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CASE NO. ZA 2012-0520(CUB)(CUX)  
CONDITIONAL USE  
418-434 South Hill Street  
Central City Planning Area  
Zone : C2-4D  
D. M. : 129A211  
C. D. : 14  
CEQA: ENV 2012-0521-MND  
Legal Description: Lots 8 B-C, Tract No.  
1565

Pursuant to Los Angeles Municipal Code Sections 12.24-W,1, 12.24-W,18(a) and 12.24-W, 18(c) I hereby APPROVE:

a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in: a) three proposed restaurants within the existing "Hotel Clark"; b) a banquet center; c) a lobby bar and lobby areas on the ground floor; d) six portable bars used on an as-needed basis (two for the pool area and four for the banquet facility) ; and e) in-room alcohol access cabinets (mini-bars) accessory to the 348 hotel rooms in the C2-4D Zone;

a Conditional Use to permit public dancing within a hotel banquet room having live entertainment located on the second floor of the hotel and a dance floor located on the second floor pool deck with live entertainment; and

a Conditional Use to permit the maintenance and operation of a health spa with spa and massage treatment rooms as an amenity within the hotel,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to

impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning's Development Services Center, the Fire Department, and the Department of Building and Safety for purposes of having a building permit issued.
6. 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.
7. The authorization is for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with Restaurant #1, having a 5,850 square foot interior with 202 seats, located on the 2nd floor; Restaurant #2, having 3,760 square feet of interior space and 1,200 square feet of outdoor dining area, with a total of 181 seats (114 interior and 71 exterior), for a total of 4,960 square feet, located on the 2nd floor; and Restaurant #3, having 6,695 square feet of interior space with 276 seats, located on the ground floor; b) an 11,585 square-foot banquet center with 670 seats; c) an 852 square-foot lobby bar with 23 seats and lobby areas on the ground floor; d) six portable bars used on an as-needed basis (two for the pool area and four for the banquet facility) ; e) in-room alcohol access cabinets accessory to the 348 hotel rooms; all operating 24 hours daily, with alcohol sales limited from 6 a.m. to 2 a.m. daily; and a 2,357 square-foot health spa on the first floor with hours of operation from 8:00 a.m. to 11:00 p.m..
8. The authorization granted herein for the sale of alcohol, dancing, and massage is for a period of ten (10) years from the effective date of this grant. Thereafter, this authorization shall become null and void and a new entitlement to allow the sale of alcohol, dancing and massage will be required.
9. Restaurant Nos. 1,2 and 3 shall be maintained as restaurants with operational kitchens and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during operating hours.
10. Hours of alcoholic beverage sales in the restaurants, bar and the banquet operation shall be limited to 6:00 a.m. to 2:00 a.m., daily.

11. Live music and dancing is permitted in conjunction with the second floor 11,585 square-foot banquet center, and live music and dancing is permitted on the pool deck with a 350 square-foot dance floor.
12. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
13. There shall be no Adult Entertainment of any type pursuant to Section 12.70 of the Municipal Code with the exception of the health spa which may include massage treatment rooms subject to any required Police Permit.
14. The operators of the restaurants, bar and banquet service shall not require an admission or cover charge.
15. No pool or billiard table may be maintained on the premises.
16. No pay phone shall be maintained on the exterior of the property.
17. There shall be no coin-operated games or coin operated video games. Video games as a part of in-room entertainment systems are permitted.
18. The property owner shall be responsible for maintaining free of litter the area adjacent to the property.
19. Any music, sound or noise emitted from the subject businesses shall comply with the noise regulations of the Los Angeles Municipal Code (LAMC). All outside personnel associated with any live music, especially that played on the outdoor pool deck, shall be apprised of the City's noise regulations and required to comply.
20. The hotel shall always use an extensive Closed Circuit Television (CCTV) security system integrated with an alarm network, which will feed into the central security control room. This multiple camera system will provide coverage of all public interior areas, including all entrances and exists to the premises. The camera system will be activated and in use during any business activity. All data from the CCTV and alarm systems will be maintained for no less than a 30-day period. All tapes shall be made available to the Police Department upon demand. On site security staff shall monitor the cameras.
21. The business operator of each premise permitted by this action shall maintain on that premise, and present upon request to any law enforcement officer, a copy of the business permit, insurance information and a valid emergency contact phone number for any Valet service used by the business. This condition should not be construed so as to require a valet service for any premise.
22. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially noise from the roof top pool deck and that derived from patrons exiting the structure. The operator shall be responsible for crowd control from patrons entering, during and exiting banquets in the banquet center and outdoor pool area operated in conjunction with the banquet center.



