

## FINDINGS

### 1. 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 Koreatown neighborhood. The surrounding area 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 being located in close proximity to the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The General Commercial land use designation allows for the construction of commercial, parking, and multi-family residential uses. Development of the Project would include apartment units, guest rooms and ground floor retail, which would be consistent with the General Commercial land use designation.

### **Charter Findings - City Charter Sections 555,556 and 558 (General Plan Amendment).**

In 2001, when the Wilshire Community Plan was adopted, Regional Center Commercial Land Uses were located along the Wilshire Boulevard corridor and 7th Street. There has been a recent interest in expanding the Regional Center Commercial Land Use further south specifically down to 8th Street. The 8th Street and Western Avenue node is appropriate for development with increased FAR and density.

The area subject to the proposed General Plan Amendment is geographically unique in that it is located in the Wilshire Center, and is a node that comprises the western end of the Mixed-Use Boulevard on 8<sup>th</sup> Street. Immediately adjacent to the northeast are properties located within the Regional Center Commercial land use classification designation which 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 at a 6:1 FAR.

The proposed General Plan Amendment complies with Sections 555, 556 and 558 in that the plan amendment is consistent with numerous goals, policies and objectives of the Citywide General Plan Framework and the Wilshire Community Plan to provide adequate housing for all economic, age and ethnic segments of the community, to locate higher residential densities and encourage mixed-use development near transit stations, and to develop mixed-use projects along major boulevards. The General Plan Amendment would entail the amendment of the adopted Wilshire Community Plan's Footnote 5.1 of the Community Plan's General Plan Land Use Map to apply to the subject site. This will result in an increased FAR on a site surrounded by a mix of uses, encouraging growth within the Koreatown area. As discussed in this section regarding Charter and General Plan findings the adoption of the GPA will be in conformity with public necessity, convenience, general welfare and good zoning practice.

1. **General Plan Land Use Designation.** The Wilshire Community Plan designates the subject site as General Commercial with corresponding zones of C1.5, C2, C4, RAS3 and RAS4. 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 General Commercial land use designation will allow for the development of mixed use projects which will be consistent with the pattern of neighboring residential and commercial uses. The Zone and Height District change to (T)(Q)C2-2D 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 the subject area. The maximum FAR of 4:1 is an appropriate density, given that the site is located within the General Commercial General Plan Land Use classification. Immediately adjacent to the north are properties located within the Regional Center Commercial land use classification designation which 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 at a 6:1 FAR. In 2001, when the Wilshire Community Plan was adopted, Regional Center Commercial Land Uses were located along the Wilshire Boulevard corridor and 7th Street.

Currently, there has been an interest in expanding the Regional Center Commercial Land Use further south specifically down to 8th Street. The 8th Street and Western Avenue node is appropriate for development with increased FAR and density. In this instance, the project site, located within a designated mixed-use boulevard, will observe an increased FAR from 1.5:1 to 4:1 which is less than the 6:1 FAR allowed within the Regional Center Commercial Land Use. The south, east and west adjacent uses are designated the land uses of Regional Center Commercial Land Use and High Medium Density Residential. The scale and nature of the proposed development would be consistent with the pattern of development that has taken place in the surrounding area. 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 proposed mixed use development consisting of residential, hotel and commercial uses and observing a maximum 4:1 FAR is consistent with the building scale and existing uses in the surrounding community.

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. The project will meet this objective by providing new housing units along the 8<sup>th</sup> Street commercial corridor. 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 the removal of non-protected trees, noise, and the adaptive reuse of a building eligible for historic designation, for the surrounding community. The character of the immediate area includes a mix of commercial uses, as well as low to medium density residential, commercial and mid-rise office 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 project is the preservation of a designated historic resource and the construction of a new mixed-use development consisting of a 12-story mixed-use building and a 3-story commercial building. The project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, with 59 percent or 48 units set aside for Very Low Income Households; and 58,343 square feet of commercial floor area with retail uses, restaurants and 241 vehicle parking spaces. The project can help sustain economic growth and maintain a viable retail base in the city. The site currently contains surface parking lots, one commercial building and one parking structure which contains commercial uses. Similar to projects located in Regional Centers, the proposed project will provide a significant number of jobs. The development of sites and structures integrating mixed use is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. The mixed-use development is consistent with ongoing redevelopment efforts in the community. The Project will also enhance the Wilshire

Center/Koreatown area by providing commercial uses that specifically cater to on-site residents and the business community nearby the site. The Project supports revitalization by developing an underutilized commercial development with a use that will provide an economic and social benefit to the residential, commercial, and other types of uses located in the area. The proposed project will generate an additional influx of patrons to the area who will likely frequent the various retail and restaurant businesses along the 8<sup>th</sup> Street corridor.

