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August 30, 2018

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CASE NO. ZA 2018-906-CUB-CUX-ZV-CDO  
CONDITIONAL USE, VARIANCE, COMMUNITY  
DESIGN OVERLAY

612 – 616 South Broadway  
Central City Planning Area  
Zone : [Q]C5-4D-CDO-SN  
D. M. : 129A211  
C. D. : 14  
CEQA : ENV-2018-907-CE

Legal Description: Lot B, Victor Dol Property  
Tract

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

a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant as part of a 7<sup>th</sup> floor addition and rooftop bar/lounge on the 8<sup>th</sup> floor high rooftop bar with rooftop dining expansion and outdoor roof within an existing building;

Pursuant to Los Angeles Municipal Code Section 12.24-W,18, I hereby APPROVE:

a Conditional Use Permit to allow live entertainment and public dancing, in conjunction with a rooftop bar/lounge within an existing building in the C2-1-CDO Zone;

Pursuant to Los Angeles Municipal Code Section 12.27, I hereby APPROVE:

a zone variance from L.A.M.C. Section 12.14-A,1 to permit the use public dancing and live entertainment within an unenclosed rooftop dining area in the C5 Zone;

Pursuant to Los Angeles Municipal Code Section 12.27, I hereby APPROVE:

a zone variance to deviate from Ordinance No. 164,307 to permit a floor area ratio of 6.85:1 in lieu of the 6.0:1;

Pursuant to Los Angeles Municipal Code Section 12.27, I hereby APPROVE:

a zone variance from L.A.M.C. Section 12.21-A,4 of the L.A.M.C. to allow zero parking spaces in the lieu of the 13 required spaces for the increase expansion of the building; and

Pursuant to Los Angeles Municipal Code (LAMC) Section 13.08 and the Broadway Theater and Entertainment District Design Guide Community Design Overlay (CDO) I have reviewed the proposed project at 612 - 616 South Broadway and as the designee of the Director of Planning, I hereby APPROVE:

A Community Design Overlay Plan Approval for the rehabilitation of an existing seven-story building and an addition of 6,200 square feet of floor area;

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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Approved herein is a 6,200 square-foot addition of floor area on the 7<sup>th</sup> floor and 8<sup>th</sup> floor/roof, and:
  - a. The sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 12,251 restaurant located on the 7<sup>th</sup> and 8<sup>th</sup> floors.
  - b. The seventh floor restaurant shall be permitted a total of 381 seats (262 indoor and 119 outdoor);

- c. The eighth floor/roof shall be permitted a total 361 seats (77 indoor and 284 outdoor);
  - d. Hours of operation for the restaurant shall not exceed 6 a.m. to 2 a.m., daily;
  - e. Live entertainment and dancing on the 8<sup>th</sup> floor/roof shall be limited to 11 a.m. to 2 a.m., daily, except for the unenclosed portion of the rooftop, where hours of live entertainment and patron dancing shall be from 11 a.m. to 11 p.m., daily. Live entertainment in the 7<sup>th</sup> floor restaurant shall be permitted until 11 a.m. to 2 a.m., daily.
  - f. Patron dancing shall be permitted and limited to 7<sup>th</sup> floor restaurant and 8<sup>th</sup> floor restaurant and rooftop deck as shown on Exhibit A.
  - g. Zero parking spaces shall be required for the 6,200 square-foot expansion of floor area as the result of the creation of a rooftop dining area.
7. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
  8. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
  9. The establishment shall not be operated where an admission is charged at the door or other manner similar to a nightclub or afterhours establishment. Petitioner(s) shall not require an admission charge or cover charge to the general public. Additionally, any advertisement of an admission charge or cover charge is prohibited.
  10. The facility shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the facility for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public. The applicant shall not sublet the premises to outside "promoters" for nightclub or concert activity.

11. Lighting shall be installed in all areas within the business, including the outdoor rooftop area, in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and person clearly visible within the establishment.
12. Exterior lighting shall be directed onto the property and shielded such that the light source does not disturb adjacent properties.
13. The sound system for the rooftop bar and restaurant shall include a volume limiter, which shall be adjusted so that the noise level measured at the edge of the deck does not exceed the values stated in the report prepared by Veneklasen Associates, dated August 13, 2018 ("Exhibit B"). Speakers shall be aimed downward and away from property lines. Any speakers located on the noise barrier shall be mounted using spring isolaters.
14. A noise barrier shall be installed along the north edge of the deck, as shown in "Exhibit B". The barrier shall be a minimum 8 feet in height, and shall be a solid material or combination of materials having a minimum density of three pounds per square foot with no gaps or holes. Glass plexiglass or other clear material is acceptable so long as the density and perforation requirements are met.
15. An acoustical barrier wall shall surround the mechanical equipment located at the high roof above of the indoor portion of the rooftop bar in the southeast corner of the building. The barrier shall be at least two feet higher than the tallest mechanical unit and shall be constructed of a solid material with a minimum density of three pounds per square foot and no gaps or holes.
16. The applicant shall incorporate a Transportation Management Plan that will include the following:
  - Preferential hiring of employees who live within walking or bicycling distance from the site.
  - Encourage ridesharing efforts such Uber, Lyft, car and bus pools by providing a ride sharing incentive program.
  - Incentives to encourage employees to walk, bike, or take public transit.
  - Distribute and provide information to employees and customers of the DASH and Los Angeles' Metro stops, including the Purple and Red Lines.
  - Provide zero on-site and off-site parking which will not encourage patrons and employees to drive.
17. The applicant/operators shall obtain permits from the Los Angeles Police Department, Commission Investigation Division for Café Entertainment and Show, Live Entertainment and Dance Hall, pursuant to LAMC Section 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning within 30 days of their issuance for inclusion to the case file.
18. Live entertainment shall be limited to a three-piece band (trio), amplified music and a DJ. There shall be no karaoke and no fashion shows.

19. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
20. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
21. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
22. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
23. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
24. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the restaurant.
25. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises at each point-of-sale location. These device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages or tobacco products.
26. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
  - posted at the entry, and the cashier or customer service desk,
  - provided to the immediate neighbors, schools and the Neighborhood Council, and

- responded to within 24-hours of any complaints/inquiries received on this hot line.
27. The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning Administrator upon request.
  28. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
  29. Only the front door of the subject building shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall be solid.
  30. Any use of the restaurants for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public shall be subject to all of the same provisions and hours of the operation stated herein.
  31. Security personnel, if provided, shall be licensed in accordance with State Law and Police Commission standards and maintain a valid Bureau of security and investigate Services Guard Credentials along with Active Red Cross first-aid credentials. Establishment security personnel shall be dressed in such a manner as to be readily identifiable as facility security guards to patrons and law enforcement personnel.
  32. The applicant shall be required to provide the Police Department with a security plan that satisfactorily conforms to Police Department and City Planning standards. The security plan shall include a delineation of the video surveillance arrangements for both the licensed premises and any adjoining areas developed or otherwise used by the applicant. The security plan shall also include a delineation of the security personnel scheme include specifications pertaining to staffing, structure and arrangement of security guards for both the licensed premises and any adjoining areas developed or used by the applicant. The applicant's security plan will be included in the ZA Case File following Police Department and City Planning approval.
  33. Any future valet operator on the site shall be required to obtain a valid LAPD Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203(b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.
  34. The applicant shall not maintain or construct any type of enclosed room within the restaurants on the ground floor, and 7<sup>th</sup> and 8<sup>th</sup> floors, intended for use by patrons or customers for any purpose, except for the restrooms.

35. Trash/recycling containers shall be locked when not in use.
36. Petitioner(s) shall install and maintain security cameras and a three-week DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
37. No pay phone may be maintained on the exterior of the premises.
38. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
39. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the subject of the email to include the case number, "**ZA-2018-906-CUB-CUX-ZV-CDO/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
40. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,  
  

*We, the undersigned, have read and understand the conditions of approval to allow the sale and/or dispensing of a full line of alcoholic beverages, in conjunction with the restaurant located at 612-616 South Broadway, and agree to abide and comply with said conditions.*
41. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or If at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted,

reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

42. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

### ***Community Design Overlay Conditions***

43. **Site Development.** The project shall consist of the rehabilitation of an existing 7-story building, restoration of the upper story exterior façade, a new storefront on the ground floor level, façade lighting, façade planter boxes, and an addition of 6,200 square feet of floor area for a new rooftop restaurant and bar in conjunction with reactivation of the ground floor and basement level commercial retail space and creative office use on the upper floors of the building.
44. **Building Orientation & Entry Treatment.** The new storefront and the front entries at the ground floor level shall be in conformance with the illustrations provided in Exhibit A, dated April 25, 2018.
- i. The project shall provide a total of three (3) pedestrian entrances at the ground floor level to the new commercial retail tenant space and the adjacent elevator lobby entrance for the upper floors and basement.
  - ii. The pedestrian entrances shall be open to the public from the pedestrian walkway on Broadway during business hours.
  - iii. Two (2) pedestrian entrances shall be allocated for the approximately 6,149 square-foot commercial retail tenant space, one (1) pedestrian entrance shall be allocated for the adjacent, approximately 963 square-foot elevator lobby.
  - iv. The pedestrian entrances that are located on the storefront shall be setback from the property line as shown on Sheet 700 of stamped "Exhibit A".
45. **New Storefront and Façade Restoration.**
- a. **Storefront.**
    - i. One continuous storefront shall be allocated for the approximately 7,914 square-foot commercial retail tenant space and the adjacent elevator lobby with stair way corridor on the ground floor level.
    - ii. The existing storefront elements and fabric such as the exterior solid roll-down security grilles, the associated mechanical housing for the security

- grilles, the storefront system and soffit, the entrance doors, the bulkhead, and any non-historic deteriorated storefront frames, trims, and moldings shall be removed as shown on Sheet 100 of Exhibit A.
- iii. The existing Fire Department connections that are located on the northerly end of the storefront shall remain in place as shown on Sheet 3 of Exhibit A.
  - iv. The new storefront shall include new midnight fossil honed limestone tiles on the storefront façade as shown on Sheet 700, Note ST-1 of Exhibit A.
  - v. The new storefront door and window system shall be made of a light bronze metal framing system as shown on Sheet 800, Notes N4 and MTL-1 of Exhibit A.
  - vi. The new storefront shall include a crema ella honed stone soffit at the top of the storefront as shown on Sheet 800, Notes N9 and ST-2 of Exhibit A.
  - vii. The new storefront shall include a midnight fossil honed limestone tile on the storefront walls as shown on Sheets 700 and 800, Note ST-1 of Exhibit A.
  - viii. The bulkhead shall have a minimum height of 12 inches from the existing sidewalk grade and shall consist of a crema ella honed stone as shown on Sheets 700 and 800, Notes N6 and ST-2 of Exhibit A.
  - ix. The storefront shall not be used for storage. If drop ceilings are installed, they shall not be visible from the street and should not hide original architectural features.
  - x. A minimum of 70 percent of the storefront abutting Broadway shall consist of doors and transparent windows. Interior walls, display areas, storage areas, and any other non-transparent items shall not block views into the storefront.

