings.

MICHAEL J. LOGRANDE  
Director of Planning



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Daniel Scott, Principal City Planner



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Shana Bonstin, Senior City Planner



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Debbie Lawrence, AICP, Hearing Officer  
213-978-1163

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## PROJECT ANALYSIS

### **Project Summary**

This report contains discussions, recommendations, conditions and findings for the construction of a new apartment hotel on Catalina Street in the Koreatown neighborhood of the Wilshire Community Plan Area. The Wilshire Community Plan Area is often referred to as the Mid-City Section of Los Angeles - the eastern edge of the approximately 2.5-mile wide by 6-mile long plan area is about 6 miles west of downtown Los Angeles, while the western edge abuts the City of Beverly Hills. The area includes about 8,954 acres, which is approximately 3 percent of the total land in the City of Los Angeles.

The requested entitlements would facilitate the development of a new six-story 82-room apartment hotel, including 75 guest rooms and 7 apartment units. The Project will be 75 feet in height and built to an FAR of 4.2:1. The development is proposed for 1,564 square feet of restaurant space on the ground floor, a 1,285-square foot fitness center on the second floor, a 3,375 square-foot garden on the second level, and 84 on-site parking spaces in one at-grade and one subterranean level. The site consists of three contiguous lots situated on the west side of Catalina Street between 6<sup>th</sup> Street to the north and Wilshire Boulevard to the south, all of which are currently improved as a 97-space paved surface parking lot. The site is approximately 24,350 square feet.

The site is zoned P-2 and CR-2 with a General Plan land use classification of Regional Center Commercial. The applicant has requested a Zone Change to C2-2, which is consistent with the Regional Center Commercial land use designation. Additionally, the applicant has requested Zoning Administrator's Adjustments (ZAA) to: 1) allow for a loading space height of 11 feet and 6 inches in lieu of the required minimum height of 14 feet; 2) permit a 1'0" side yard setback (north side) and a 6'8" side yard setback (south side) in lieu of the required 9 feet; and 3) permit a 1'0" rear yard setback in lieu of the required 18 feet. Conditional Use entitlements are requested to permit hotel use within 500 feet of a residentially zoned area, and for the on-site sale of alcoholic beverages in the ground floor restaurant and guest room mini-bars.

### *General Plan Land Use*

The Project site is located in the Wilshire Community Plan area, which is one of 35 community plans in the City of Los Angeles. Together, these plans comprise The Land Use Element of the General Plan and regulate how land is to be utilized. Each plan contains goals and policies to guide development in the plan area.

The General Plan Framework Element and the Wilshire Community Plan map designates the site for Regional Center Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The site is located in the Wilshire Center Regional Commercial Center. As described in the Framework Element, Regional centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. The development of sites and structures integrating housing with commercial uses is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. They are typically high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Generally, regional centers will range from FAR 1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the community plan. Their densities and functions support the development of a comprehensive and inter-connected network of public transit and services. Accordingly, hotels are permitted in Regional Centers.

The Wilshire Center Regional Commercial Center area is approximately 100 acres in size and includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high-rise and low-rise apartment buildings. It includes Wilshire Boulevard in the eastern central portion of the Plan Area and is generally bounded by 3<sup>rd</sup> Street on the north, 8th Street on the south, Hoover Street on the east, and Wilton Place on the west. The Wilshire Center includes the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard.

Additionally, the Wilshire Community Plan supports applicable commercially zoned portions of the Wilshire Center (Commercial areas within the area bounded by 6<sup>th</sup> Street, Vermont Avenue, 8th Street, and Western Avenue) as mixed-use boulevards and districts.

#### *Zoning and FAR*

The subject property is situated on three (3) contiguous parcels where two are zoned CR-2 (lots 6 and 7) and the third (Lot 8) is zoned P-2. The CR (Limited Commercial) zone expressly allows hotel uses. However, under the development regulations of the CR zone, restaurants as an accessory use are only permitted within an office building, provided that entrances to the restaurant are located inside of the building (LAMC 12.12.2.A.13). The C2 zone allows a ground floor restaurant with an outdoor eating area, such as the one proposed. Thus, a zone change to C2-2 has been proposed. Height District 2 allows unlimited height. The FAR limitation that applies to the C2-2 zone is a maximum 6:1 FAR. The proposed project will be built to a height of 75 feet and an FAR of 4.2:1.

#### *Density*

The Project is a hotel development in the proposed C2 Zone, which permits R4 residential density. The maximum permitted is one guest room per 200 square feet and one apartment unit per 400 square feet. Based on the lot size and the approval of the proposed zone, a total of 75 guest rooms and 7 apartment units can be constructed.

#### *Automobile Parking*

Parking is provided within the building in one subterranean level and one ground level. Because the site is located within a State Enterprise Zone, the Project may utilize a lower parking ratio per Section 12.21A4(x)(3) for the commercial portions of the Project. The intent of this standard was to allow a lower amount of parking for commercial office, business, retail, restaurant, bar and related uses, trade schools, or research and development buildings thus increasing the buildable area of the parcel which is critical in older areas of the City where parcels are small. Based on this requirement, the applicant need not provide more than 68 parking spaces. However, the applicant is requesting 84 parking spaces.

#### *Bicycle Parking*

Twenty-nine bicycle parking spaces pursuant to the City's Bicycle Ordinance (No. 182,386) will be provided: 17 for long-term use and 12 for short-term use. Also, the Bicycle Ordinance would allow for a further reduction in parking due to the Project's location near ample public transit options.

#### *Site Design*

The site is located on the western side of Catalina Street north of Wilshire Boulevard and south of Sixth Street. The Project proposes two driveways from the front of the building on Catalina Street; the southerly one will serve as the main vehicular entrance to the hotel and provide ground level access only, and the northerly driveway will access the basement level of parking. Passenger drop-off and the primary entrance to the hotel lobby are provided from the southerly driveway. On the second floor, there is a 3,375 square-foot garden that provides a buffer for the 6-story apartment complex on Kenmore Avenue to the rear. The restaurant will be located along the Catalina Street frontage on the ground level, with a door for pedestrian access from Catalina

Street and another door from the hotel lobby. The guest rooms and apartment units are located on floors two through six, and designed in an L-shaped layout, which allows the second level garden to be open to the sky.

#### *Landscaping*

A combination of shrubbery and trees including palms, canopy shade trees, vertical screen and accent trees and shrubs and groundcover are provided on the second level garden and at the front façade of the hotel along Catalina. This includes an estimated 11 palms and 30 trees, such as Queen Palm, Gingko, Magnolia, Eucalyptus, Brisbane Box, and Jacaranda. Additional shrubbery will be planted around the electrical transformer located at the northerly portion of the site.

#### *Wilshire Community Plan Urban Design Guidelines and the Professional Volunteer Program*

The Citywide Urban Design Guidelines had not yet received final approval from City Council and the Mayor at the time this case was filed; therefore the design was reviewed according to the Wilshire Community Plan Urban Design Guidelines. These Guidelines are similar to, and in some cases more specific than, those in the Citywide Urban Design Guidelines. The Project has been evaluated against these design policies for individual projects and is found to be in substantial conformance with them, with the exception of Site Planning design policy (e) on page V-3, which states:

*"Prohibit driveway openings, or garage or parking lot entries in exterior frontage walls of buildings, or between frontage buildings, unless the Los Angeles Department of Transportation determines that driveways cannot be practically be placed elsewhere."*

The Project has proposed two driveways in the exterior frontage wall along Catalina Street. There is no alley, thus the applicant had designed the Project with vehicular access from the frontage street. However, the two driveways comprise roughly 38 percent of the building frontage, which impacts the pedestrian-oriented character of the design.

Additionally, the Project was taken to the Planning Department's Urban Design Studio Professional Volunteer Program (PVP) for an architectural critique. Some participants believed the design could be improved, while others considered it to be a contemporary design that was appropriate for the area. The concerns expressed were primarily focused on the ground floor and the presence of the two driveways along the primary frontage on Catalina Street. In particular, they said that the hotel lobby was very impressive and they liked the modern look, but they felt that there was little visibility of this space from the outside. They recommended enhancing the transparency of the ground floor façade to better show the interior and create a more inviting and pleasant environment for hotel guests and pedestrians. They also recommended that one driveway be eliminated, which would also allow for more transparency, and enhance the pedestrian-oriented character of the street. In response to the PVP recommendation, the applicant has revised their design to increase transparency along the Catalina façade through more glass storefront walls, and the Project has been conditioned to provide only one driveway.

#### *Requested Entitlements*

Zone Change. The Project proposes a Zone Change from P-2 and CR-2 to C2-2.

Conditional Use. A Conditional Use entitlement was requested pursuant to Section 12.24 W 24.(a) of the Los Angeles Municipal Code to permit hotel use within 500 feet of a residentially zoned area. Hotels are permitted by right in commercial zones if they are not located within 500 feet of an A or R zone. Otherwise, a Conditional Use permit is required. However, a Conditional Use Permit is not required in order to establish a hotel, motel or apartment hotel in CR, C1,

C1.5, C2, C4, or C5 zones in the Central City Community Plan Area, or areas designated on an adopted Community Plan as Regional Center Commercial, even if the hotel, motel or apartment hotel is located within 500 feet of an A or R zone. Section 12.22-A, 18 of the Los Angeles Municipal Code contains a collection of exceptions from the rest of the Municipal Code broadly intended to promote the development of mixed use in specific areas, including designated Regional Centers and Regional Commercial areas across the City. To help realize this vision, the exceptions relax the Municipal Code's citywide regulations governing permitted uses of land and certain regulations.

The proposed project site is zoned CR, is located within the Wilshire Regional Commercial Center and is located within 500 feet of R5 zoning. Since Section 12.22-A, 18 supersedes all other provisions of the Code (except for 12.24.1), an application for a Conditional Use Permit under Section 12.24-W, 24 is therefore not required, even when a hotel, motel or apartment hotel so located is also within 500 feet of an A or R zone. Thus, one of the recommended actions is to dismiss as not necessary, the request for the Conditional Use for a hotel use within 500 feet of an A or R zone.

Conditional Use Alcohol. The Project proposes the on-site sale of alcoholic beverages as an incidental business in a ground floor restaurant accessory to the operation of the hotel, in conjunction with the proposed hotel restaurant and within each guest room mini-bar. A Plan Approval will be required at a later date to review and establish conditions deemed applicable to the use as maintained and conducted by the restaurant owner or operator.