### **Housing Element**

*Policy 1.1.4: Expand opportunities for residential development, particularly in designated Transit Oriented Districts along Mixed-Use Boulevards.*

*Objective 2.4: Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City.*

The Project will provide an increase in the number of housing units in an urban setting along with a limited service hotel, restaurants on the first through third levels and ground floor commercial retail uses 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 commercial uses with a development that improves the quality of the public realm with a 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 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.*

*Policy 2.2.3: Promote and facilitate a jobs/housing balance at a citywide level.*

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 Western 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.

*Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.*

*Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.*

*Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.*

*Policy 2.5.1: Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers.*

*Policy 2.5.2: Foster the development of new affordable housing units citywide and within each Community Plan Area.*

The project will provide affordable housing opportunities to very low income earning residents thereby complying with policies of the housing element relative to affordable housing production. Through the Density Bonus provisions, LAMC 12.22.A.25, the project will provide 5 percent or 4 Very Low Income units in exchange for receiving one off-menu incentive.

One (1) Requested Off-Menu Incentive- Deviation from Development Standards – Reduction of Southerly Side Yard Setback.

In conjunction with the requested General Plan Amendment, the project will provide an additional 5 percent or 4 Very Low Income units. A total of 8 affordable units restricted to Very Low Income Households for 55 years will be included in the project.

The Mayor has a goal of adding 500 new rental units annually to the city's affordable housing stock. Affordable housing is an important tool for ensuring the economic vitality of a community. Affordable housing provides housing opportunities for the local work force allowing individuals to reside in close proximity to their jobs. Shorter commutes to employment centers result in reduced traffic congestion, vehicle trips, vehicle miles travelled and negative impacts on air quality. It also ensures an equitable distribution of housing options which expands opportunities for individuals across income levels while promoting economic and social diversity.

### **Mobility Plan 2035**

Mobility Plan 2035 (an 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 Mobility Plan 2035 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 Mobility Plan 2035. 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.*

The Project advances these policies because it will be located within 1,500 feet from an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities. The development of the residential units, limited service hotel and commercial retail and restaurant uses 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 Mobility Plan 2035'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 the 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 General Plan amendment to amend Footnote 5.1 of the Wilshire Community Plan map to apply to the subject site and Add Area will allow the project to observe a Height District change from 1 to 2D which will permit a maximum FAR of 4:1 in lieu of the required 1.5:1. The proposed project is consistent with the existing land use patterns along 8<sup>th</sup> Street and Western Avenue. 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 will involve the demolition of the Eden Plaza building and the adaptive reuse and addition onto the existing 4-story IB Plaza building, the construction use and maintenance of a new 12-story mixed-use building, and a new 3-story commercial building. The Project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, with 5 percent set aside for Very Low Income Households; 58,343 square feet of commercial floor area with retail uses and restaurants with or without alcohol service; 241 vehicle parking; and 290 bicycle parking spaces. The Project will include approximately 229,138 square feet of floor area, with a proposed floor area ratio (FAR) of 3.72:1. The development will be located two blocks south of Wilshire Boulevard. The Project provides residential units and guest rooms in close proximity to existing jobs and services. The Project will be located within close proximity to an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities.

The Project site is located in close proximity to properties 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.

Zone and Height District changes to (T)(Q)C2-2D 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 FAR of 4:1 is an appropriate density, given that the site is located within the General Commercial General Plan Land Use classification. Immediately adjacent to the north are properties located within the Regional Center Commercial land use classification designation which 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 at a 6:1 FAR. In 2001, when the Wilshire Community Plan was adopted, Regional Center Commercial Land Uses were located along the Wilshire Boulevard corridor and 7th Street. Currently, there has been an interest in expanding the Regional Center Commercial Land Use further south specifically down to 8th Street. The 8th Street and Western Avenue node is appropriate for development with increased FAR and density. In this instance, the project site, located within a designated mixed-use boulevard, will observe an increased FAR from 1.5:1 to 4:1 which is less than the 6:1 FAR allowed within the Regional Center Commercial Land Use. The south, east and west adjacent uses are designated the land uses of Regional Center Commercial Land Use and High Medium Density Residential. The scale and nature of the proposed development would be consistent with the pattern of development that has taken place in the surrounding area.

Therefore, the site's location is appropriate for the proposed mixed-use development, because it is adjacent to sites which serve as focal points of regional interests, commercial stores, hotels, cultural facilities and offices. Therefore, the proposed mixed-use project is appropriate for this area.