**b. Windows.**

- i. All windows and the exterior glass doors on the ground floor of the proposed storefront shall be comprised of non-tinted, non-reflective, clear glass, which is free of temporary signage and/or other types of materials that may obstruct visibility. The glazing on the storefront doors and windows shall not be painted or mirrored.
- ii. For new ground floor windows and glass doors, the applicant shall use low-E glazing for ultraviolet light control and clear mylar shall be used to protect against graffiti.
- iii. The Applicant shall install the Solarban 60 Starphire/Starphire Clear Glazing glass on the proposed storefront doors and windows as specified on Sheet 700, Note GL-1 of Exhibit A. The new storefront door and window glass shall allow for a minimum of 74-percent visible light transmission on the ground floor with a visible light reflectance of no more than 11-percent.
- iv. The existing windows on the upper story façade shall be repaired or restored and the wood window frames shall be painted in the old boot color as shown on Sheets 300 and 800, Note PT-1 of Exhibit A.

**c. Facades, Exterior Surface Materials & Color.**

- i. Any new material proposed shall be in a color scheme consistent with Exhibit A, dated April 25, 2018.
- ii. The building's existing exterior façade materials and all character-defining features such as the existing terra cotta tiles and terra cotta ornamentation shall be cleaned, repointed, grouted, repaired, and restored as needed in accordance with the Broadway CDO and maintained as shown on Sheet 300 of Exhibit A.
- iii. Glossy materials shall not be used on the exterior of the building.
- iv. All vents, gutters, downspouts, electrical conduits, etc. shall be painted to match the color of adjacent surfaces, unless being used expressly as a trim or accent element.
- v. Exterior materials that have been unpainted shall not be painted. Unpainted wood, stone, brick, tile, or cast façade materials shall not be painted. Any patches shall be done with matching materials, however, whenever possible, the original material shall not be removed.
- vi. New textured stucco walls shall not be used on the exterior of the building.
- vii. The existing metal railings that are located on the upper façade of the building shall be cleaned, repaired, restored and painted in the old boot color as shown on Sheets 300 and 800, Note PT-1 of Exhibit A.
- viii. The existing flag pole that is located on the third floor exterior façade of the building shall be cleaned, repaired, and restored as shown on Sheet 300 of Exhibit A.
- ix. The project shall replicate the original historic urns that are shown in the historic photo of the building on Sheet 000 of Exhibit A. The new urns shall be placed on the roof parapet of the building as shown on Sheet 300 of Exhibit A.
- x. There may be a total of five (5) new fiberglass planter boxes installed on the west facade of the building on the third floor cornice as shown on Sheet 701 of Exhibit A. The planter boxes shall not exceed 1 foot in height as shown on Sheets 300 and 701 of Exhibit A.

- d. Exterior Façade Lighting.** The approval of this application does constitute approval of an exterior lighting plan, which is shown on Sheets 300 and 802 of Exhibit A. All new light fixtures shall be compatible with the architectural style of the building and shall receive approval from the Office of Historic Resources prior to sign-off. Any existing historic lighting fixtures shall be preserved, rehabilitated or upgraded. The exterior façade lighting shall be directed onto the lot and all flood lighting shall be designed to eliminate glare and/or be shielded so as not to spill light on adjoining properties. The building may use exterior lighting to highlight architectural features through up-lighting, spotlights, washlights, or other appropriate lighting fixtures to the greatest extent possible. Exterior lighting shall be directed onto the lot and designed to eliminate glare and/or be shielded so as not to spill light on adjoining properties. Intense lighting that is used solely for advertising purposes or lighting that uses flashing, strobe, motion, or multi-color elements shall not be used.

- i. The new surface mounted Light-Emitting Diode (LED) lights in white shall provide uplighting on the upper façade of the building highlighting eaves, cornices, columns, and architectural elements and shall be mounted on appropriate floor ledges/cornices with the specified lighting fixtures referenced by number F100B as shown on Sheets 300 and 802 of Exhibit A.
  - ii. The architectural canopy that is located above the ground floor level, and on the building façade that fronts Broadway, shall have new LED lights in white mounted on the top surface of the canopy. The new light fixtures referenced by number F100A shall provide uplighting on the columns and architectural features that are located on the second level façade and above as shown on Sheets 300 and 802 of Exhibit A.
- e. **Awnings.**
  - i. The existing architectural canopy that is located on the storefront shall remain in place and shall be restored with a light bronze metal material on the exterior of the awning as shown on Sheets 300 and 800, Note MTL-1 of Exhibit A.
  - ii. No items shall be permitted to hang from the canopy.
  - iii. No trellis structures are permitted to be affixed above entryways and storefronts.
- f. **Graffiti Resistance.** To the greatest extent possible, the materials used on the ground floor, such as windows and walls, shall be treated so as to be graffiti resistant.
- g. **Utilities, Mechanical and Building Equipment.** No mechanical equipment, such as air conditioner units, window vents, fans, etc., shall project beyond any window opening facing public streets. All proposed mechanical equipment on the roof such as HVAC, satellite dishes, exhaust fans, solar panels, etc., shall be screened from the view on Broadway and any public street to the greatest extent possible. Any other equipment, such as rain gutters, spouts, electrical conduits, etc., shall also be screened to the greatest extent possible, painted to match building colors if necessary. New mechanical equipment and/or new distribution systems shall be installed in a manner that does not interfere with any character defining features of the building. Window vents, fans, air conditioning units, or any other equipment installed into a window shall not project beyond any window on any façade and their number shall be minimized. The Applicant shall screen all ground-level mechanical equipment, including HVAC equipment, exhaust fans and satellite dishes from public view.
- h. **Ceilings.** Interior dropped ceilings may be installed, but shall not be visible from the street level.
- i. **Security Grille.** The approval of this application does not constitute approval of a security grille. If the Applicant decides to incorporate a security grille they shall return to the Department of City Planning, Central Project Planning Division for approval prior to the issuance of any permits for the grille.