Zoning Administrator Adjustments. There are no required yards for commercial uses in the C2 zone. However, The C2 Zone requires for portions of buildings erected and used for residential purposes that side and rear yards conform to the requirements of the R4 zone at the floor level of the first story used in whole or in part for residential purposes. The Project has requested a 1'8" side yard (north side) and a 6'8" side yard (south side) in lieu of the required 9 feet to accommodate the Project design. Additionally, a reduction for the rear yard to permit 1 foot in lieu of the required 18 feet is requested. The applicant has also requested a Zoning Administrator Adjustment to permit a loading space height of 11 feet and 6 inches in lieu of the required minimum height of 14 feet. The LAMC Section 12.03 defines Hotel as "a residential building designated or used for or containing six or more guest rooms..." thus, the Project is subject to the setback regulations for residential use at the appropriate levels.

Site Plan Review. The Project proposes 82 residential units/guest rooms and requires Site Plan Review.

#### *Existing Uses*

The Project site is approximately 24,350 square feet in size and encompasses three contiguous lots situated on the west side of Catalina Street between 6<sup>th</sup> Street to the north and Wilshire Boulevard to the south, all of which are currently improved as a 97-space paved surface parking lot.

#### *Surrounding Zones and Uses*

The surrounding zoning consists of C2-2, CR-2, C4-2 and R5-2. The area is characterized by a mix of multi-family residential and commercial uses. North of the Project site is a 4-story office building zoned C2-2. South of the Project site is an 11-story commercial building zoned C4-2. To the rear of the Project site (west) on Kenmore Avenue is a 6-story apartment complex zoned CR-2 and a surface parking lot. Across from the Project site on Catalina Street is a 2-story apartment building zoned R5-2.

### *Streets and Circulation*

Catalina Street is designated as a Local Street dedicated to 40-foot width. It is improved with curb, gutter and sidewalk with an approximate width of 12 feet.

### **Issues**

As discussed previously, based on Wilshire Community Plan policy and recommendation of the PVP, the Project has been conditioned to provide only one driveway. Approximately 38 percent of the façade is allocated to driveway access. Removal of one driveway would allow for more transparency along the façade on Catalina Street and enhance the pedestrian-oriented character of the street. As a result of the driveway removal, the number of parking spaces will be reduced. The applicant has requested an additional 16 parking spaces beyond the number required by the Los Angeles Municipal Code Section 12.21A4(x)(3), which applies to properties located in a State Enterprise Zone.

### **Conclusion**

The Department recommends the Project as conditioned in this report. The Project will provide hotel guest rooms in an urban center and will be scaled and massed in a manner compatible to the surrounding development and neighborhood character. The Project, at the recommended floor area, height, scale, design and layout, will be a compatible addition to the local neighborhood and will provide a distinct contemporary design.

The Zone Change to C2 is appropriate given the context of this area, in that it provides for a mixed-use project that complements the commercial and residential character of this area. The maximum height of 75 feet is an appropriate height limit, given that the site is located within the Wilshire Center Regional Commercial Center. The Regional Center Commercial land use designation allows for the construction of corporate and professional offices, retail commercial malls, high-density multi-family residential uses, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Development of the Project would include hotel, apartment and ground floor retail/restaurant uses, which would be consistent with the Regional Center Commercial land use designation. The Project furthers several General Plan objectives, including encouraging infill projects and locating new development near public transit and shopping, services and employment. The proposed project meets those criteria and represents the creative re-use of an existing, underutilized site, near a major transit corridor. The hotel will also provide a service that is beneficial to the tourist industry and businesses in the community, helping to provide new jobs for the local economy.

The area surrounding the Project Site is a mix of primarily office and some residential buildings. The approval of the Conditional Use permit for on-site alcohol sales will be compatible with the surrounding uses and contribute to the continued economic vitality of the neighborhood. Alcoholic beverage service is an expected amenity with high-end meal service for many patrons, as is the availability of room service and mini-bars in hotel guest rooms. The Project location is easily accessible in that it is built nearby to an existing subway station with connections to downtown and greater Los Angeles. Finally, the establishment will benefit the community by providing additional employment opportunities.

The Project provides a mix of residential and commercial uses in an appropriate commercial zone and is consistent with the General Plan, and is also in conformity with public necessity, convenience, general welfare and good zoning practice.

## (Q) QUALIFIED CONDITIONS OF APPROVAL

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

### A. Entitlement Conditions

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit A**, dated **April 30, 2014**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the C2-2 zone; hotel and commercial uses shall be permitted.
3. **Height.** The building shall be limited to a height of 75 feet. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
4. **Floor Area Ratio (FAR).** FAR shall not exceed 4.2:1. The total floor area of non-residential, ground-floor retail commercial use shall not exceed 1,564 square feet, as defined by Section 12.03 of the LAMC.
5. **Residential Density.** Not more than 75 guest rooms and 7 apartment units may be constructed on the property.
6. **Driveway.** The site design shall be limited to one driveway with a maximum width of 28 feet along the building frontage on Catalina Street. Revised plans shall include elevations that depict the frontage with one driveway, and indicate transparency or other pedestrian-oriented treatment that will be implemented to replace the building driveway entrance.
7. **Parking.** Pursuant to LAMC Section 12.21A4(x)(3) the Project need not provide more than 6 commercial parking spaces, or two parking spaces for every one thousand square feet of combined gross floor area of commercial use. Parking for hotel units and apartment units shall be provided subject to LAMC Section 12.21.A.4.
8. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning Department.
9. **Window Transparency.** A note shall be added to the Project Elevations to indicate that all ground floor windows shall be comprised of non-reflective, transparent glass. Any at-grade parking uses shall not be visible from the exterior of the building. Architectural treatments, or other design features shall be used to ensure the parking is not visible from the exterior of the building.
10. **Pedestrian walkways.** Clearly marked pedestrian access-ways shall be integrated into the site design and connect to the commercial area. The entryway shall incorporate

enhanced paving treatment to create a safety buffer between the driveway area and the pedestrian entrance to the hotel and restaurant patio.

11. **Building Materials.** A note shall be added to the Project Elevations to indicate that the corrugated metal materials incorporated into the design shall be of a non-reflective material.
12. **Ground Level Pedestrian Access.** The doors for pedestrian access along Catalina Street shall remain open during business hours.
13. **Loading.** The Project shall be allowed a loading space height of height of 11 feet and 6 inches. The loading area shall be secured by gates, fencing, or other appropriate security measure and it shall be maintained free of any trash or debris for the life of the Project.
14. **Side Yard Setbacks.** The Project shall be allowed a 1'0" side yard setback (north side) and a 6'8" side yard setback (south side).
15. **Rear Yard Setback.** The Project shall be allowed a 1'0" rear yard setback.
16. **Refuse/recycling area.** Details shall be provided on the method of enclosure for the refuse/recycling areas at the time of final plan sign off. The refuse/recycling area shall be secured with an enclosure that fully screens the view of the refuse/recycling area. It shall be constructed in a style similar to that of the main building.
17. **Outdoor Dining.** Final architectural plans shall indicate appropriate buffers and light deflection such as screening, landscaping, and walls as necessary, to ensure that no noise or lighting disturbance would be created on neighboring properties as a result of outdoor dining located on the ground floor.

## B. Environmental Conditions

18. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks 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.
19. **Aesthetics (Retaining Walls less than 8 feet in Height).** Retaining walls that can be viewed from the adjacent public right(s)-of-way shall incorporate one or more of the following to minimize their visibility: clinging vines, espaliered plants, or other vegetative screening; decorative masonry, or other varied and textured façade; or utilize a combination of methods. The method of compliance with this measure shall be noted on any required landscape plan.
20. **Aesthetics (Vandalism).**
  - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
  - b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

**21. Aesthetics (Signage)**

- a. On-site signs shall be limited to the maximum allowable under the Municipal Code.
- b. Multiple temporary signs in store windows and along building walls are not permitted.

**22. Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

**23. Air Pollution (Demolition, Grading, and Construction Activities)**

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

**24. Air Quality (Operational).** The construction contractor shall choose low- or no- VOC indoor paints. VOC concentrations (grams/liter) of interior paints should equal to or less than those specified by the EPA's Environmentally Preferable Purchasing Program as follows:

- i. Interior latex coatings: Flat, 100 grams/liter; Non-flat, 150 grams/liter
- ii. Interior oil-based paints: 380 grams/liter

**25. Objectionable Odors (Commercial Trash Receptacles)**

- a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
- b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.

**26. Tree Removal (Public Right-of-Way)**

- a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.
- b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).
- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as

replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.

- d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

#### **27. Cultural Resources (Archaeological)**

- a. If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:
  - i. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
  - ii. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - iii. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- b. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:  
SCCIC Department of Anthropology  
McCarthy Hall 477  
CSU Fullerton  
800 North State College Boulevard  
Fullerton, CA 92834
- c. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- d. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

#### **28. Cultural Resources (Paleontological)**

- a. If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:
  - i. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
  - ii. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - iii. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
  - iv. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- b. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.

- c. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

**29. Cultural Resources (Human Remains)**

Environmental impacts may result from project implementation due to discovery of unrecorded human remains.

- a. In the event that human remains are discovered during excavation activities, the following procedure shall be observed:
  - i. Stop immediately and contact the County Coroner:

1104 N. Mission Road  
Los Angeles, CA 90033  
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or  
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)

- ii. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
  - iii. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
  - iv. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
  - v. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
  - vi. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.
- b. *Discuss and confer* means the meaningful and timely discussion careful consideration of the views of each party.

**30. Seismic.** The design and construction of the Project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

**31. Geotechnical Report**

- a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- b. The Project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

**32. Erosion/Grading/Short-Term Construction Impacts**

- a. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector

(Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

- b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
  - i. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
  - ii. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

### **33. Explosion/Release (Methane Gas)**

- a. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
- b. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.
- c. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.
- d. All single-family dwellings with basements shall have a gas detection system which is periodically calibrated and maintained in proper operating condition in accordance with manufacturer's installation and maintenance specifications.