The Wilshire Community Plan encourages mixed-use developments in regional and community commercial centers, which are areas that are adjacent to the subject site. 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. **Vesting 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 C2-1 and to C2-2D is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed project is a new 160-foot in height (twelve-story) mixed-use project with two levels of aboveground residential parking and one subterranean parking level for commercial uses. The development will include 148 guest rooms, 96 apartment units with 5-9 percent or 4-8 units set aside for Very Low Income Households and approximately 58,343 square feet of ground-floor commercial space. Approximately 10,600 square feet of open space is proposed, which includes an approximately 5,950 square-foot outdoor common space area located on the roof level consisting of; a skydeck, pool and spa, and rooftop landscaped area and approximately 2,650 square feet of indoor common space comprised of a gym, sky lounge, and club room. In addition, 2,000 square feet of outdoor common open space including a roof deck, rooftop landscaped area will be provided. The project would include approximately 241 vehicle parking spaces and a minimum of 290 bicycle parking spaces. The Development Site consists of six contiguous lots bounded by West 8<sup>th</sup> Street on the north, South Western Avenue on the west, and South Oxford Avenue on the east. The Development Site is currently improved with surface parking lots, one commercial building and one parking structure containing commercial uses. The property is approximately 1.41 acres and the total project size is 229,138 square feet. The Development Site is zoned C2-1 and designated in the Wilshire Community Plan as General Commercial.

The Zone Change from C2-1 to C2-2D, would allow for an increased Height District, with a FAR of 4:1 for the entire site. The proposed Vesting 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 General Commercial uses, which corresponds to the C1.5, C2, C4, RAS3 and RAS4 Zones. The recommended zone and height district change to (T)(Q) C2-2D is consistent with the General Plan Land Use Footnote 5.1 of the Wilshire Community Plan which allows the zone of C2-2D with Height District 2D which permits a maximum FAR of 4:1. The proposed project will be built to a height of 160 feet and an FAR of 3.72:1.

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.

#### *Public Necessity*

The rezoning of the site to accommodate the conditioned project will be consistent with public necessity as it will increase both housing, hotel and commercial opportunities in the Wilshire Community of Los Angeles, in close proximity to existing jobs and services. The Project site is located within the Koreatown neighborhood and adjacent to Regional Commercial uses. The area 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 General Commercial land use designation allows for the construction of commercial, parking, and medium-density multi-family residential uses.

The C2-2D Zone allows for the proposed project. In order to provide a mixed-use project at the level that is being proposed it is necessary to have the provisions of the C2-2D Zone, which allow for the proposed floor area. Thus, a zone change to C2-2D 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 C2-2D Zone will allow for the development of retail and residential mixed use project that complements adjacent neighborhoods. The increase in the number of residential units in this commercial area will encourage the viability of the Wilshire Boulevard corridor. The Public Convenience is also served by centrally locating employment and residential and hotel lodging opportunities in one of the City's commercial corridors.

The development of mixed use projects reduces reliance on the car by locating housing and guest rooms near job centers and shopping destinations. The Project will be located less than 1,500 feet away from an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities. The site is located near many office, residential, 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 mixed-use development near substantial public transit opportunities and facilities; and
- Revitalize an under-utilized site.

#### *Good Zoning Practice*

The requested Vesting Zone Change from C2 to (T)(Q)C2-2D 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 and height district change would allow for increased FAR from 1.5 to a maximum 4:1 allowing more intense residential and commercial uses at the endpoint of a designated mixed use boulevard for better overall site design. The proposed density and project size, with the 3.72:1 FAR, is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed Zone and Height District 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 Vesting Zone Change is consistent with the surrounding uses and development pattern. The surrounding zoning consists of C2-1, R4-2, [T][Q]C2-1, [Q]C2-2, R3-2, (T)(Q)C2-2D, R3P-1, and R4P-1. Properties to the north are zoned, [Q]C2-2 [Q]C2-1, [Q]C2-1, and R3-

2 and R4-2 and are developed with the 4-story Oxford Palace Hotel & Galleria, grocery store, retail shops, wholesale market, and surface parking lots for the commercial uses. Properties to the south are zoned C2-1 and R4-2 and are developed with the 2-story Koreatown Plaza, and the 3-story parking structure attached to Koreatown Plaza. Properties to the east are zoned R4-2, [T][Q]C2-1 and C2-1 and are developed with a 2-story and 4-story apartment buildings and two 6-story apartment buildings. Properties to the west are zoned C2-1, R4P-1, and R4-1 and developed with the single-story Rodeo Gallery, and two-and three-story apartment buildings.

Zone and Height District changes to (T)(Q)C2-2D is appropriate given the context of this area, in that it provides for a mixed-use project which would serve as a destination among residents and visitors. The maximum FAR of 4:1 is an appropriate density, given that the site is located within the General Commercial General Plan Land Use classification. Immediately adjacent to the north are properties located within the Regional Center Commercial land use classification designation which 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 at a 6:1 FAR. In 2001, when the Wilshire Community Plan was adopted, Regional Center Commercial Land Uses were located along the Wilshire Boulevard corridor and 7th Street. Currently, there has been an interest in expanding the Regional Center Commercial Land Use further south specifically down to 8th Street. The 8th Street and Western Avenue node is appropriate for development with increased FAR and density. In this instance, the project site, located within a designated mixed-use boulevard, will observe an increased FAR from 1.5:1 to 4:1 which is less than the 6:1 FAR allowed within the Regional Center Commercial Land Use. The south, east and west adjacent uses are designated the land uses of Regional Center Commercial Land Use and High Medium Density Residential. The scale and nature of the proposed development would be consistent with the pattern of development that has taken place in the surrounding area.