**46. Building Form, Building Additions and Roof Lines.**

- i. The maximum building height with the new penthouse additions shall not exceed 130 feet.
- ii. The new rooftop additions shall be setback a minimum of approximately 43 feet from the roof edge on the Broadway façade facing west as shown in Exhibit A and shall maintain the prevailing setback.
- iii. The rooftop additions, which includes extending a portion of the existing 7<sup>th</sup> floor penthouse and the new 8<sup>th</sup> floor addition shall not exceed 6,200 square feet of floor area.
- iv. The project may demolish and reconstruct a portion of the existing 7<sup>th</sup> floor penthouse, which shall be setback approximately 43 feet minimum from the Broadway façade facing the West. The project may also demolish an existing elevator shaft and reconstruct a new elevator shaft and stair way on the roof as shown on Sheets 101 and 202 of Exhibit A.
- v. The new guardrail on the roof shall be made of steel and glass and shall not exceed 42 inches in height as shown on Sheets 202 and 203 of Exhibit A.
- vi. The rooftop additions shall be compatible with the scale, massing and architectural design of the existing historic building as shown in Exhibit A.
- vii. The existing roofline and/or cornice that is located on the west façade of the building that is fronting Broadway shall not be altered.

47. **Signage.** The approval of this application does not constitute approval of a signage plan. The Applicant shall submit a detailed signage plan to the Department of City Planning, Central Project Planning Division, for approval pursuant to Section 7 of the Historic Broadway Sign Supplemental Use District prior to the issuance of any signs for the project. No additional signs including, but not limited to, temporary banners or exterior merchandise displays shall be permitted on the street facing facades of the subject property without subsequent approval. Pursuant to this action, final plans shall not show signage.

***Administrative Conditions*****48. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court

costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

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

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

**TRANSFERABILITY**

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

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **SEPTEMBER 14, 2018**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

**Downtown**

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

**San Fernando Valley**

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

**West Los Angeles**

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

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

**NOTICE**

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

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on August 16, 2017, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W and the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

**BACKGROUND**

The project address is 612 – 616 South Broadway. The subject property consists of one rectangular lot that is located within the Central City Community Plan area with a frontage of approximately 62 feet on the eastern side of Broadway. The subject site contains a lot area of approximately 9,689 square feet. The depth of the lot is approximately 155 feet. The site is located within the Broadway Theater and Entertainment District Design Guide Community Design Overlay (CDO), the Broadway Theatre and Commercial National Register Historic District, the Broadway Streetscape Master Plan Area, the Los Angeles State Enterprise Zone, the Greater Downtown Housing Incentive Area, the Adaptive Reuse Incentive Area, and a designated Transit Priority Area.

The subject property is developed with a Beaux Art style, 7-story, 68,962 square-foot, mixed-use building known as the Desmond's Building. The iconic building currently houses ground floor commercial retail tenants and has been vacant on the upper floors for decades. The existing ground floor and basement level commercial spaces are

undergoing a conversion to create improved interior spaces for new commercial retail tenants, an entrance to an elevator lobby with a stairway for access to the offices on the upper levels and the commercial retail tenant space on the basement level. The Desmond's Building is listed as a contributor in the National Register within the Historic Broadway Theater and Commercial District. Therefore, the project does require review and approval from the Office of Historic Resources (OHR). The Office of Historic Resources staff has reviewed the proposed project in consultation with the Project Planner and confirmed that the project is in compliance with OHR's requirements.

The proposed project involves rehabilitation, including upper story façade restoration, a new storefront, new rooftop mechanical equipment with screening, façade lighting, façade planter boxes and restoration of an existing architectural canopy that is located above the storefront. The proposed project also involves an addition of 6,200 square feet of new floor area on the 7<sup>th</sup> floor penthouse and a new 8<sup>th</sup> floor for a rooftop restaurant and bar. The proposed façade improvements and window installations that are located on the east and south facades of the structure that do not face Broadway are exempt from the provisions and review of the Broadway CDO. The interior improvements are also exempt from the provisions of the Broadway CDO because interior improvement work and alterations or repair work to any façade that does not front a public street and not visible from the public right-of-way are considered exempt. The approval of this application is for the proposed façade improvements at the front of the building along Broadway and the addition of new floor area on the rooftop. No signage is included as part of this approval.

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

There are no previous cases on the applicant's property.

**Previous Cases on Surrounding Properties**

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. The following cases were identified to be within 600 feet of the subject property and filed within the last five years:

Case No. ZA-2016-428-CUB – On June 4, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption, in conjunction with a 2,189 square-foot restaurant and a 160 square-foot outdoor on-site patio, with hours of operation from 6:00 a.m. to 2:00 a.m. daily, at 541 South Spring Street, #112-113.

Case No. ZA-2016-1681-CUB – On November 29, 2016, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant in the [Q]C5-4D-CDO-SN and C5-4D Zones, with hours of operation from 6:00 a.m. to 2:00 a.m. daily, at 541 South Spring Street, #124-126.

Case No. ZA-2015-633-CUB-ZV – On September 19, 2016, the Zoning Administrator approved a request for a conditional use permit for the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a bar/lounge with live

entertainment, and games, and a Variance from Municipal Code Section 12.21-A,4(a) to permit a reduction in on-site automobile parking for zero (0) parking spaces in lieu of five required parking spaces, with hours of operation from 11:00 a.m. to 2:00 a.m. daily, in the C5-4D Zone, at 206 West 6th Street.

Case No. ZA-2015-1527-MPA – On April 15, 2016, the Zoning Administrator approved plans to allow the on-site sale and dispensing of a full line of alcoholic beverages, in conjunction with a proposed bar in the [Q]C5-4D-CDO Zone, with hours of operation from 11:00 a.m. to 2:00 a.m. daily, at 541 South Spring Street, #115-119.

Case No. ZA-2015-3123-CUB – On February 24, 2016, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with the expansion of an existing restaurant in the C5-4D Zone, with hours of operation from 8:00 a.m. to 2:00 a.m. daily, at 557-567 South Spring Street.