### **34. Stormwater Pollution (Demolition, Grading, and Construction Activities)**

- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- b. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

- d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

**35. Increased Noise Levels (Demolition, Grading, and Construction Activities)**

- a. The Project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

**36. Increased Noise Levels (Parking Structure Ramps)**

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

**37. Increased Noise Levels (Mixed-Use Development)** Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

**38. Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

**39. Public Services (Police – Demolition/Construction Sites)** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

**40. Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

**41. Public Services (Construction Activity Near Schools)**

- a. The developer and contractors shall maintain ongoing contact with administrator of The Robert F. Kennedy Community Schools. The administrative offices shall be contacted when demolition, grading and construction activity begin on the Project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

**42. Public Services (Schools affected by Haul Route)**

- a. LADBS shall assign specific haul route hours of operation based upon The Robert F. Kennedy Community Schools hours of operation.
- b. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

**43. Increased Vehicle Trips/Congestion.** An investigation and analysis conducted by the Department of Transportation has identified significant project-related traffic impacts which can be mitigated to less than significant level by the following measure: Implementing measure(s) detailed in said Department's communication to the Planning Department dated February 7, 2013 and June 25, 2009 and attached shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.

**44. Utilities (Local Water Supplies - Landscaping)**

- a. The Project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
  - c. Weather-based irrigation controller with rain shutoff
  - d. Matched precipitation (flow) rates for sprinkler heads
  - e. Drip/microspray/subsurface irrigation where appropriate
  - f. Minimum irrigation system distribution uniformity of 75 percent
  - g. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
  - h. Use of landscape contouring to minimize precipitation runoff
  - i. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

**45. Utilities (Local Water Supplies - All New Construction)**

- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

**46. Utilities (Local Water Supplies - New Residential)**

- a. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- b. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the Project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- c. Install and utilize only high-efficiency Energy Star-rated dishwashers in the Project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

**47. Utilities (Local Water Supplies - Restaurant)**

- a. Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- b. Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. Install/retrofit and utilize only restroom faucets of a self-closing design.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the Project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

**48. Utilities (Solid Waste Recycling)**

- a. (*Operational*) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the Project's regular solid waste disposal program.
- b. (*Construction/Demolition*) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste

disposal company providing services to the Project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

**49. Utilities (Solid Waste Recycling)**

To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the Project's regular solid waste disposal program.

**Administrative Conditions of Approval**

1. **Final Plans.** Prior to the issuance of any building permits for the Project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
2. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
3. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
4. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
5. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the Project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
7. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent

continuation of, construction activity shall constitute utilization for the purposes of this grant.

8. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.
9. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

## CONDITIONS OF APPROVAL (Alcoholic Beverages)

The conditional use authorization granted herein for the sale of alcoholic beverages for on-site consumption shall be limited to a total of one (1) license to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in: a) a proposed ground-floor restaurant; and b) in-room alcohol access cabinets (mini-bars) accessory to the 75 hotel rooms upon the following additional terms and conditions:

1. **Alcohol Use—Plan Approval Required.** The applicant or individual operator shall file a plan approval with the Department of City Planning prior to the utilization of any grant made herein pursuant to the sale of alcoholic beverages. Each plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. In reviewing the plan approvals for alcohol sales, the Zoning Administrator shall incorporate Conditions 2 through 23 below, and may consider conditions volunteered by the applicant or suggested by the Police Department, but not limited to establishing conditions, as applicable, on the following: maximum seating capacity; valet parking; noise; mode, character and nature of the operation; and age limits.
2. Establishments for the sale of on-site consumption of alcohol shall be limited to One (1) hotel restaurant and in-room alcohol access mini-bars (one mini-bar per hotel guest room).
3. **Alcohol Use—Additional Corrective Measures.** 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 Department of City Planning to impose additional corrective conditions if the Director of Planning determines such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All owners, operators, managers and employees serving and/or selling alcohol to patrons shall enroll in and complete a certified, ABC-recognized, training program for the responsible service of alcohol. This training shall be scheduled for new employees within 30 days of the opening of the establishment or within 30 days after the start of employment, whichever applies. At the option of the Zoning Administrator, this training may be renewed each year by all employees who serve and/or sell alcoholic beverages. A record of the completion of this training program shall be maintained on the premises and shall be presented upon request to the Zoning Administrator.
5. The sale of distilled spirits by the bottle, for on-site consumption, is prohibited. This limitation shall not apply to hotel guest room mini-bars.
6. No employees, while working, shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises. No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.
7. No booth or group seating shall be installed that completely prohibits observation of the occupants.
8. A "Designated Driver Program" shall be operated to provide an alternate driver for patrons unable to safely operate a motor vehicle. This program may include, but shall

not be limited to, free non-alcoholic drinks for the designated driver of each group of patrons and promotion of the program at each table within the establishment. Each operator shall submit details of the program to the Director for review and approval prior to the opening of any facility offering alcoholic beverages.

9. A sufficient number of security personnel, as determined by the Zoning Administrator (with a minimum of one security officer for each establishment except for hotel guest room mini-bars), under the control of the respective property owner or operator of the establishment, shall be provided. Each security officer shall complete a training program, developed in consultation with the Los Angeles Police Department (LAPD). These security personnel shall monitor and patrol the restaurant area. Security personnel shall be on duty during the hours of operation of the establishment and shall also be on duty thirty minutes prior to opening of the establishment and thirty minutes after closing of the establishment. The security personnel shall also patrol parking areas serving this establishment to prevent any unusual disturbances within the Project site and to assist and report, as necessary, to proper authorities any loitering, trespassing, or other criminal activities in the general vicinity of the Project site. The LAPD shall be notified of special events as far in advance as feasible.
10. The Zoning Administrator shall consult with LAPD for recommendations regarding security measures for adequate protection to visitors and employees of the site, and impose those conditions which he or she deems to be necessary and feasible. The Zoning Administrator shall also notify the LAPD of the identity of the proposed operator of the establishment so that the LAPD can ascertain whether the operator has any prior record of criminal activity.
11. Recommendations of the Fire Department relative to fire safety shall be incorporated into all building plans, to the satisfaction of the Fire Department.
12. The Project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; security parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.
13. The Applicant shall provide Project plans to the LAPD prior to finalization, to allow time to review the plans regarding additional crime prevention features appropriate to the design of the Project.
14. The restaurant may serve alcohol 10:00 a.m. – 2:00 a.m., 7 days per week. Mini-bars located within hotel guest rooms and room service shall not be limited in the hours of alcohol service.
15. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
16. A copy of these conditions shall be retained at all times on the premises in the establishment that serves alcoholic beverages (retained centrally for hotel guest rooms with mini-bars) and shall be produced immediately upon the request of the Director of Planning or the LAPD.
17. Within 60 days after the issuance of the Certificate of Occupancy for an establishment, the Applicant shall execute a covenant acknowledging and agreeing to comply with

these conditions and record the agreement in the County Recorder's Office. This agreement shall run with the land and be binding on any subsequent owners, heirs or assigns. The Applicant shall submit this agreement to the Zoning Administrator for approval before being recorded. After recordation, the Applicant shall provide a copy bearing the Recorder's number and date to the Zoning Administrator.

18. The Applicant shall ensure that no alcoholic beverages which are purchased within the Applicant's establishment are consumed on any property adjacent to the licensed premises that is under the control of the Applicant.
19. The Applicant shall be responsible for maintaining free of litter the area adjacent to the establishment that is under the control of the Applicant.
20. All public telephones shall be located within the interior of the establishment structure. No public phones shall be located immediately adjacent to the exterior of the premises under the control of the establishment.
21. The Applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
22. **Restaurant.** The following conditions shall apply to the restaurant:
  - a. Sales of alcoholic beverages for consumption off the premises shall be prohibited.
  - b. Sales of alcoholic beverages shall only be made from behind a counter where an employee of the restaurant/café obtains the product. No self-service of alcoholic beverages shall be permitted.
  - c. Sales of alcoholic beverages from drive-up or walk-up windows is prohibited.
  - d. Gross annual sales of alcoholic beverages shall not exceed 40% of the total gross annual restaurant sales.
  - e. Entertainment activities, such as live or recorded music, shall not be permitted.
  - f. There shall be a full-service kitchen and a full menu.
23. Sales of alcohol for off-site consumption shall be prohibited.

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

1. Dedication Required:

**Catalina Street** (Local Street) – None.

2. Improvements Required:

**Catalina Street** – Repair any broken, off-grade or bad order concrete curb, gutter and sidewalk and upgrade all driveways to comply with ADA requirements. Close any unused driveways with standard curb height, gutter and sidewalk.

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

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

The Los Angeles Department of Transportation (LADOT) may have additional requirements for dedication and improvements.

3. Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk and through curb drains or connections to catch basins.
4. Sewer lines exist in Catalina Street. Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
5. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering at (213) 482-7050.
6. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
7. **Parking/Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

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

## FINDINGS

### General Plan/Charter Findings

The subject site is located within the area covered by the Wilshire Community Plan adopted by the City Council on September 19, 2001. The Community Plan is part of the City's Land Use Element, which sets forth specific land use requirements and required entitlements for projects in the Wilshire area.

The site is located within the Wilshire Center Regional Commercial Center. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, both high-rise and low-rise apartment buildings, as well as the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Center Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. Development of the Project would include hotel, apartment and ground floor retail/restaurant uses, which would be consistent with the Regional Center Commercial land use designation.

1. **General Plan Land Use Designation.** The Wilshire Community Plan designates the subject site as Regional Center Commercial with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The proposed project will be located in the C2 zone.

### Framework Element

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use -- Neighborhood District, Community Center, Regional Center, Downtown Center, and Mixed-Use Boulevard -- that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns.

The Regional centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. The development of sites and structures integrating housing with commercial uses is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. They are typically high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Generally, regional centers will range from FAR 1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the community plan. Their densities and functions support the development of a comprehensive and inter-connected network of public transit and services.

The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The proposed project would be in conformance with several goals of the Framework as described below.

A. *Land Use Chapter, Framework Element: Issue One: Distribution of Land Use* of the Framework Element's Land Use Chapter (Chapter Three) establishes general principles to encourage growth and increase land use intensity around transit nodes, to create a

pedestrian oriented environment while promoting an enhanced urban experience and provide for places of employment.

*Objective 3.4 of Issue One: Distribution of Land Use: 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.*

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

The above objectives seek to concentrate commercial development in existing commercial districts and in areas that are able to support such development which are in close proximity to rail and bus transit stations. As conditioned, the Project will be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. The Project will incorporate measures to reduce impacts to air quality, geology, hazardous materials, noise, and public services for the surrounding community. The character of the area includes a mix of commercial uses, as well as high density residential uses, and the Project's recommended density and height will be compatible with adjacent land uses.