“T” and “Q” Classification Findings. Per LAMC Section 12.32-G, 1 and 2, the current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. The “T” Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public’s needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The “Q” conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of, and to assure a development more compatible with, surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

**3. Height District Change Findings. Pursuant to Section 12.32 F of the Municipal Code, and based on these findings, the recommended action is deemed consistent with the public necessity, convenience, general welfare and good zoning practice.**

The applicant requests a Height District Change from Height District No. 1 to Height District No. 2D as allowed by Footnote 5.1 of the Wilshire Community Plan. The change to a Height District of 2D would permit a maximum Floor Area Ratio (FAR) of 4:1 in lieu of a FAR of 1.5:1 with Height District No. 1. The project will observe a FAR of 3.72:1. The Height District change would allow for the construction, operation, and maintenance of the proposed mixed-use project, which is consistent with the General Plan and is beneficial to the public necessity, convenience, general welfare and good zoning practice. The increased FAR will be more

appropriate and beneficial for a mixed-use project, while maintaining compatibility with existing surrounding uses and future growth patterns within this transit-rich urban community.

#### 4. Density Bonus

Pursuant to Section 12.22 A.25(g) of the LAMC and Government Code 65915(d), the Commission shall approve a density bonus and requested incentive(s) and waiver(s) unless the Commission finds that:

- a. **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the Commission to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very low, low, and moderate income households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The Project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program. The Project proposes to set aside 4 units, or 5% of the base 96 dwelling units, as Restricted Affordable Units for Very-Low Income households for 55 years.

The requested off-menu incentive allows the developer to expand the building envelope so an additional 4 restricted affordable units can be constructed and the overall space dedicated to residential uses increased. With the granting of the request from the City Planning Commission for the density increase, these incentives support the Applicant's decision to set aside 4 Very Low Income dwelling units for 55 years.

#### One (1) Requested Off-Menu Incentive – Deviation of Development Standards

**Southerly Side Yard Setback.** The Project site is located in the C2 Zone, which outlines that yard requirements under LAMC Section 12.14 for all portions of buildings erected and used for residential purpose, side and rear yard shall conform to the requirements of the R4 Zone (pursuant to LAMC Section 12.11 C2 and 3) at the floor level of the first story used in whole or in part for residential purposes. In this instance, a minimum 15-foot side yard setback is required. For R4 zoned properties, a building greater than two stories in height, one foot for each additional story above the second story is required to be provided in the side yard setback but in no event shall the width of the side yard exceed 16 feet.

The Applicant proposes a side-yard measuring 2 feet 6 inches in lieu of the required 15 feet. The 2 feet 6 inch side yard would provide for an approximate 8-foot separation from the multi-family building abutting to the south. The width of the side yard will increase to approximately 10 feet above the third level of the new building. The distance is sufficient in providing the feeling of open space, light and air. A reduced side yard setback allows for the design of the Project and the provision of 4 Very Low Income units without creating negative impacts on the surrounding community.

- b. The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence that the proposed incentives will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. Therefore, there is no substantial evidence that the proposed incentive(s) / waiver(s) will have a specific adverse impact on public health and safety.

#### DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subs. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all Low and Very Low Income units that qualified the applicant" for the density bonus.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for "averaging" of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

#### Housing Replacement

With Assembly Bill 2222, applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. Pursuant to the Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated December 23, 2016, indicated that 800 Western Avenue, 808 South Western Avenue, 824 South Western Avenue, and 801 South Oxford Avenue has had no residential units on the property within the last five years. AB2222 does not apply to commercial structures, so no AB2222 replacement affordable units are required.

California State Assembly Bill 2222 went into effect January 1, 2015. It introduced rental dwelling unit replacement requirements, which pertain to cases filed as of January 1, 2015; and also increases covenant restrictions from 30 to 55 years for cases issued (not just filed) as of January 1, 2015. This approval does reflect 55 year covenant restrictions, given that the case decision, or approval, as noted on the front page, is being issued after January 1, 2015. Assembly Bill 2222 also increased covenant restrictions from 30 to 55 years for projects approved after January 1, 2015. This determination letter reflects these 55 year covenant restrictions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify Zoning Code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City's development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

Several California Assembly bills amended the State Density Bonus Law and took effect on January 1, 2017. The changes are reflected in the subject request, and as such is compliant with AB 2501, AB 2556, AB 2442, and AB 1934. In accordance with AB 2501 density calculations for this project have been rounded up to the next whole number for base density, the number of bonus units, and the number of Affordable Units required to be eligible for the density bonus.

On September 26, 2016 Governor Brown Signed AB 2501, AB 2556, AB 2442, and AB 1934 which amended the State Density Bonus Law (Government Code Section 65915). The amendments took place on January 1, 2017. In particular, AB 2501 restricted the ability of local jurisdictions to require special studies unless they meet the provisions of state law. Financial proformas and third-party reviews are no longer required for any density bonus case filing.