Case No. ZA-2015-3918-CUB – On December 23, 2015, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant in the [Q]C4-4D Zone, with hours of operation from 11:00 a.m. to 2:00 a.m. daily, at 101 West 5th Street.

Case No. ZA-2015-1255-CUB – On November 16, 2015, the Zoning Administrator approved a Conditional Use to allow the on-site sales of a full line of alcoholic beverages in conjunction with a restaurant with hours of operation from 11:00 a.m. to 2:00 a.m. daily, in the [Q]C5-4D-CDO Zone, at 510 South Broadway.

Case No. ZA-2014-4732-CUB – On September 21, 2015, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of beer and wine only for on-site and off-site sales in conjunction with a 1,171 square-foot fashion retail shop and wine bar in the [Q]C5-4D and C5-4D Zone Classification, with hours of operation from 6:30 a.m. to 1:00 a.m. daily, at 541 South Spring Street, #114.

Case No. ZA-2015-401-CUB – On July 2, 2015, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a new restaurant in the C5-4D Zone, with hours of operation from 8:00 a.m. to 2:00 a.m. daily, at 519 South Spring Street.

Case No. ZA-2014-2037-CUB-CUX – On June 9, 2015, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, with public dancing and live entertainment, in the C2-2D Zone, with hours of operation from 11:00 a.m. to 2:00 a.m. daily, at 131 East 6th Street.

Case No. ZA-2015-702-CUB-CU – On April 20, 2015, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 3,175 square-foot restaurant and bar with live entertainment in the [Q]C5-4D-CDO Zone, with hours of operation from 8:00 a.m. to 2:00 a.m. daily for the indoor portion of the restaurant and 8:00 a.m. to 12:00 a.m. daily for the outdoor portion of the restaurant, at 523 South Broadway.

Case No. ZA-2014-1155-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sales and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,484 square-foot restaurant (Bierbeisl), with hours of operation from 8:00 a.m. to 2:00 a.m. daily, in the [Q]C5-4D-CDO Zone, at 541 South Spring Street, #108-110.

Case No. ZA-2013-1077-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sales and dispensing of a full line of alcoholic beverages for onsite consumption in conjunction with a proposed 6,148 square-foot restaurant/pub (Royal Clayton's British Pub), with hours of operation from 7:00 a.m. to 2:00 a.m. daily, in the [Q]C5-4D-CDO Zone, at 541 South Spring Street, #134-137.

Case No. ZA-2013-1076-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sales and dispensing of beer and wine only for on-site consumption in conjunction with a proposed 875 square-foot restaurant (Crepes Sans Frontieres), with hours of operation from 7:00 a.m. to 2:00 a.m. daily, in the [Q]C5-4D-CDO Zone, at 541 South Spring Street, #127.

Case No. ZA-2013-1075-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with a proposed 1,654 square-foot restaurant (Guisado's), with hours of operation from 8:00 a.m. to 2:00 a.m. daily, in the [Q]C5-4D-CDO Zone, at 541 South Spring Street, #101-103.

Case No. ZA-2013-1074-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing 2,343 square-foot restaurant (Gourmet LA Bakery), with hours of operation from 7:00 a.m. to 2:00 a.m. daily, in the [Q]C5-4D-CDO Zone, at 548 South Broadway.

Case No. ZA-2013-1073-MPA – On June 25, 2014, the Zoning Administrator approved plans to permit the sale and dispensing of a full line of alcoholic beverages in conjunction with a proposed 1,881 square-foot bar (Thom's Bar), with hours of operation from 11:00 a.m. to 2:00 a.m. daily, in the [Q]C5-4D-CDO Zone, at 550 South Broadway.

Case No. ZA-2013-1068-MCUP – On June 25, 2014, the Zoning Administrator approved a Master Conditional Use for the sale and dispensing of beer and wine and a full line of alcoholic beverages for on-site consumption, in conjunction with one existing and six proposed venues totaling 18,256 square feet seating a total of 774 patrons, comprised of 594 interior and 180 exterior seats, located within the ground level of the Spring Street Arcade Building at 541 South Spring Street and the Thom McCan Building at 546-550 South Broadway, in the [Q]C5-4D-CDO Zone.

Case No. ZA-2013-1925-CUB – On January 15, 2014, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing bar/restaurant, in the C2-4D Zone Classification, with hours of operation from 6 a.m. to 2 a.m. daily for the interior portion and 9 a.m. to 12 a.m. daily for the exterior portion, at 626 South 6th Street.

### **Public Hearing**

A public hearing was held by the Associate Zoning Administrator on August 15, 2018 at Los Angeles City Hall, 200 North Spring Street, Room 1020. The hearing was attended by the applicant's representative, Elizabeth Peterson, and her team, and Mark Jones, Planning Deputy for Council Office 14.

Ms. Peterson made the following statements:

- The request is for a new conditional use for 742 seats and live entertainment and dancing.
- The request also includes a zone variance for uncovered rooftop dancing in the C5 zone; a project with a 6.85 F.A.R. within a building that has an F.A.R. of 6.18.; and zero bike parking spaces in lieu of 13 spaces triggered by the project.
- In addition, there is a CDO request, where the ground floor and rooftop were reviewed by Isaiah Ross and Lambert of OHR.
- The subject building was first occupied by Desmond retail store, and in 1983 by Payless Shoe Source. The upper floors have remained vacant for the last 40 years.
- The building was built in 1924, and part of the National Register of Historic Places.
- Parking for the project will utilize surrounding parking lots.
- There will be a 6,545 square-foot addition at the 7<sup>th</sup> and 8<sup>th</sup> floor.
- There will be opportunities to bring innovative open space to the rooftop, and preserve the significance of the building.
- For the zone variance, there is no room to provide bike and vehicle parking spaces on-site.
- A TDM plan will be incorporated. Wes Pringle of the Department of Transportation will review the TDM. The TDB encourages a mix of uses in downtown.
- There will be a live entertainment program, music, DJs, and live performers limited to trios of musicians.
- Outreach includes CD 13's Clare Eberle and Shawn Kuk, the Downtown Los Angeles Neighborhood Council, who stated they did not support the live entertainment on the uncovered patio, LAPD (Officer Archuleta and Sylvia Aguirre).
- A letter of support from the neighboring property owner was submitted.
- As a response to DTLANC's recommendation and LADOT, the project will close the rooftop at 11 p.m.
- A noise study was conducted and a report was submitted.
- A lighting study was also prepared and mitigation measures will be incorporated.
- The mode and character of the building will continue to fit within the Bring Back Broadway initiative.