#### *B. Economic Development Chapter, Framework Element*

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

*Objective 7.3: Maintain and enhance the existing businesses in the city.*

*Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs.*

The construction of a new 75-guest room hotel, 7 apartment units and a ground floor restaurant can help sustain economic growth and maintain a viable retail base in the city. The site currently contains 97 parking spaces in an underutilized surface parking lot. Regional centers, typically, provide a significant number of jobs, and the Project will contribute to this. The development of sites and structures integrating mixed use is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. The hotel is consistent with ongoing redevelopment efforts in the community, and is located in an area well suited to visitor-serving uses. The Project will also add to the Wilshire Center/Koreatown area by providing a use that specifically caters to the business community nearby the site. The Project supports revitalization by developing a surface parking lot with a use that will provide an economic and social benefit to the residential, commercial, and other types of businesses located in the area. The proposed project will

generate an additional influx of guests to the area who will likely patronize the various retail and restaurant businesses along the Wilshire Corridor.

### **Housing Element**

*Policy 2.1.3: Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours.*

*Policy 2.1.4: Enhance livability of neighborhoods by upgrading the quality of development and improving the quality of the public realm, including streets, streetscape and landscaping to provide shade and scale.*

The Project will provide an increase in the number of hotel guest rooms in an urban setting along with a street level restaurant that is accessible from the street. This project will activate the street by generating pedestrian activity during and after normal commercial business hours. The development will replace currently under-utilized surface parking areas with a building that improves the quality of the public realm with pedestrian-scale design in an urban setting. At the street level the Project proposes a combination of street trees, shrubs and ground cover to enhance the public realm.

*Objective 2.3: Encourage the location of housing, jobs, and services in mutual proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.*

*Policy 2.3.1: Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.*

*Policy 2.3.3: Encourage the development of new projects that are accessible to public transportation and services consistent with the community plans. Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.*

The Project location is well served by a large variety of transit options. The site is located near a major transit corridor, Wilshire Boulevard, which is served by Metro bus lines and DASH routes. The site is also less than a half mile from the Vermont Metro subway station along Wilshire Boulevard. Its proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled, thus helping to mitigate traffic congestion, air pollution, and urban sprawl. Also, the Project will provide for the development of land use patterns that emphasize bicycle access and use. The proposed project will include bike racks for the commercial uses and secured bicycle storage for the residential tenants.

### **Transportation Element**

The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit.

The Project will advance numerous policies contained in the Transportation Element. Chief among them are:

*Objective 3: Support development in regional centers... major activity areas and along mixed-use boulevards.*

*Policy 3.12: Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.*

*Policy 3.13: Enhance pedestrian circulation in ... appropriate locations in regional centers and along mixed use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.*

The Project advances these policies because it will be located within a half mile from an existing Metro subway station and just north of a major transportation corridor that provides substantial public transit opportunities and facilities. The development of the hotel, residential units, and restaurant with an outdoor patio would promote ground floor pedestrian activity and circulation and would create direct pedestrian connections between the new Project and the street, in express conformity with the Transportation Element's policies and objectives. The proposed development contributes to the General Plan's goal to increase development within commercial districts that centralizes both housing and commercial uses while enhancing the accessibility of such uses to public transit.

#### **Land Use Element – Wilshire Community Plan**

The Project site is located in the Wilshire Community Plan area, which is one of 35 community plans in the City of Los Angeles. Together, these plans comprise The Land Use Element of the General Plan and regulate how land is to be utilized. Each plan contains goals and policies to guide development in the plan area. The Wilshire Community Plan Area is often spoken of as the Mid-City Section of Los Angeles - the eastern edge of the approximately 2.5-mile wide by 6-mile long plan area is about 6 miles west of downtown Los Angeles, while the western edge abuts the City of Beverly Hills. The area includes about 8,954 acres, which is approximately 3 percent of the total land in the City of Los Angeles.

The Wilshire Community Plan map designates the site for Regional Center Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The proposed project is consistent with the existing land use patterns along Catalina Street and Wilshire Boulevard. The Project will advance numerous objectives and policies contained in the Wilshire Community Plan, including:

#### ***Residential Policies and Objectives:***

*Objective 1-2. Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus routes.*

*Policy 1-2.1 Encourage higher density residential uses near major public transportation centers.*

*Policy 1.4-3 Encourage multiple family residential and mixed use development in commercial zones.*

*Commercial Policies and Objectives*

*Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.*

*Policy 2-1.1: New commercial uses should be located in existing established commercial areas or shopping centers.*

*Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

*Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.*

*Policy 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.*

*Policy 2-2.3 Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*

*Objective 2-3: Enhance the visual appearance and appeal of commercial districts.*

*Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.*

The Project is a six-story apartment hotel located on Catalina Street between Wilshire Boulevard and 6th Street, three blocks west of Vermont Avenue. It will contain 75 guest rooms and seven apartment residential units, with a ground floor restaurant. The Project provides hotel and residential units in close proximity to existing jobs and services. The Project will be located within three blocks from an existing Metro subway station and just north of a major transportation corridor that provides substantial public transit opportunities and facilities.

The Project site is located within the Wilshire Center Regional Commercial Center. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, both high-rise and low-rise apartment buildings, as well as the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. Accordingly, this Regional Center area is a proper location for hotel development, because it is a focal point of regional interests, commercial stores, other places of entertainment, cultural facilities and government offices. Therefore, the proposed hotel project is appropriate for this area.

The Wilshire Community Plan encourages mixed-use developments in regional and community commercial centers. The Wilshire Community Plan Objective 2-1 encourages the City to preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. These diverse uses support balanced community development and create increased interest for a variety of visitors who come to the area.

2. **Zone Change Findings.** Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action to rezone the property from P-2 and CR-2 to C2-2

is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed project is a new six-story apartment hotel with 75 guest rooms and seven apartment units, located on Catalina Street, three blocks west of Vermont Avenue, in the Koreatown neighborhood of the Wilshire Community Plan. The development includes 1,564 square feet of retail/restaurant space on the ground floor, a 1,285-square foot fitness center, and 84 on-site parking spaces in one at-grade and one subterranean level. The site consists of three contiguous lots situated on the west side of Catalina Street between 6<sup>th</sup> Street to the north and Wilshire Boulevard to the south, all of which are currently improved as a 97-space paved surface parking lot. The site is approximately 24,350 square feet and the total project size is 102,099 square feet. The site is zoned P-2 and CR-2 with a General Plan land use classification of Regional Center Commercial. The applicant has requested a Zone Change to C2-2, which would allow for a consistent zoning designation for the entire site.

The proposed Zone Change would lead to a development that would be deemed consistent with public necessity, convenience, general welfare and good zoning practice. The Wilshire Community Plan designates the Project site for Regional Center Commercial uses, which corresponds to the CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5 Zones. The recommended zone change to (T)(Q)C2-2 is consistent with the General Plan Land Use Designation of Regional Center Commercial, as the C2 zone is one of the corresponding zones. For the C2 zone, the Height District 2 allows unlimited height. The proposed project will be built to a height of 75 feet and an FAR of 4.2.

Mixed-use development is also permitted by-right in commercial areas Citywide, and, therefore the proposed project and the proposed zone change is not only consistent with the existing planned land use but also the surrounding land use development pattern. Additionally, the Wilshire Community Plan supports applicable commercially zoned portions of the Wilshire Center (Commercial areas within the area bounded by 6<sup>th</sup> Street, Vermont Avenue, 8th Street, and Western Avenue) as mixed-use boulevards and districts. The block in which the site is located currently has a mix of higher density residential and commercial uses.

#### *Public Necessity*

The rezoning of the site to accommodate the conditioned project will be consistent with public necessity as it will increase both housing and hotel opportunities in the Wilshire Community of Los Angeles, in close proximity to existing jobs and services. The Project site is located within the Wilshire Center Regional Commercial Center. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, both high-rise and low-rise apartment buildings, as well as the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses.

The CR (Limited Commercial) zone expressly allows hotel uses. However, under the development regulations of the CR zone, restaurants as an accessory use are only permitted within an office building, provided that entrances to the restaurant are located inside of the building (LAMC 12.12.2.A.13). The C2 zone allows a ground floor restaurant with an outdoor eating area, such as the one proposed. In order to provide a restaurant use that is typical of other hotel restaurants in this area, it is necessary to have the provisions of the C2 zone, which allow for the proposed layout and desired operations hours. Thus, a zone change to C2 has been proposed. As conditioned, the design of the Project will

enhance the neighborhood and will contribute to the activity of the Wilshire commercial corridor.

#### *Convenience*

The objectives of the Wilshire Community Plan include providing adequate land for new multiple family residential units and strengthening existing commercial areas and designing new development to be compatible with adjacent residential neighborhoods. Changing the existing zone to the C2 zone will allow for the development of a ground floor restaurant and hotel mixed use project that complements adjacent neighborhoods. The increase in the number of hotel rooms in this Regional Center Commercial area will encourage the viability of the Wilshire Boulevard corridor. The Public Convenience is also served by centrally locating employment and hotel opportunities in one of the City's Regional Centers.

The development of mixed use projects reduces reliance on the car by locating housing near job centers and shopping destinations. The Project will be located within a half mile from an existing Metro subway station and just north of a major transportation corridor that provides substantial public transit opportunities and facilities. The site is located near many office, retail and restaurant uses. These opportunities increase pedestrian activity, which in turn benefits local businesses and neighborhoods.

#### *General Welfare*

The proposed project will promote general welfare of the community by the following:

- Help meet local housing and job needs
- Enhance the sense of community in the area by providing a unique hotel and restaurant use, near substantial public transit opportunities and facilities
- Revitalize an under-utilized site

#### *Good Zoning Practice*

The requested Zone Change from P-2 and CR-2 to C2-2 is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent with good zoning practice because it will provide for development of a mixed use project that complements both the commercial and residential character of the area. As requested, this zone change would allow for consistent zoning across the site, which is currently zoned CR and P, allowing for better overall site design. The density and project size, with the 4.2:1 FAR, is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed Zone Change will enhance the pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the surrounding area. This would enable the Project to help bring critical investment to the Koreatown area, contributing to an economic environment that fosters entertainment-related uses, increased pedestrian activity, and jobs. The Project represents the creative re-use of an existing, underutilized site, near a major transit corridor.