In addition, the 2016 changes to State Density Bonus law also modified the finding required to deny an incentive. Now a requested concession or incentive shall be granted unless the City makes a written finding, based on substantial evidence, of any of the following: a) the concession or incentive "does not result in identifiable and actual cost reductions," to provide for affordable housing costs or rents for the targeted units; b) the concession or incentive has a specific adverse impact on public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable; or c) if the concession or incentive is contrary to state or federal law. Prior law allowed a concession or incentive to be denied if the City had substantial evidence that the concession or incentive was "not required in order to provide for" affordable housing costs or rents for the targeted units, or substantial evidence in support of findings "b)" or "c)" above.

**5. Finding for Master Conditional Use for Alcohol Permit and Conditional Use for Hotels within 500 feet of the A or R Zone** – Pursuant to 12.24. W1 of the Municipal Code, the Applicant requests a Master Conditional Use to permit the sale and dispensing of alcoholic beverages for on-site consumption at six restaurants on the premises and pursuant to 12.24 W.24(a), the Applicant requests a Conditional Use to permit a hotel located within 500 feet of an R-Zone property.

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

The applicant is requesting a Master Conditional Use Permit (MCUP) to permit the sale and dispensing of alcohol for on-site consumption for up to 6 establishments in conjunction with the construction of a new mixed-use development consisting of a new 12-story mixed-use building, and a new 3-story commercial building. The Project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, with 5 percent or 4 units set aside for Very Low Income Households; 58,343 square feet of commercial floor area with retail uses and restaurants; 241 vehicle parking spaces; and 290 bicycle spaces.

The subject MCUP provides a blanket approval of hours of operation for the six restaurants, and limits the maximum number of uses that may dispense or serve alcoholic beverages as part of this permit. For the six restaurants, as each venue operator is identified, a separate Plan Approval is required to be filed to review the specific details and operations of each new venue, including but not limited to a review of the proposed floor plan, hours of operation, square footage, number of seats, mode and character of the establishment, and other pertinent operational details of the business. At that time, the decision-maker may impose more specific conditions of approval to ensure that the operations of the proposed establishment will not result in incompatibilities with the surrounding community. The MCUP examines the potential for conflict with and/or enhancement of the surrounding community. The MCUP examines the potential for conflict with and/or enhancement of the surrounding areas in consideration of the totality of the request, which in this case, are six separate venues.

The provision of alcohol within the hotel rooms is not being currently proposed. Approval of the MCUP will contribute to the success and vitality of the proposed restaurants. Approval of alcohol sales will increase the availability of a public convenience for on-site residents and patrons who live, work and play within the surrounding neighborhood. In addition, the ability to offer alcoholic beverages to patrons is critical in attracting top quality dining establishments into the area. The dispensing or sale of alcohol for on-site consumption will be an incidental component to the six proposed restaurants that will provide a service and convenient access to quality dining for the surrounding community. The Project location is easily accessible in that it is built in close proximity to an existing subway station with connections to downtown and greater Los Angeles. Further, the site is located less 1,500 feet south of Wilshire Boulevard and parcels within the Regional Center Commercial land use area. Finally, the establishments 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.

In addition, the applicant has requested a Conditional Use to permit the construction, use, and maintenance of a hotel within 500 feet of the A or R Zone. The properties located to the east of the site are zoned for multi-family development.

The proposed hotel will have 148 guest rooms within a twelve story building with 96 apartment units and 58,343 square feet of ground floor commercial square footage. While the site is in close proximity of residential zones, the project site is located along 8<sup>th</sup> Street, which is adjacent to properties that are located within a Mixed-Use Boulevard as designated by the General Plan, Framework and the Wilshire Community Plan. The proposed hotel will focus primarily on the lodging of guests. Recreational amenities will be located on the fourth floor and rooftop of the structure, with proposed screening from the adjacent residential uses. The hotel will serve the needs of those who visit the area, whether as tourists or business travelers, where lodging options have been fairly limited.

The approval of the Conditional Use will enable the development of the limited service hotel as part of the proposed mixed-use development. The use of the hotel is compatible with the surrounding development and will serve as a source for increased employment. The hotel will provide an additional amenity and service for those who are visiting the area and local residents. As conditioned herein, the project will enhance the built environment in the surrounding neighborhood and will provide an amenity and service that will be beneficial to the community.

- B. 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 site consists of six contiguous lots bounded by Western Avenue on the west, Oxford Avenue on the east and 8<sup>th</sup> Street on the north. The Project Site is currently improved with surface parking lots, one commercial building and one parking structure containing commercial uses. The property is approximately 1.41 acres.