One person, Mark Jones, Planning Deputy for Council District 14, spoke of the Council Office's support for the project since it is consistent with the efforts to revitalize Broadway.

After the public comment was made, the Associate Zoning Administrator took the case under advisement pending Department of Transportation's review of the project.

**Public Correspondence**

- Letter dated July 10, 2018, from the Downtown Los Angeles Neighborhood Council (DLANC) stating that at their regular meeting on July 10, 2018, the DLANC Board of Directors voted to support the request except for the zone variance to permit the use of uncovered outdoor rooftop dining as well as dancing and entertainment.

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

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

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

- There shall be no off-site sales.
- There shall be no portable bars.

**BASIS FOR CONDITIONAL USE PERMITS**

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

**FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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

The Conditional Use Permits to allow the sale and dispensing of alcoholic beverages as well as live entertainment and patron dancing in conjunction with a new restaurant will enhance downtown Los Angeles and the surrounding areas along Broadway by bringing in a viable use that is consistent with its Regional Commercial Center designation. The subject property is developed with a Beaux Art style, 7-story, 68,962 square-foot, mixed-use building known as the Desmond's Building. The iconic building currently houses ground floor commercial retail tenants and has been vacant on the upper floors for decades. The existing ground floor and basement level commercial spaces are undergoing a conversion to create improved interior spaces for new commercial retail tenants, an entrance to an elevator lobby with a stairway for access to the offices on the upper levels and the commercial retail tenant space on the basement level. The proposed project also involves an addition of 6,200 square feet of new floor area on the 7<sup>th</sup> floor penthouse and a new 8<sup>th</sup> floor for a rooftop restaurant and bar.

The project proposes a new restaurant located on the 7<sup>th</sup> and 8<sup>th</sup> floors and on the rooftop. The restaurant will offer the sale and dispensing of a full line of alcoholic beverages for on-site consumption along with live entertainment and patron dancing. The unique restaurant will contribute to the different dining and entertainment options offered in the Broadway Theater District of Downtown Los Angeles and help bring further vibrancy to the area. The restaurant's operating hours are proposed from 6 a.m. to 2 a.m., so dining options will be available into the late hours of the night, consistent with the vision of nightlife for Downtown. Dancing and live entertainment in the outdoor areas will be limited to 11 p.m., daily. The new restaurant will enhance the physical environment by increasing activity and reactivating a currently vacant commercial space within a historic building.

The subject property is zoned and developed in a manner consistent with the surrounding area, which features retail, restaurants, offices, and residences that form a commercial hub serving a large and diverse population. The restaurant will offer a viable and competitive dining option for downtown residents, employees and visitors. In addition, the restaurant will help contribute to the revitalization of downtown and be consistent with its Regional Commercial Center land use designation. The imposition of a number of conditions addressing operational and alcohol-related issues will ensure that the project will not be disruptive to the surrounding community.

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

The subject property is located on two floors (7<sup>th</sup> and 8<sup>th</sup>/Rooftop) of the historic Desmond's Building, a Beaux Art style, 7-story, 68,962 square-foot, mixed-use building located near the southeastern corner of Broadway and 6<sup>th</sup> Street. The floors are currently vacant and the proposed restaurant is part of a larger rehabilitation effort for the building. The restaurant has been granted hours of operation of 6 a.m. to 2 a.m., daily, and will outdoor covered dining located on the 7<sup>th</sup> floor and outdoor uncovered dining located on the 8<sup>th</sup> floor/rooftop. This grant

has been conditioned to limit live entertainment on 8<sup>th</sup> floor/rooftop outdoor areas to no later than 11 p.m., daily.

The subject property is zoned and developed in a manner consistent with both the City's desired land use designation for the site and the surrounding area. Both the Spring Arcade and the proposed restaurant with the sale and dispensing of a full line of alcohol are compatible with the designated land uses and complement the surrounding area, which includes other office, restaurant, and retail uses. In addition, the project was reviewed by the Department of Transportation, which also includes the review of a Transportation Management Plan, which will help promote alternative modes of transportation to get to and leave the site. The project will include conditions that address the potential for noise by the installation of a walls, orientation of speakers, and other measures.

In addition, conditions have been imposed to encourage responsible management and deter nuisance and criminal activity. As conditioned, the operation of the restaurant with the sale of a full line of alcoholic beverages for on-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety and the development of the community.