The proposed Zone Change is consistent with the surrounding uses and development pattern. The surrounding zoning consists of C2-2, CR-2, C4-2 and R5-2. The area is characterized by a mix of multi-family residential and commercial uses. North of the Project site is a 4-story office building zoned C2-2. South of the Project site is an 11-story commercial building zoned C4-2. To the rear of the Project site (west) on Kenmore Avenue is a 6-story apartment complex zoned CR-2. Across from the Project site on Catalina Street is a 2-story apartment building zoned R5-2.

3. **Zoning Administrator Adjustment Findings – Reduced Side Yard and Rear Yard Setbacks.** The applicant is requesting Zoning Administrator Adjustments from Sections 12.14. C and 12.11.C of the LAMC, to permit reduced northerly and southerly side yard

setbacks and rear yard setbacks for the residential portion of the building in lieu of the required 9-foot side yards and 18-foot rear yard.

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

The property is proposed for zoning to C2, which does not require side and rear yards for buildings that are used exclusively for commercial purposes. However, the regulations of the C2 Zone require that portions of buildings used for residential purposes conform to the requirements for side and rear yards of the R4 zone at the first story used in whole or in part for residential purposes. The LAMC Section 12.03 defines Hotel as "a residential building designated or used for or containing six or more guest rooms..." The upper residential floors are required to provide setbacks that amount to 9 feet for the side yards and 18 feet for the rear yard. The Project has requested a 1'8" side yard (north side), a 6'8" side yard (south side) and a 1 foot rear yard in lieu of the required yards.

The general purpose of the regulations is to provide reasonable setbacks to allow adequate exposure to light and air for residents within a residential development. Adequate light and air are provided for residents at the residential levels, and commercial setbacks consistent with the properties surrounding the site are provided at the non-residential level. Adequate light and air are maintained for the residential property to the rear (westerly) through the design, with a second-level garden open to the sky. The reduced side yard setbacks are adjacent to commercial buildings.

- b. *In light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.*

The Project site is located in a Commercial Zone. The LAMC allows mixed-use developments in the requested C2 Zone. Given the nature of the surrounding developments, granting an adjustment to allow reduced side yards and rear yard conforms with the intent of these regulations. North of the Project site is a 4-story office building zoned C2-2. South of the Project site is an 11-story commercial building zoned C4-2. To the rear of the Project site (west) on Kenmore Avenue is a 6-story apartment complex zoned CR-2.

Since the Project site is located in a commercial area where many properties have reduced setbacks, granting this adjustment to allow for reduced side and rear yard setbacks for the residential portion of the building is consistent and compatible with the surrounding properties in this commercial area, and thus does not create any adverse impact on adjoining or neighboring properties.

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

The general purpose of zoning regulations is to provide reasonable setbacks to allow adequate exposure to light and air for residents within a residential

development. The requested reduction in the side and rear yard setbacks is consistent with the residential and non-residential needs for the various uses. Adequate light and air are provided for residents at the residential levels, and commercial setbacks consistent with the property's surroundings are provided at the non-residential levels. The Planning and Zoning Code of the City allows mixed-use developments in the requested C2 Zone. This type of development is consistent with the objectives and policies of the Wilshire Community Plan. Given the nature of the surrounding development, granting an adjustment to allow reduced side yards and rear yard setback conforms with the intent of the General Plan, Wilshire Community Plan and Zoning Code of the City.

**4. Zoning Administrator Adjustment Findings – Reduced Loading Space Height.** The applicant is requesting a Zoning Administrator Adjustment from following: Section 12.21 C.6. (b), to permit a loading space height of 11 feet and 6 inches in lieu of the required minimum height of 14 feet;

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

The LAMC required loading space height on this particular site cannot be efficiently provided due to the sloping topography and subterranean easement whereby the MTA subway bisects the property and restricts development from substantial subterranean development. The loading space is provided in the at-grade parking area above the basement level of parking. The underground easement ultimately results in practical difficulty and unnecessary hardship to the feasibility of the Project development of providing a 14-foot high loading space. A slight decrease in the loading height will still allow the project to comply with the intent and purpose of the C2 zone and the goals and policies of the Wilshire Community Plan.

- b. *In light of the Project as a whole, including any mitigation measures imposed, the Project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.*

The LAMC required loading space height on this particular site cannot be efficiently provided due to the sloping topography and subterranean easement whereby the MTA subway bisects the property and restricts development from substantial subterranean development. The loading space is provided in the at-grade parking area above the basement level of parking. The underground easement ultimately results in practical difficulty and unnecessary hardship to the feasibility of the Project development of providing a 14-foot high loading space. Nonetheless, the requested 2.5 foot height deviation would not be detrimental to the functional operations of the proposed apartment hotel use and will not adversely affect or degrade adjacent properties or the surrounding neighborhood.

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

The proposed project is a new six-story apartment hotel with 75 guest rooms and 7 apartment units, located on Catalina Street, three blocks west of Vermont Avenue, in the Koreatown neighborhood of the Wilshire Community Plan. The site consists of three contiguous lots situated on the west side of Catalina Street between 6<sup>th</sup> Street to the north and Wilshire Boulevard to the south, all of which are currently improved as a 97-space paved surface parking lot. The development includes 1,564 square feet of restaurant space on the ground floor, a 1,285-square foot fitness center on the second floor, and 83 on-site parking spaces in one at-grade and one subterranean level. The site is approximately 24,350 square feet and the total project size is 102,099 square feet. The Project itself is consistent with the General Plan Framework Element, Transportation Element, Housing Element, and Wilshire Community Plan.

The Wilshire Community Plan includes several objectives and policies which promote distinctive pedestrian-oriented areas, encourage the improvement of streetscape identity and character, and encourage pedestrian-oriented design and this project is consistent with these objectives and policies. The Wilshire Community Plan designates the site as Regional Center Commercial and the proposed use is compatible with the intended use of the Plan. It provides a regional attraction to the Wilshire Regional Commercial Center which in turn enhances the competitiveness of the Wilshire Community. The granting of the deviation of 2.5 feet will not negatively impact the integrity of the proposed development or prevent the development from having reasonable accommodations for loading and unloading of merchandise on-site. The loading space is appropriate for an apartment hotel use of this size.

The property is not within the area of any Specific Plan but it is located within the jurisdictional boundaries of the Wilshire Center/Koreatown Redevelopment Area Plan formerly administered by the Community Redevelopment Agency (CRA/LA) and its successor in interest and is subject to review, if applicable, pursuant to the Redevelopment Area Plan. The Redevelopment Area Plan focuses on an array of goals to revitalize the Project area including encouraging economic development and new commercial projects.

5. **Conditional Use for Alcohol Permit Findings** - Pursuant to 12.24. W1 of the Municipal Code. The Applicant requests a Conditional Use to permit the sales and consumption of alcoholic beverages in conjunction with a ground floor 1,564-square foot restaurant and mini-bars in 75 hotel rooms.
- A. *The proposed location will be desirable to the public convenience or welfare.*

Section 12.24.W.1 of the LAMC allows a Conditional Use permit to be granted for the sale and dispensing of alcoholic beverages in the City's commercial and industrial zones. The proposed establishment would be located on property classified in the C2 Zone, which allow restaurant use, retail use, and hotel uses as a matter of right. The Project is located in a Regional Commercial Center, in a highly urbanized setting with a diverse mix of residential, commercial, and entertainment uses. The service of alcoholic beverages in such settings has come to be accepted as a normal and desirable (a) complement to food service in quality restaurants, (b) component of quality retail and specialty retail establishments, and (c) complement to ancillary hotel uses, which typically include various types of alcohol sales such as restaurants, cocktail lounges, room service, catering, boutique shops, and in-room mini-bars.

Since alcoholic beverage service is a common amenity with meal service, and an expected amenity for many patrons, approval of the alcohol sales for the Project will be desirable to the public convenience and welfare. The proposed hotel is in close proximity to major public transit, and the Project intends to provide a hotel in a vibrant area for street life and entertainment within a redeveloped, safe, and secure environment. Therefore, public convenience and welfare will be served by providing alcohol sales within a carefully controlled, mixed-use development and appropriate security measures will be taken.

The installation of in-room mini-bars is a common amenity for the patrons of hotels and is approved as a part of this action. The provision of the full line of alcohol mini-bar will add to the ambiance of the room. With a restaurant in the hotel, it would be common that Room Service would be one of the amenities of the hotel for its customers, and any Room Service provided by the Hotel from its restaurants is permitted to include alcoholic beverages as is common in other hotels.

Project guests and residents will have less need to travel outside the area to accomplish their dining needs, thus aiding in the relief of traffic congestion issues, as well as traffic safety. Of course, those traveling to the location will benefit from the transit service in close proximity.

*B. The proposed project is proper in relation to adjacent uses or the development of the community.*

Located within an area designated for Regional Center Commercial land use in the Wilshire Community Plan, the Project Site is within the CR-2 and P-2 zones, three blocks west of the Vermont Metro station and just north of Wilshire Boulevard. The proposed project is a new six-story apartment hotel with 75 guest rooms and 7 apartment units, located on Catalina Street, in the Koreatown area of the Wilshire Community Plan. The development includes 1,564 square feet of restaurant space on the ground floor, a 1,285-square foot fitness center, and 84 on-site parking spaces in one at-grade and one subterranean level.

The proposed restaurant that would sell alcohol is suitable for the location and will be in proper relation to the immediate area surrounding the Project Site, which is a mix of office buildings and residential uses. The request for on-site alcohol sales and consumption will be compatible not only with the surrounding uses, but also the Project. It will provide a place for hotel guests and visitors, residents, general area shoppers and visitors, and office workers to eat and drink, contributing to the continued and increasing vitality of the neighborhood. Alcohol sales are complementary to these various uses, have come to be expected, and contribute to the popularity of the establishments and locations. Additionally, the Project's hotel room mini-bars are typical of this type of boutique hotel, wherein many patrons are likely to stay for an extended period of time.

The proposed zone change from P-1 and CR-1 to C2-1 would provide a more cohesive pattern of zoning that already exists along this portion of Catalina Street. The Project site consists of 97 surface parking spaces. The change to a hotel use is appropriate in relation to the adjacent uses and will provide a service that is beneficial to the tourist industry and businesses in the community. The proposed hotel is located within the Regional Center Commercial land use designation and the building height and arrangement is consistent with the surrounding development as defined in the General Plan Framework Element. As the Project is located adjacent to Wilshire Boulevard, a designated Major Highway, the proposed use is in accordance with Wilshire Community

Plan goals to increase development that encourages pedestrian-oriented activity within established commercial centers that is accessible by public transit.