The Project will involve the demolition of the Eden Plaza building and the adaptive reuse and addition onto the existing 4-story IB Plaza building, the construction use and maintenance of a new 12-story mixed-use building, and a new 3-story commercial building. The Project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, with 5 percent or 4 units set aside for Very Low Income Households; 58,343 square feet of commercial floor area with retail uses and restaurants with or without alcohol service; 241 vehicle parking spaces; and 290 bicycle spaces. The Project will include approximately 229,138 square feet of floor area, with a proposed floor area ratio (FAR) of 3.72:1, however, the project is allowed a maximum FAR of 4:1 for properties observing Footnote 5.1 of the Wilshire Community Plan. As proposed, the project will be compatible with the immediate neighborhood which is developed with a mix of low- to medium-intensity residential, commercial, and mid-rise office buildings.

The addition of alcohol sales will be for six proposed restaurants with operating hours of 24 hours daily and will be compatible with the surrounding properties as the subject property will be a mixed-use development located proximate to commercial uses.

The sale of alcohol is a typical amenity for restaurants located in commercial areas and is common and often an expected amenity provided to the surrounding residents, and visitor community. The proposed restaurants have been conditioned so that the project's location, size, height and operations will not adversely affect or further degrade the adjacent properties or the surrounding area. In addition, the hotel uses will be integrated into the 12 story tower but separate from the dwelling unit uses in the new building. The proposed hotel will not further degrade adjacent properties, the surrounding neighborhood or the public health, welfare and safety.

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

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these elements. There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems.

The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Wilshire Plan Map designates the property for General Commercial land uses with corresponding zones C1.5, C2, C4, RAS3 and RAS4.

The site's proposed zoning is (T)(Q)C2-2D, which is consistent with the existing land use designation of General Commercial. The allowance to have alcohol for on-site sales or dispensing at six proposed restaurants is not specifically addressed in the Community Plan text. In such cases, the intent of the Plan must be interpreted. The proposed request will provide a service and amenity in a commercial district of the community thereby consistent with a number of goals of the adopted Wilshire Community Plan including Goal 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire community through well-designed, safe and accessible areas, while preserving historic and cultural character; Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

The Los Angeles Municipal Code authorizes the City Planning Commission to grant the requested conditional use in the zones corresponding to the Plan land use designation. The conditional authorization for the sale or dispensing of alcohol for on-site consumption within six new restaurants is allowed through the approval of the City Planning Commission subject to certain findings. The required findings in support of the Wilshire Community Plan have been made herein. The request to permit the on-site sale or dispensing of alcohol located within six restaurants in a proposed mixed-use development is consistent with the intent of these provisions.

In addition, the project site is comprised of six lots configured in an "L-Shape" with two lots fronting on 8<sup>th</sup> Street and four lots fronting on Western Avenue. The applicant has requested a Conditional Use to allow a hotel use within 500 feet of residentially zoned parcels. The Wilshire Community Plan contains the following text:

*GOAL 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire Community through well-designed, safe and accessible areas, while preserving historic and cultural character.*

*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.*

The project proposes the construction use and maintenance of a new 12-story mixed-use building, and a new 3-story commercial building. The Project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, and 58,343 square feet of commercial floor area in the C2 Zone. While the C2 Zone has a minimum requirement of one guest room per 200 square feet of lot area. As proposed, the project is consistent with the intent of the C2 Zone and General Commercial land use.

The project site is located within the Koreatown neighborhood. As proposed, the project will redevelop an underutilized and underdeveloped site with the construction use and maintenance of a new 12-story mixed-use building, and a new 3-story commercial building comprised of 148 guest rooms (limited service hotel); 96 apartment units with 5 percent or 4 units set aside for Very-Low Income Households, and 58,343 square feet of commercial floor area. The proposed mixed-use project will be compatible in use and scale with the surrounding community. In addition, the hotel component will provide a service that has been limited in the area. As proposed, the project will create a mixed use development that is consistent with the purpose, intent and provisions of the General Plan and the Wilshire Community Plan.

#### **ADDITIONAL MANDATORY FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES**

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

The project's well designed and mixed-use character would promote a synergy between commercial corridors along West 8<sup>th</sup> Street and South Western Avenue and the residential uses adjacent to major thoroughfares, such as multi-family residences along Oxford Avenue.

Approval of the Conditional Use will contribute to the success and vitality of the proposed six restaurants, and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of a public convenience for on-site residents and patrons who live, work and play within the surrounding neighborhood. The Project location is easily accessible in that it is built in close proximity to an existing subway station with connections to downtown and greater Los Angeles. Finally, the establishments 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. A Plan Approval is required for each new restaurant to establish the operation where the City can review the proposed floor plan, hours of operation, square footage, number of seats, mode/character of the establishment, other pertinent operational details of the business and prescribe specific conditions as needed.