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

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the Los Angeles Municipal Code (LAMC). With the exception of the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The subject property is located within the boundaries of the Central City Community Plan, which establishes land use designations and planning policies for the area. The project site is zoned [Q]C5-4D-CDO-SN and designated as Regional Center Commercial. The restaurant use along with the sale and dispensing of a full line of alcoholic beverages and patron dancing are consistent with this zone and land use designation. Additionally, the project is consistent with the following objectives and policies of the Community Plan:

**OBJECTIVE 2-2: "TO RETAIN THE EXISTING RETAIL BASE IN CENTRAL CITY."**

**Policy 2-2.1:** Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.

**Policy 2-2.3:** Support the growth of neighborhoods with small, local retail services.

The project will utilize a vacant commercial space and rooftop with a restaurant space within the historic Desmond's Building and bring a neighborhood-serving commercial uses on the property that complements existing uses within the building and uses near the site. The restaurant, as part of the Desmond's Building, is within a historic building and the project will contribute to the revitalization of the building as well as Broadway Theater District. The project will bring an active use that will allow for dining and entertainment throughout the day to promote the vibrancy and vision of downtown and Broadway. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The grant with the imposed conditions provides methods to address any potential effects from the sale, dispensing and on-site consumption for alcoholic beverages and live entertainment with patron dancing. With the imposition of conditions of approval, the operation of the new restaurant and rooftop bar within the Desmond's Building, where security and surveillance cameras already exists, will be compatible with adjacent properties and pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of these conditions that require deterrents against loitering and require responsible management. Employees will undergo training on the sale of a beer and wine including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community near the subject site of other nuisances.

Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or If at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. These operating conditions in conjunction with the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to continue to monitor and verify compliance of the imposed conditions. Therefore, with the imposition of such conditions, the sale of a full line of alcoholic beverages for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic**

**Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 2073.01). Currently, there are 64 active on-site licenses and 10 active off-site licenses total in this census tract. The subject location is located in Downtown Los Angeles, a well-developed major regional commercial hub with a variety of restaurants, theatres, and clubs, which has resulted in the number of alcohol licenses to far exceed the number allocated. Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 153 which has jurisdiction over the subject property, a total of 653 crimes were reported in 2016, including 306 Part I and 347 Part II crimes, compared to the area average of 335 total crimes for the same reporting period. Alcohol-related Part II crimes reported include Narcotics (70), Liquor Laws (33), Public Drunkenness (32), Disturbing the Peace (1), Disorderly Conduct (24), Gambling (0), DUI-related (4), and Miscellaneous Other Violations (88). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The project will not adversely affect public welfare because the restaurant is a compatible use in an area designated for commercial uses and within a building that includes existing security and cameras for surveillance. The restaurant will reactivate and repurpose a currently vacant commercial space within the Desmond's as well as the currently used rooftop. In doing so, the proposed project will provide a convenience to workers, visitors, and residents in both the immediate neighborhood and the region and, as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

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

The following sensitive uses are located within 1,000 feet of the subject site:

- New City Church of LA – 514 S. Spring Street
- Universidad Nacional Autonoma (UNAM) – 634 S. Spring Street
- Iglesia Universal Church – 707 S. Broadway
- Pershing Square Park – 532 S. Olive Street
- Spring Street Park – 426 S. Spring Street
- Skid Row Denim Academy – 108 E. 5<sup>th</sup> Street
- LA Barber College – 440 S. Broadway

The sale of a full line of alcoholic beverages will be within a controlled environment within the restaurant and bar and will be managed by trained employees and subject to multiple noise and security measures. In addition, there were no correspondence or public testimony from representatives of any of these sensitive uses indicating the conditional use would be detrimental to surrounding uses.

The Downtown Los Angeles Neighborhood Council did submit a letter expressing concern for the live entertainment and public dancing on the uncovered portion of rooftop. As a result of the letter, the applicant voluntarily reduced the requested hours for live entertainment and public dancing to 11 p.m., daily, for the uncovered portion of the rooftop. The condition has been imposed limiting the hours, however, in the event that documented evidence is submitted, the Associate Zoning Administrator has included a condition that would allow the applicant to come back to review the operation and impose any additional conditions.

Thus, the proposed use will not detrimentally affect these sensitive uses within proximity of the subject site. To ensure that the nearby sensitive uses are adequately mitigated from any potential adverse impacts of this project, conditions been imposed to ensure that no littering, excessive noise or light will result from the operation of this business. Therefore, with the conditions imposed herein, the restaurant should not detrimentally affect the neighboring sensitive uses or create potential nuisances for the surrounding area.

### **Zone Variance Findings**

7. **The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

#### **Rooftop Dining and Live Entertainment and Dancing**

Strict application of the provisions of the LAMC that prohibit uncovered live entrainment above the ground-floor level would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The zoning regulations allow certain land uses in various zones in order to achieve compatibility between respective uses. Such regulations, however, are written on a citywide basis and often do not consider unique characteristics of a specific site's intended use or the character of a particular community.

The project site is located along the Broadway Corridor in the “Historic Core” of Downtown Los Angeles. The Central City Community Plan as “night-time, entertainment district, with night clubs, bars and restaurants, to contribute to the vision of a vibrant, 24-hour downtown.” The subject site’s C5 Zone prohibits uncovered live entertainment above the ground-floor level (including on the rooftop). This regulation imposes an unnecessary hardship on the project that is inconsistent with the general purpose and intent of the zoning regulations.

The intent of the C5 restriction on unenclosed live entertainment above the ground floor is to minimize noise impacts on the surrounding community by requiring any live entertainment be in an enclosed space. The project will still meet the intent of the zoning regulations by limiting live entertainment on the rooftop to the reasonable hour of 11 p.m., daily, utilizing design features, including glass guardrails and other measures imposed in this grant, to minimize noise, and by virtue of distance from sensitive receptors.