While there are incompatible uses, such as schools, churches and parks, within 1,000 feet of the Project, the alcohol sales are incidental to the food service provided by the hotel restaurant and permitting alcohol sales on the Project Site will not be detrimental to the development of the community. Vehicular access into the parking structure will be provided via a driveway off Catalina Street (with a valet pick-up and drop-off) and with self-parking. Pedestrian access will be provided via a lobby entrance and an entrance off Catalina Street. The restaurant will be positioned around an outdoor dining/patio area connected to the restaurant on Catalina Street that would activate the street. Further, the Project Site is easily accessible for various forms of public transit.

A Plan Approval for the establishment is required, pursuant to Condition of Approval 1 to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in: a) a proposed ground-floor restaurant; and b) in-room alcohol access cabinets (mini-bars) accessory to the 75 hotel rooms.

*C. The proposed project will not be materially detrimental to the character of development in the immediate neighborhood.*

Alcohol sales will not be detrimental to the character of development in the immediate neighborhood. The hotel and the opening of the restaurant with alcohol sales will add an additional sit down, low turnover restaurant to the area. The provision of alcohol in in-room mini-bars will also not be detrimental to the immediate neighborhood. The provision of mini-bars is common in most hotels in the central Los Angeles area, and the Project would be putting itself in a competitive disadvantage if it could not provide such a service.

The Project is envisioned to provide convenient access to goods and services for visitors, as well as people who live and work in the area. The hotel and restaurant will add vitality to a currently underutilized property. The permits for alcohol will enhance the character of development in the surrounding neighborhood by providing a high-quality, mixed-use development with incidental alcohol sales located near many public transit opportunities.

A number of Conditions of Approval are included in this report, to ensure that the establishment will not be materially detrimental to the character of development in the immediate neighborhood. Conditions of Approval cover safety, security, hours of operation, design, cleanliness, with specific limitations for onsite and offsite sales. To ensure that the establishment is evaluated based on character and circumstances so as to not be materially detrimental to the immediate neighborhood, it will be required to undergo a Plan Approval, as required in Condition of Approval 1. This process allows for a comprehensive review with input from the tenant, the Police Department, the Fire Department, the Council office, and other interested parties. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, can be addressed and assured through the imposition of establishment-specific conditions.

*D. The proposed project will be in harmony with the various elements and objectives of the General Plan.*

Alcohol sales at this location will be in harmony with the various elements and objectives of the General Plan. Located within the Wilshire Community Plan area, the Project Site is designated for Regional Center Commercial land use, with corresponding zoning classification of C2-2. The proposed alcohol sales establishment is permitted in the Commercial zone with Conditional Use permits, as requested. The Community Plan seeks to “encourage strong and competitive commercial sectors which promote economic vitality...” (page III-9).

The Wilshire Center Regional Commercial Center is approximately 100 acres in size. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high-rise and low-rise apartment buildings. The Regional Commercial Center includes Wilshire Boulevard in the eastern central portion of the Plan Area and is generally bounded by 3<sup>rd</sup> Street on the north, 8th Street on the south, Hoover Street on the east, and Wilton Place on the west. The Regional Commercial Center includes the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. Wilshire Center is designated in both the General Plan Framework Element and on the Community Plan Land Use Diagram as a Regional Commercial Center. Additionally, the Plan supports applicable commercially zoned portions of the Wilshire Center (Commercial areas within the area bounded by 6<sup>th</sup> Street, Vermont Avenue, 8th Street, and Western Avenue) as mixed-use boulevards and districts.

The Wilshire Community Plan supports the area as a mixed-use district (page III-9) and aims to encourage well planned and integrated mixed use developments in designated commercial areas which have the potential to benefit from pedestrian oriented development. In addition, the proposed Conditional Uses will be consistent with a number of specific objectives and policies contained in the Community Plan. The request for alcohol at the Project Site will be consistent with this goal through the creation of a mix of retail uses that would attract a variety of users

*Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas*

*Policy 2-1.1: New commercial uses should be located in existing established commercial areas or shopping centers.*

*Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

*Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.*

*Policy 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.*

*Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*

*Objective 2-3: Enhance the visual appearance and appeal of commercial districts.*

*Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.*

**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.*

Alcohol sales are a key component of the proposed Project and will allow the hotel and restaurant to be competitive with similar uses in the neighborhood and the City's other Regional Centers. Furthermore, the Conditional Uses will permit the proposed hotel mini-bars, which are standard amenities in competitive boutique and extended stay hotels.

The proposed Project is located in a highly urbanized setting with a diverse mix of residential, commercial, business and entertainment uses. The service of alcoholic beverages in such a setting has come to be normal and desirable and will be a key element to attracting high-profile office and retail tenants consistent with other tenants in the Wilshire Center. The request will provide for better activation of the street frontage which will not degrade any adjacent properties but in fact will enhance pedestrian activity and streetscape.

The Framework Element of the General Plan encourages development that "accommodate[s] a broad range of uses that serve the needs of adjacent residents, promote[s] neighborhood and community activity...and are...desirable places in which to...work and visit, both in daytime and nighttime." Alcohol consumption can simply offer another option for a wide range of activities on the site and as a leisure pursuit can cultivate community activity.

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

*Objective 7.3: Maintain and enhance the existing businesses in the city.*

*Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs.*

The above objectives seek to concentrate commercial development in existing commercial corridors and in areas that are able to support such development which are in close proximity to rail and bus transit stations. The construction of a new 75-guest room hotel, 7 apartment units and a ground floor restaurant café can help sustain economic growth and maintain a viable retail base in the city, on a site that currently contains 97 parking spaces in underutilized surface parking areas. The development of sites and structures integrating housing with commercial uses is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. Regional centers, typically, provide a significant number of jobs.

#### **Additional Findings for Alcohol Permits.**

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

The sale of alcoholic beverages will not adversely affect the economic welfare of the community. The establishment serving alcoholic beverages will be a part of a carefully controlled hotel development. When a tenant is identified for the restaurant space, the establishment will be required to apply for a Plan Approval, as Conditioned in Condition

of Approval 1. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of establishment-specific conditions in addition to the Conditions required as part of this grant. This will allow for further evaluation and measures to ensure that the establishment will not adversely affect the welfare of the community.

The area surrounding the Project Site is a mix of office and residential buildings. The request for on-site alcohol sales will be compatible with the surrounding uses, providing a place for residents, hotel guests and visitors, general Koreatown visitors, shoppers, and office workers to eat, drink, socialize, and shop, contributing to the continued economic vitality of the neighborhood. Alcoholic beverage service is an expected amenity with high-end meal service for many patrons, as is the availability of room service and mini-bars in hotel guest rooms. Approval of the Conditional Use will contribute to the success and vitality of the proposed Project, and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of desirable dining for hotel patrons. The Project location is easily accessible in that it is built nearby to an existing subway station with connections to downtown and greater Los Angeles. Finally, the establishment will benefit the City through generation of additional sales tax revenue, and business license and other fees, and by providing additional short-term and long-term employment opportunities.

- F. *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 local Department of Alcoholic Beverage Control office, in Census Tract No. 2121.01 within which the Project is located, the maximum number of on-site licenses permitted is 2, with 14 existing, and the maximum number of off-site licenses permitted is 1, with 3 existing. The number of permitted licenses is based on the population of the census tract, and in the most recent census update (2010) the population was reported to be 2,507 residents. Therefore, the proposed alcohol-serving establishments will result in an overconcentration of alcohol establishments in the area. However, the subject site is within a Regional Center land use designation where a concentration of licenses is anticipated given the range of uses permitted and encouraged within a Center. The establishment will be located within one self-contained complex and monitored as part of the hotel's security and operational oversight.

While this may appear to be an overconcentration of licenses due to the raw numbers, it should be pointed out that the ABC criteria do not take into account that this is a Regional Center in which restaurants with alcohol service are an expected amenity. The ABC also recognizes that high activity entertainment, retail, government and commercial centers, such as within the Wilshire Regional Center, are supported by a significant visitor/employee population in addition to the resident population base. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. This is reflected in the licensing statistics noted above. Within this urban

context, the proposed establishments, permitted to sell and dispense a full line of alcoholic beverages, will be consistent with the character of development in the area. Therefore, it can be reasonably assured that the economic welfare of the community will not be adversely impacted.

A review of the alcohol establishments within 1,000 feet of the Project Site shows that there are 38 establishments: 36 with on-site only sales, and 2 with off-site only sales. According to crime statistics from the Los Angeles Police Department, a total of 162 Part II Crimes (Arrests) were reported during 2013 within Reporting District No. 2027, which has jurisdiction over the subject property. This is more than the 99 reported Part II offences on average, per district City-wide.

Part II Crimes that are related to alcohol consumption include; Drunkenness (18), Disorderly Conduct (0), and DWI related (34). Although these related arrests (52 total) comprise about 32 percent of the total Part II Crimes reported (162) for Reporting District No. 2027, approval of the Conditional Use will not likely contribute to a substantial increase in these types of offences. The Approval of the Conditional Use request will allow for the sale of alcoholic beverages incidental to the hotel use, which is of importance to the successful operation of the hotel and the ability to attract and cater to its desired clientele. Since the restaurant will be part of a carefully controlled, high-quality development, the service of alcoholic beverages will enhance the quality of the Project Site and surrounding area.

Furthermore, to ensure that the Project will not create detrimental impacts on the surrounding area, the specific details of the establishment will be reviewed pursuant to a Plan Approval, as Conditioned above in Condition of Approval 1. This will allow for a comprehensive review with input from the prospective tenant, the Los Angeles Police Department, the Los Angeles Fire Department, and the City Council office. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of site-specific conditions. This extra protection will ensure that no adverse impacts could result due to on- and off-site alcohol sales and consumption.

- G. *The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration of 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 restaurant will be incorporated into the hotel building and separated from nearby residential uses by distance and physical development. The site itself is located across the street from the R5 Zone. However, the area contains a mix of commercial, office, residential, hotel and surface parking uses. Because the R5 Zone in the Wilshire Community Plan is a corresponding zone in the Regional Center Commercial Land Use designation, the provision of restaurants and hotels nearby these zones are expected within the Community Plan. The Regional Center Commercial land use category encourages commercial uses, including hotels and higher density residential uses. However, alcohol is only permitted through a Conditional Use permit.