*E. 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. 2125.02 within which the Project is located, the maximum number of on-site licenses permitted is 2, with 19 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 2,165 residents. There exists an overconcentration of alcohol licenses in the subject census tract. In addition, the subject site is located in a Census Tract whereby properties are located within the General Commercial and Regional Commercial land use designations where a concentration of licenses is anticipated given the range of uses permitted and encouraged within a Center. Finally, the six proposed restaurants are part of the development's overall 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 offering of alcohol will be an amenity provided to the residents on-site and visitors to the area. The ABC also recognizes that high activity entertainment, retail, government and commercial centers, such as within the Koreatown community, 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 or 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.

Within Census Tract 2125.02 there are currently 19 establishments with on-site only sales, and with 3 off-site only sales. According to crime statistics from the Los Angeles Police Department, a total of 241 Part II Crimes (Arrests) were reported during 2016 within Reporting District No. 2033, which has jurisdiction over the subject property. This is more than the 181 reported Part II offenses on average, per district City-wide.

Part II Crimes that are related to alcohol consumption include; Drunkenness (26), Disorderly Conduct (2), and DWI related (18). Although these related arrests (131 total) comprise about 72 percent of the total Part II Crimes reported (181) for Reporting District No. 2033, approval of the Conditional Use will not likely contribute to a substantial increase in these types of offences, particularly since conditions relating to the sale or dispensing of alcoholic beverages will reduce potential negative impacts.

Furthermore, to ensure that the Project will not create detrimental impacts on the surrounding area, the specific details of the restaurant establishments will be reviewed pursuant to a Plan Approval. 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 off-site alcohol sales and consumption.

- F. *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 uses will be incorporated into the mixed-use development and separated from nearby residential uses by distance and physical development. The site itself is located in the C2 Zone. The area contains a mix of commercial, office, residential, hotel and surface parking uses. Because the C2 Zone in the Wilshire Community Plan permits a variety of commercial and residential uses, the provision of multi-family residential, commercial retail and hotels within the zone is expected within the Community Plan. The General Commercial land use category encourages commercial uses, including mixed-use, commercial and higher density residential uses. However, alcohol is only permitted through a Conditional Use permit.

There are no sensitive uses located within 1,000 feet of the subject site. The nearest public schools are Hobart Boulevard Elementary and Wilton Place Elementary schools located approximately 1,300 and 1,700 feet from the property respectively. The nearest parks and churches are also more than 1,000 feet away from the Subject Property. 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 proposed six restaurants will make the operator accountable to the sensitive uses within the area. The on-site sale or dispensing of alcohol at six restaurants within a mixed use development is appropriate in that it is convenient for residents on-site and in the surrounding area, consistent with the operation of numerous other restaurants in the area which are permitted to sell and dispense alcoholic beverages for on-site consumption. 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.

The on-site sale or dispensing of alcoholic beverages at six restaurants is an essential component to establishing a vibrant, energized, pedestrian-friendly atmosphere, consistent with the Project Site's location within Koreatown and located within a community with a mix of commercial and residential uses. Allowing the sale or dispensing 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 as conditions of approval will ensure that the operations of the proposed restaurant establishments will not result in incompatibilities with the surrounding community. As part of the Project's security plan, security officers may be stationed at key locations within the Project Site at all times to preserve the safety of the Project's residents, tenants, and visitors. 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 23598.4 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 Project is located within the Wilshire Community Plan area, which designates the Project site for General Commercial. The General Commercial land use category corresponds to the C1.5, C2, C4, RAS3, and RAS4 Zones. The project also proposes an amendment to Footnote 5.1 of the Community Plan's General

Plan Land Use Map to apply to the property and the Add Area. For the C2 Zone, the Height District 2D allows unlimited height and a maximum FAR of 4:1 pursuant to Footnote 5.1 of the Wilshire Community Plan. The proposed project will be built to a height of 160 feet with an FAR of 3.72:1.

The Project site is located in close proximity to 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.” The Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard are also proximate to the subject site. The General 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 mixed-use 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. With the subject site’s location in the Koreatown area and its proximity to Wilshire’s Regional Center the proposed project as it relates to use, design, size and height is consistent with the plan’s vision for these communities. 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.*

The Project will involve the demolition of the Eden Plaza building and the adaptive reuse and addition onto the existing 4-story IB Plaza building, the construction, use and maintenance of a new 12-story, 160-foot tall mixed-use building, and a new 3-story commercial building. The Project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, with 5- 9 percent or 4- 8 units set aside for Very Low Income Households; 58,343 square feet of commercial floor area with retail uses and restaurants with or without alcohol service; 241 vehicle parking spaces within a subterranean parking garage and two levels of above grade parking; and 290 bicycle parking spaces. The Project will include approximately 229,138 square feet of floor area, with a proposed floor area ratio (FAR) of 3.72:1.

The adaptive reuse of the existing mixed-use 4-story IB Plaza Building will be connected to an addition and will contain three floors of commercial space and one floor of subterranean parking. The structure will form a U-shape and be connected

with pedestrian bridges internal to the site on the second and third floors. The third floor will contain outdoor common areas and the roof will contain a roof deck and landscaped area.