23. The applicant/owner/operator and on-site managers shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal, criminal and/or nuisance activity on the subject premises and any accessory parking areas which have been made available or are commonly utilized for patron parking.
24. Patron dancing is permitted by this grant. Dancing and live entertainment, including live music, disk jockey, karaoke or a piano bar shall be permitted within the 11,585 square-foot banquet center. Dancing and live entertainment limited to either acoustic music or a disk jockey shall be permitted on the second floor pool deck's 350 square-foot dance floor and in restaurant No. 2 on the second floor. A piano bar or disk jockey may be permitted in the first floor lobby bar. Any music or recorded music shall not be audible beyond the indoor area of the hotel and live music or entertainment shall not be heard beyond the roof top of the pool deck and banquet premises.
25. Dancing shall not occur unless the applicant obtains the appropriate permit from the Police Commission as well as approval from the Central Area Vice Unit. Dancing may occur if the Police Department determines that no Police Commission permit is required.
26. The Conditions of this grant shall be retained in a conspicuous place in an office area on the premises at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator. The manager and all employees shall be knowledgeable of the Conditions herein.
27. A sign shall be located at the cashier's area or reception area of each restaurant indicating the name and phone number of a responsible person to be contacted in the event the operation of the facility is causing concerns or problems to the surrounding neighborhood. The phone number shall connect directly to the responsible person and not to an answering machine.
28. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
29. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
30. No enclosed room, other than restrooms and two private dining rooms in Restaurant No. 3 on the first floor, intended for use by patrons or customers is allowed. No enclosed customer booths shall be permitted. If booths exist and are separated by a partition and/or curtain or other opaque or semi-opaque material, said booths shall be completely open on at least one side. The doors to the dining rooms shall remain unlocked and access to wait staff and management staff shall always be permitted.

31. The operator shall meet quarterly with LAPD to discuss operational issues as well as compliance with approved conditions. At such meeting LAPD shall be provided with internal security logs of events, incidents, evictions and operational issues. In the event that the LAPD is not able to meet on a quarterly basis, it is the responsibility of the owner to provide all logs to the LAPD upon request.
32. A clearly legible and easily readable copy of these conditions shall be posted in a conspicuous location in a well-lit portion of the lobby area where it can be easily and readily read by customers and employees.
33. Adequate lighting shall be installed in all public areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible.
34. Amplified music shall not be audible beyond the outside of the premises and sound equipment shall be insulated and positioned away from walls to render vibrations and reverberations undetectable beyond the premises. Any D.J. music played on the second floor pool deck shall not be audible beyond the property lines.
35. The business operator shall maintain on the premises, and present upon request to any law enforcement officer, a copy of the Business Permit, insurance information and a valid emergency contact phone number for the security company service used by the operator.
36. The applicant or the hotel's operator shall provide a detailed security plan to be approved by LAPD as a condition of this grant. Evidence of the LAPD's approval of the security plan shall be given to the Department of City Planning's Development Services Center prior to final signoff on the Conditions of Approval.
37. Security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.
38. All security personnel shall maintain order within the premises and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. The security personnel shall, to the extent possible, encourage patrons to exit the premises quietly so as not to make disturbances on the public rights-of-way or nearby residential uses.
39. The restaurants, bar and banquet center shall implement a Designated Driver Program (i.e., free soft drinks or coffee to a designated driver of a group) which shall be submitted to the Zoning Administrator for inclusion in the file. The availability of this program shall be made known to patrons either via a two-sided card placed on all tables and service bars, and on signs printed and posted in areas where alcohol is served as well as in the public restrooms.
40. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid



Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.

41. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, and a notice shall be placed therein stating that California State law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and that no such sales will be made.
42. The project shall comply with the mitigation measures listed in the environmental clearance Mitigated Negative Declaration No. ENV-2012-0521-MND, noted below:

- a. Aesthetics (Graffiti and Debris)

The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the property owner shall be removed or painted over within 24-hours of being applied and shall be painted so as to match the color of the wall to which the graffiti was applied. In addition, 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. Cultural Resources (Designated Historic-Cultural Resource)

The project shall comply with the Secretary of the Interior's standards for any building permit for interior or exterior work on the site which is eligible to be listed on the State of California Register of Historic Resources and the National Register of Historic Places. Prior to the issuance of any permit, the project shall obtain clearance from the Historic Resources Division staff of the Department of City Planning for the proposed work. The historic character of the property shall be retained and preserved. The removal of historic material or alteration of features and spaces shall be avoided. Distinctive features, finishes and construction techniques or examples of skilled craftsmanship which characterize the historic property shall be avoided. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the feature shall match the old in design, color, texture and other visual qualities and where possible materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence. Chemical or physical treatments, such as sandblasting, that may cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

## c. Green House Gas Emissions

Only low- and non-VOC containing paints, sealants, adhesives and solvents shall be utilized in the construction of the project.

## d. Public Services (Police General)

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's Crime Prevention Section (located at Police Department Headquarters Building, 100 West 1<sup>st</sup> Street Room 250, Community Relations Division, Los Angeles, (213) 486-6000.

## e. Utilities (Solid Waste Recycling)

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.

**Condition Nos. 42 through 47 and 52 are volunteered by the applicant.**

43. Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where a clerk shall obtain the product. No self-service of alcoholic beverages shall be permitted except from the in-room alcohol access cabinets.
44. No person under the age of 21 years shall sell alcoholic beverages. No person under the age of 21 shall serve alcoholic beverages at a bar or lounge. Alcoholic beverages may be delivered to those tables only within the restaurant area, in association with food service, by wait-staff of or over the age of 18 years.
45. The sale of distilled spirits by the bottle for same day or future consumption is strictly prohibited in the bar, restaurants or banquet center. The exception to this is that such sales may occur in the in-room alcohol access cabinets or through room service to registered guests of the hotel.
46. No bottle sales for off-site consumption shall be permitted.
47. Happy Hours offering steeply discounted alcoholic beverages are prohibited. Applicant shall be allowed to offer Daily Specials during the hours of 5:30 p.m. and 7:30 p.m. in the restaurants, provided that there are no alcohol sale promotions offering 2 for 1 drinks or other substantial alcohol sale discounts. Daily Specials may include but not be limited to food or appetizers.