The nearest park to the site is Robert F. Kennedy Inspirational Park in the 3300 block of Wilshire Boulevard. Also included in the immediate area of the site are a number of churches and schools. This grant has placed numerous conditions on the proposed project to minimize potential impacts and possible nuisances for the surrounding area.

The Conditions placed on the restaurant alcohol use will make the operator accountable to the sensitive uses within the area. The sale of alcohol in the mini-bars of the individual hotel guest rooms is appropriate in that it is convenient for hotel patrons, consistent with the operation of numerous other hotels in the area which are permitted to sell and dispense of alcoholic beverages in mini-bars in their guest rooms and is not an unusual request in association with this type of use. Therefore, it can be concluded that the proposed use, conducted in full compliance with the Conditions of approval, will not detrimentally affect nearby sensitive uses.

The Project will not be detrimental to the character of development in the immediate neighborhood. Although there are no single family homes there are residentially-zoned communities within a 600-foot radius of the Project Site, including 21 multi-family residential uses, and three condominium developments. There are three churches and 11 schools within a 600-foot radius of the Project Site. However, no detrimental effects should be expected from the Project.

The sale of alcoholic beverages is of importance to operators of restaurants to attract and cater to their clientele. The establishment will be part of a high-quality, mixed-use development and all alcohol service will be within a carefully controlled environment served by responsible operators. Conditions of Approval 1 through 23 ensure that.

#### **Additional Information Required by Planning Department Form CP-7773**

- *What are the proposed hours of operation and which days of the week will the establishment be open? What are the proposed hours of alcohol sales?*

Although a specific tenant has not yet been identified, the hours of operation for the restaurant are expected to be during normal business hours with the exception of room service. The hotel will be open 24 hours a day, seven days a week. The sale of alcohol would be limited to the hours of 8:00 a.m. to 2:00 a.m. through restrictions placed in the Conditional Use.

- *What is the occupancy load as determined by the Fire Department (number of patrons)? What is the proposed seating in all areas?*

This information is unknown at this time, but will be known when the individual establishments return for Plan Approvals as Conditioned in Condition 1. Furthermore, the establishment seeking approval to sell and dispense alcoholic beverages will not exceed the maximum occupancy loads as determined by the Department of Building and Safety and the Fire Department during the Plan Approval process.

- *Is parking available on the site? If so, how many spaces? If spaces are not available on the site, have arrangements been made for off-site parking by lease or covenant? Where? How many off-site spaces?*

The Project will be constructed over one level of ground level parking and one level of subterranean parking containing approximately 84 parking spaces. Further, the Project is in close proximity to public transit, which will encourage patrons to visit the Project Site without the use of their vehicles.

- *Is there to be entertainment such as a piano bar, juke box, dancing, live entertainment, movies, etc? (Specify?) (On-site only).*

No such uses are to be provided.

- *Is a full line of alcoholic beverages to be served or just beer and wine?*

The sale and dispensing of a full line of alcoholic beverages is requested at the establishment that would be permitted under the Conditional Use.

- *Will cups, glasses, or other similar containers be sold which might be used for the consumption of liquor on the premises?*

No cups, glasses, or other containers will be sold. The consumption of alcoholic beverages in such containers is restricted to the designated eating area.

- *If a cocktail lounge is to be maintained incidental to a restaurant, the required floor plans must show details of the cocktail lounge and the separation between the dining and lounge facilities. (On-site only).*

No cocktail lounge is proposed for the restaurant use.

- *Has the owner or lessee of the subject property been suspended from the sale of alcoholic beverages on the subject property or fined by the Alcoholic Beverage Control Department (ABC) in the last 365 days and if so, for what reasons?*

No.

- *Will video game machines be available for use on the subject property and if so, how many such machines will be in use?*

No.

- *Will you have signs visible on the outside which advertise the availability of alcohol?*

No.

- *Will alcohol be sold without a food order? Will there be a kitchen on the site as defined in Section 12.03 of the Los Angeles Municipal Code?*

Alcohol will be served in conjunction with a food order in the restaurant. The restaurant will have a kitchen on site.

- *Will beer or wine coolers be sold in single cans or will wine be sold in containers less than 1 liter (750 ml)?*

No.

- *Will "fortified" wine (greater than 16% alcohol) be sold?*

The restaurant may choose to serve and sell wine products with greater than 16 percent alcohol, such as dessert wines, cognacs, and brandies.

- *Will off-site sales of alcohol as a secondary use to on-site sales occur (i.e., take out)?*

No.

- *Will discount alcoholic drinks or a "Happy Hour" be offered at any time?*

No.

- *Will security guards be provided and if so, when and how many?*

Security guards may be provided within the Project; however, a comprehensive security plan has not yet been determined. Once the operators are identified, security plans will be formulated with input from the Los Angeles Police Department during the Plan Approval process, as Conditioned in Condition of Approval 1.

- *Will alcohol be allowed to be consumed on any adjacent property under the control of the applicant?*

No.

- *Will the gross sale of alcohol exceed the gross sale of food items on a quarterly basis?*

It is not anticipated that the restaurant will have alcohol sales that will exceed the sale of food items.

- *Provide a copy of the proposed menu if food is to be served.*

A menu is not yet available as a specific tenant is not known at this time.

- *How many employees will you have on the site at any given time?*

The exact number of employees is not known at this time.

- *What security measures will be taken including: (a) posting of rules and regulations on the premises; (b) to prevent such problems as gambling, loitering, theft, vandalism, and truancy; (c) will security guards be provided and if so, when and how many?; (d) other measures.*

The Project will post rules and regulations on the premises as may be required by the Los Angeles Police Department, the Los Angeles Fire Department, the California Department of Alcoholic Beverage Control, and/or as a result of the Conditional Use requests. The individual restaurant operator may have an operation plan to address these concerns, as well as have employees trained in alcohol awareness issues. A comprehensive security plan has yet to be determined.

- *Will there be minimum age requirements for patrons? If so, how will this be enforced?*

For the restaurant use, there are no minimum age requirements. Minors must be accompanied by an adult over the age of 21. Hotel staff will ask for identification in the situation of suspected underage and unsupervised patrons. Signs will be posted and employees will be trained to check identification consistent with State law.

- *Are there any schools (public or private and including nursery schools), churches, or parks within 1,000 feet of your proposed business? Where?*

There are schools, churches and parks located within 1,000 feet of the proposed project. These are listed on Exhibit D.

- *For massage parlor or sexual encounter establishment applicants: are there any other adult entertainment businesses within 1,000 feet of your proposed establishment (i.e., adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theatre, adult theatre)?*

This request does not involve a massage parlor or sexual encounter establishment.

- *For off-site sales, where will the alcohol be stored and displayed (indicate on floor plan)?*

This request does not involve off-site sales of alcohol.

- *Issuance of a new license to sell alcoholic beverages would serve the public convenience and necessity (as required by California Business and Professions Code Sections 23958 and 23958.4).*

The service of alcoholic beverages is an essential component to establishing a vibrant, energized, pedestrian-friendly atmosphere, consistent with the Project Site's designation as a Regional Center. Allowing the sale of alcohol at the Project Site will advance the public convenience and necessity by servicing the demand for alcoholic sales consistent with the Project.

Alcohol sales are not expected to create law enforcement problems at the Project Site. As part of the Project's security plan, security officers may be stationed at key locations within the Project Site to preserve the safety of the Project's residents, tenants, and visitor. The Project would provide high quality jobs in proximity to vibrant restaurant and retail uses. Therefore, the sale of alcoholic beverages at the Site is not expected to create the type of crime problem California Business & Professions Code Sections 23958 and 23958.4 seek to prevent.

## **6. Site Plan Review Findings**

The applicant is requesting a Site Plan Review for a project which results in an increase of 50 or more residential units.

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

The proposed project is a new six-story (75 feet) apartment hotel with 82 units, including 75 hotel guest rooms and 7 apartment units. The development includes a 1,564-square foot restaurant on the ground floor, a 1,285-square foot fitness center on the second floor, and 83 on-site parking spaces in one at-grade and one subterranean level. The site consists of three contiguous lots situated on the west side of Catalina Street between 6<sup>th</sup> Street to the north and Wilshire Boulevard to the south, all of which are currently improved as a 97-space paved surface parking lot. The site is approximately 24,350 square feet and the total project size is 102,099 square feet. The site is zoned P-2 and CR-2 with a General Plan land use classification of Regional Center Commercial.

The Project is located within the Wilshire Community Plan area, which designates the Project site for Regional Center Commercial use. The Regional Center Commercial land use category corresponds to the CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5 Zones. The recommended zone change to (T)(Q)C2-2 is consistent with the General Plan Land Use Designation of Regional Center Commercial, as the C2 zone is one of the corresponding zones. For the C2 zone, the Height District 2 allows unlimited height. The proposed project will be built to a height of 75 feet and an FAR of 4.2.

The Project site is located within the Wilshire Center Regional Commercial Center, which is described as “a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high and low-rise apartment buildings.” This Center also includes the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. These diverse uses support balanced community development and create increased interest for a variety of visitors who come to the area. Therefore, the proposed hotel project is appropriate for this area.

One of the long-term goals of the General Plan is to encourage commercial development within designated Regional Centers and the proposed project as it relates to use, design, size and height is consistent with the plan’s vision for these areas. As such, the Framework Element of the General Plan encourages development that “accommodate[s] a broad range of uses that serve the needs of adjacent residents, promote[s] neighborhood and community activity...and are...desirable places in which to...work and visit, both in daytime and nighttime.” The Project furthers several General Plan objectives, including encouraging infill projects and locating new development near public transit and shopping, services and employment. The Project represents the creative re-use of an existing, underutilized site, near a major transit corridor.

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

As detailed above, in the General Plan Text Findings section, the proposed project as conditioned is in compliance with the Land Use Chapter and Economic Development Chapter of the General Plan Framework; the Transportation Element; the Housing Element; and the Land Use Element–Wilshire Community Plan. The site is not located within a Specific Plan.

The Wilshire Community Plan includes several objectives and policies that promote distinctive pedestrian-oriented areas, encourage the improvement of streetscape identity and character, and encourage pedestrian-oriented design and this project is consistent with these objectives and policies. The intent of mixed use development is to provide housing in close proximity to jobs and services, to reduce vehicular trips, traffic congestion and air pollution, and to stimulate vibrancy and activity in pedestrian-oriented areas. The proposed

project will consist of a development that is complementary to the neighborhood. These policies encourage established commercial sectors to promote economic vitality while serving the needs of the Wilshire Community.