The twelve story mixed-use structure will include approximately 148 guest rooms, 96 apartments, ground floor commercial, rooftop amenities and two floors of above grade and one floor of subterranean parking. The structure will connect to the adaptive reuse portion of the building at the basement level and fourth floor. An amenity deck will be provided at the fourth floor for use by hotel guests and residents. The twelfth floor will contain a skydeck, with a pool and spa, and gym/lounge and will be a space also shared among hotel guests and on-site residents. Approximately 10,600 square feet of open space is proposed.

Commercial parking is provided within the building in one subterranean level and two levels of above grade residential parking. The Project Site is located within a Los Angeles State Enterprise Zone, which allows commercial uses at a lower parking ratio for offices, retail, restaurants, and related uses. A ratio of two parking spaces per 1,000 square feet of gross commercial area is permitted. A ratio of one parking space per one bedroom unit and two parking spaces per two bedroom units is permitted for the residential uses. A parking ratio of 1 space for the first 30 guestrooms, ½ space for each guestroom 31-61 and 1/3 space for each guestroom 61 and above. The project proposes 96 residential parking spaces, 63 parking spaces for guest rooms and 82 parking spaces for the commercial use. A total of 241 parking spaces will be provided resulting from 15 percent and 30 percent reductions allowed with bicycle parking for a project located within 1,500 feet of a fixed rail transit station, pursuant to LAMC 12.21.A.4.

The project will include 290 bicycle parking spaces pursuant to the City's Bicycle Parking Ordinance (No. 182,386). Ten short term and ninety-six long term spaces will be provided for the residential uses. Fourteen short-term and thirty long-term spaces will be provided for the guest rooms and thirty-six short-term and 104 long-term spaces will be provided for commercial uses.

The project includes a formal retail loading area located inside of the subterranean garage. A convenient drop off area for those arriving or departing via taxi or carpool will be located on South Western Avenue. A guest/retail valet parking area will be accessed from South Western Avenue and lead to an exit onto west 8th Street. Loading areas are located along South Western Avenue and West 8<sup>th</sup> Street.

Security lighting is proposed to provide illumination on site and will not result in a glare upon the surrounding area. The project will also feature accent lighting in the landscape areas, particularly useful during evening hours.

Landscaping on the ground level will consist of trees, planting pots and planter seats. Landscaping on Levels 2, 3 and 4 will consist of privacy screening trees, planting pots, and a multi-use lawn. Rooftop landscape will feature planting pots, privacy trees, and privacy landscape to provide a buffer between activities taking place on the rooftop of the proposed use and the south adjoining multi-family use.

The trash/recycling area will be located in the subterranean garage and will serve the residential uses.

As conditioned, the project provides 5 percent installed electric vehicle charging stations, electric vehicle charging stations for parking spaces in excess of building

code requirements, and the installation of an operational photovoltaic system (solar) that will offset the electrical demand of the EV chargers and other on-site electrical uses. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles. The EV ready parking spaces will also provide residents who use an electric vehicle a direct service amenity.

The proposed project as conditioned is in compliance with the Land Use Chapter and Economic and Housing Chapter of the General Plan Framework; the Mobility Plan; the Housing Element; and the Land Use Element–Wilshire Community Plan. The site is not located within a Specific Plan.

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. Conditions of approval such as requiring a wall between the parking use and adjacent existing residential units and a landscaped screen along the rooftop deck have been included.

In addition, the project is compliant with the Citywide residential and commercial guidelines in the following manner:

- Promote pedestrian activity by placing entrances at grade level or slightly above, and unobstructed from view from the public right-of-way.
  - Layer building architectural features to emphasize certain features of the building such as entries, corners, and organization of units.
  - Alternate different textures, colors, materials, and distinctive architectural treatments to add visual interest while avoiding dull and repetitive facades.
  - Differentiate the ground floor from upper floors. Changes in massing and architectural relief add visual interest and help to diminish the perceived height of buildings.
  - Vary and articulate the building façade to add scale and avoid large monotonous walls.
- 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 includes many types of open and common spaces that would appeal to a variety of household types. The project proposes several active and passive recreational areas appropriate for residents of varied age range, lifestyle, and interests. A total of 10,600 square feet of useable open space will be provided on-site comprised of: 5,950 square feet of outdoor common open space, 2,650 square feet of indoor common open space and 2,000 square feet of outdoor common open space. The variety of recreational

amenities would include a swimming pool and spa, a skydeck, a gym room, a club room, and rooftop landscaped areas. These recreational and service amenities will improve habitability for residents.

## **7. CEQA Findings**

A Mitigated Negative Declaration (ENV-2016-3609-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.

Subsequent to the end of the publication period of the MND (October 25, 2016), the applicant revised the project description to include the merger of 1.5 feet from Oxford Avenue and 7 feet from Western Avenue into the site. Since the Project description had changed, an errata of the MND was prepared. This errata is dated November 2, 2017. No additional mitigation measures are required. As this revised project represents the same project, per CEQA Guidelines Section