The Project is consistent with many of the Urban Design Policies for individual projects in the Wilshire Community Plan that are intended to ensure that new projects are compatible with existing and future development on neighboring properties.

**Commercial Areas - Site Planning:** Structures shall be oriented toward the main commercial street where a parcel is located and avoid pedestrian/vehicular conflicts by:

- 1) *Provide front pedestrian entrances for businesses which front on main commercial streets, with building facades and uses designed to promote customer interest, such as outdoor restaurants and inviting public way extensions.*

The commercial portion of the proposed project locates a restaurant at street level on Catalina Street, with an entrance from the restaurant patio and another one from the hotel lobby. The proposed building enhances the pedestrian realm through the use of transparency in storefronts and entryways. The majority of the ground floor is transparent and proposed for lobby area, common area and restaurant uses. As designed, the hotel entrance is accessed from a direct lobby entrance as well as from the restaurant. As conditioned, the pedestrian entrances shall remain accessible during business hours.

- 2) *Prohibit driveway openings, or garage or parking lot entries in exterior frontage walls of buildings, or between frontage buildings, unless the Los Angeles Department of Transportation determines that driveways cannot be practically placed elsewhere.*

Two driveways are proposed along the frontage street. The northerly driveway accesses the basement level while the southerly driveway accesses the ground level. The participant architects of the Professional Volunteer Program (PVP) recommended the elimination of one driveway. However, the applicant has stated that this would create the need for another ramp to allow access to the basement level, which would structurally limit circulation between the ground level and the basement parking. The intent is to preserve the pedestrian character of the façade, and the two driveways comprise more than one-third (roughly 38 percent) of the Catalina Street frontage. Therefore, the Project has been conditioned to provide one driveway.

- 3) *Encourage pedestrian-only walkway openings, or entries (require at least one ground floor pedestrian entry), in exterior frontage walls of buildings, or between frontage buildings to plazas or courtyards with outdoor dining, seating, water features, kiosks, paseos, open air vending, or craft display areas.*

Pedestrian access to the hotel lobby is provided from the entrance driveway. The Project will be conditioned to provide enhanced paving treatment to create a safety buffer between the driveway area and the pedestrian entrance to the hotel and restaurant patio.

Pedestrian walkways are provided to allow access to and from the subterranean parking area of the Project to the hotel and residential units. Clearly marked pedestrian access-ways are also integrated into the Project area and connect to the commercial area.

- 4) *Provide underground new utility service, including Internet services. Screen all mechanical and electrical equipment from public view. Screen all rooftop equipment and building appurtenances from public view. Require the enclosure of trash areas behind buildings for all projects.*

New utilities will be provided as required by individual service providers and current regulations. All mechanical and electrical equipment, as well as rooftop equipment and building appurtenances, will be screened from public view. The trash area, as well as the loading area, will be located within the building and accessed from the driveway entrance on Catalina Street.

#### **Commercial Areas - Pedestrian-oriented, Building Height, and Design**

- 5) *For building frontages, require the use of offset building masses, recessed pedestrian entries, articulations, and surface perforations, or porticoes. Also require transparent windows (non-reflective, non-tinted glass for maximum visibility from sidewalks into building interiors). Also require recessed doors, entryways or courtyards, decorative planters, pedestrian scale murals or public art, mosaic tiles, or other means of creating visual interest, to break up long, flat building facades and free-standing blank walls greater than ten feet wide.*

To engage the street, the front façade along Catalina Street includes architectural façade elements constructed from stone veneer, fixed glazing, exterior plaster and corrugated metal panels. Along the primary frontage of the building, there are large rectangular aluminum frame elements that create the primary articulation on the façade. The ground floor level along Catalina Street has stone veneer at the base of the building to help anchor the building to the site visually. At the street level the Project proposes a combination of street trees and terraced landscaping around the patio.

- 6) *Require each new building to have a pedestrian-oriented ground floor, and maximize the building area devoted to ground level display windows and display cases, store front glass, doors, windows and other transparent elements on front facades to afford pedestrian views into retail, office, and lobby space, and those building surfaces facing rear parking areas.*

The pedestrian nature of the neighborhood and proximity to public transit make it an ideal location for a mixed-use building with a ground

floor restaurant component. The restaurant space and lobby are treated with transparent glass windows and doors. For the front façade facing Catalina Street, the combination of glass and storefront glazing, stone veneer, exaggerated aluminum frame windows and corrugated metal panel is intended to reflect architecturally, the recent modern developments around the Koreatown neighborhood. The building is articulated with stone surface on the ground floor at the base of the building to help anchor the building to the site visually.

The Project massing consists of distinct elements. The proposed mixed-use structure is approximately 75 feet in height and consists of six stories. Variations in elements and materials are utilized to break up the façades on all four sides. These architectural elements clearly define the residential levels above the ground floor. The integration of the restaurant patio terracing element creates a visually interesting environment for pedestrians along Catalina Street. The second level garden area incorporates a diverse cross section of trees, plants, and landscaping materials to create pedestrian-scale walkways and seating areas. As conditioned, removal of the second driveway would enable about 21 feet in frontage to serve pedestrians and users with additional ground floor window or restaurant/patio seating.

- 7) *Require each new building to have building frontage on the floor immediately above the ground floor to be differentiated from the ground floor by recessed windows, balconies, offset planes, awnings, or other architectural details, but on buildings with pedestrian walkway openings, require continuity of an architectural feature on the facade, to retain continuity of the building wall at the ground floor. Provide color, lighting, and surface texture accents and complementary building materials to building walls and facades, consistent with neighborhood adjacent architectural themes. Maximize the applications of architectural features and articulations to building facades.*

The building frontage draws reference to a contemporary design. This interpretation provides a differentiation between the ground floor and upper floors of the Project. Vertical elements of corrugated metal punctuated by boxed groupings of rectangular aluminum frame elements along with recessed windows create the primary articulation on the façade.

To engage the street, the front façade along Catalina Street includes architectural façade elements constructed from stone veneer, fixed glazing, exterior plaster and corrugated metal panels. The ground floor level along Catalina Street has stone veneer at the base of the building to help anchor the building to the site visually. The Project has been conditioned to incorporate non-reflective corrugated metal materials.

- 8) *Integrate landscaping within pedestrian-friendly plazas, green space, pocket parks, and other open space compliments.*

Landscaping for guests and residents is provided on the second level with a 3,375 square-foot garden hosting a diverse cross section of trees, plants, and landscaping materials to create pedestrian-scale open space in an urban setting. At the street level the Project proposes a combination of street trees and landscaping.

### Commercial Areas – Light and Glare

- 9) *Install on-site lighting along all pedestrian walkways and vehicular access ways. Retail shops shall have well-lit entries with directly accessible pedestrian access from the sidewalk, located at frequent intervals, with well-lit exterior frontages. Shield and direct on-site lighting down onto driveways and walkways, away from adjacent residential uses.*

The Project ground floor contains 1,564 square feet of commercial space that has been allocated for a restaurant with a patio. The Project has been conditioned to provide appropriate lighting at pedestrian entries, which shall be shielded from neighboring residential residents.

- c. *The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.*

The Project is consistent with many of the Urban Design Policies for individual projects in the Wilshire Community Plan that require recreational and service amenities to improve habitability for its residents. The Project is designed and conditioned to provide a pedestrian-friendly experience along Catalina Street as well as provide for open space amenities for hotel guests and residents. The Project incorporates new open space, including a second level garden of 3,375 square feet. The Project also includes a 1,285 square-foot fitness center to provide recreational and service amenities that improve habitability for guests and residents.

## 7. CEQA Findings

A Mitigated Negative Declaration (ENV-2013-0552-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

Subsequent to the end of the publication period of the MND (January 29, 2014), the applicant requested the addition of two entitlement requests. These included **Zoning Administrator's Adjustments** (LAMC Section 12.28) to permit a reduction in the side yards and rear yard of the Project. Since the Project description had changed, a Reconsideration of the MND was prepared. This Reconsideration (dated May 2, 2014), states that the Department of City Planning has determined that the previously issued Mitigated Negative Declaration (ENV-2013-

552-MND) addresses all potential environmental impacts of the revised project and therefore, no new impacts were identified as a result of the Project revision. In addition, no additional mitigation measures are required. As this revised project represents the same project, recirculation of the previously issued MND is not required.

## PUBLIC HEARING AND COMMUNICATIONS

A Public Hearing was held at Los Angeles City Hall, 200 North Spring Street, 10<sup>th</sup> Floor, Room 1020, Los Angeles, CA 90012 on Friday, February 14, 2013 at 10 a.m. One member of the public, a representative of Councilmember Herb Wesson, and the applicant/applicant's representative spoke at the Public Hearing. No opposition to the Project was expressed. Two members of the public attended the hearing.

### Summary of Public Hearing

1. The applicant's team presented the proposed project, including the design:
  - Requested a correction to item No.4 on the hearing notice Public Hearing Requested Actions: to correct "motel" to "hotel"
  - The Project has the full support of the neighborhood and Council Office (CD-10)
  - The zone change from CR (Limited Commercial) to C2 will allow the Project to achieve consistency in zoning over the project site, and have a restaurant with patio, thereby activating the public realm. The continuity of the zone change does not harm the General Plan Land Use Designation nor does it conflict with the Specific Plan.
  - The Project is surrounded by high rise buildings, thus the structure design has been pushed out as much as possible to the property line to preserve the urban streetscape.
2. A total of one member of the public spoke at the public hearing. The following comments were made:
  - One resident spoke regarding the Project. He inquired about the estimated construction time. The applicant replied that the estimated construction time would be 18 months.
3. Jordan Beroukhim, representative for Councilmember Wesson (Council District 10), spoke in support of the Project.
  - The Councilmember fully supports the Project. The zone change request is consistent with the existing uses in the area. It will create both temporary and permanent jobs. We are requesting that the applicant return for a Plan Approval of the Conditional Use for alcohol service in the hotel.

### Summary of Written Testimony

Three letters from members of the public were received. The letters opposed the Project due to loss of parking spaces, increased traffic congestion, construction noise and air pollution, the potential safety hazard for area school children walking by the Project, and potential impacts on the multi-family residential development to the rear of the site with regard to shade.