The proposed restaurant with rooftop bar looks to create a tourist destination and a new local venue where neighborhood residents and visitors alike can congregate, dine, and enjoy panoramic views of the city, in keeping with the Central City Community Plan’s vision to further the area as an entertainment district with a diverse assortment of bars, restaurants, and nightclubs. Other restaurants and hotel in Downtown Los Angeles, include several on the Broadway Corridor, offer amenities such as rooftop bars and unenclosed courtyards to function as social gathering spaces for patrons, residents, and visitors to the area. The C5 zone does not consider the unique characteristic of the Broadway Theater District, which encourages these types of uses to further Downtown Los Angeles as the center for entertainment for the entire region. In light of the foregoing, the strict application of the zoning regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

### Parking

The project does not propose any new construction as the structure is an existing building. The existing building, a contributor in the National Register within the Historic Broadway Theater and Commercial District, would need to be modified in order to accommodate the full parking requirements on site, which is impractical due to structural limitations. The project proposes to utilize existing vacant space on the basement level of the existing building, which has triggered an automobile parking requirement for new parking spaces. Current City codes also require off-site spaces provided on nearby lot be bound by a recorded covenant. According to the applicant, no property owners within the 750 feet of distance is willing to record an encumbrance on their property, which creates a practical problem to provide off-site parking as well. Exclusive lease for parking spaces are also difficult to obtain according to the applicant.

Pursuant to Code Section 12.21-A,4, the Code requires 13 on-site parking spaces for the proposed bar/lounge since the site is located in a State Enterprise Zone,

which requires 2 spaces for every 1,000 square-foot of floor area. Since inception the property has not provided code required parking to current Code standard. In order to allocate the required parking on-site, the building would have to be substantially modified which is impractical and infeasible. The project is located within a Transit Priority Area, significantly reduces the dependence on automobile travel, as well as the State Enterprise Zone which allows a lower parking ratio to encourage the development of economic activities. Additionally, the applicant is required by the imposed condition in the determination to indicate that the use of mass transit, taxi, and ride sharing shall be promoted on the establishment's website and other social media outlets. An incentive program for patrons who use alternate means of transportation shall be posted on a two-sided card placed on all tables and or a program description printed on the menu to further reduce automobile dependency.

The subject zoning regulations require specific parking ratio to the amount of uses in order to alleviate traffic impacts in the surrounding neighborhood. Such regulations, however, are written on a citywide basis and cannot take into account individual unique characteristics which a specific parcel may have. It is not a goal of the zoning code to promote economic waste, and it is a Central City Community Plan objective to promote night life activity by encouraging restaurants, pubs, nightclubs, small theatres, and other specialty uses to reinforce existing pockets of activity. The applicant in this instance is providing a hospitality service in a reasonable fashion with operation conditions typically imposed by the City and recommended by LAPD, and further supported by Council District No. 14. Thus, it can be found that the strict application of the provisions of the Zoning regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

#### Floor Area Ratio

The site has an ordinance that limits the project floor area ratio to 6:1. The intent to limit the floor area ratio by the D Limitation is to ensure compatible scale in the area. The project is proposing to adaptively reuse an existing commercial building which would involve the rehabilitation of the building, including upper story façade restoration, a new storefront, new rooftop mechanical equipment with screening, façade lighting, façade planter boxes and restoration of an existing architectural canopy that is located above the storefront. The proposed project also involves an addition of 6,200 square feet of new floor area on the 7<sup>th</sup> floor penthouse and a new 8<sup>th</sup> floor for a rooftop restaurant and bar. The project will meet the intent of the zoning regulation by proposing a project that will be in conformance with the Zoning Administrator's Interpretation, Case No. ZA 2004-7710(ZAI) and all applicable ordinances for an adaptive reuse. Regulations for rooftop structures are stated in this ZAI and the project will not create a development that will be out of scale with surrounding uses. Rather, the project will meet the regulations to promote vibrancy of the area. There will be an addition that will be in compliance with the intent of the Adaptive Reuse Ordinance.

8. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject property consists of one rectangular lot that is located within the Central City Community Plan area with a frontage of approximately 62 feet on the eastern side of Broadway. The subject site contains a lot area of approximately 9,689 square feet. The depth of the lot is approximately 155 feet. The site is located within the Broadway Theater and Entertainment District Design Guide Community Design Overlay (CDO), the Broadway Theatre and Commercial National Register Historic District, the Broadway Streetscape Master Plan Area, the Los Angeles State Enterprise Zone, the Greater Downtown Housing Incentive Area, the Adaptive Reuse Incentive Area, and a designated Transit Priority Area.

The subject property is unique as it is developed with a Beaux Art style, 7-story, 68,962 square-foot, mixed-use building known as the Desmond's Building. The iconic building currently houses ground floor commercial retail tenants and has been vacant on the upper floors for decades. The existing ground floor and basement level commercial spaces are undergoing a conversion to create improved interior spaces for new commercial retail tenants, an entrance to an elevator lobby with a stairway for access to the offices on the upper levels and the commercial retail tenant space on the basement level. The Desmond's Building is listed as a contributor in the National Register within the Historic Broadway Theater and Commercial District.

#### Rooftop Dining and Live Entertainment and Dancing

The proposed project will bring in a new restaurant on the 7<sup>th</sup> and 8<sup>th</sup> floors and the rooftop of an existing historic commercial building. To bring in a use that is consistent with the vision for downtown and the revitalization of Broadway, the project's live entertainment and patron dancing will bring in a night time use that will offer entertainment options for the area. The zoning code encourages this form in Regional Center Commercial land use designation. The site's C4 Zone restriction on above ground outdoor dining is not consistent with the Community Plan's vision for a regionally significant entertainment district. The project's location is unique in that it is designated Regional Center, zoned C4, and located more than 500 feet away from the nearest residential zone. This location would benefit the city by providing a new hotel with rooftop venue that will attract tourists and visitors from around the world. The project site is located a sufficient distance (at least 500 feet) from the nearest residential zone. In addition, operating conditions are in place to restrict potential impacts from the use, including limits to access, operating hours, live entertainment, and additional security guard requirements to ensure that the project is operated in a responsible manner. Thus, the site's constrained size, location within the Hollywood Center, and distance from sensitive uses are special circumstances applicable to the subject property that does not apply to other properties in the same zone or vicinity.

#### Parking

The subject building is located in a highly developed part of Downtown Los Angeles. It is bordered by a 10-story commercial office building to the north, an alley and a 10-story residential building to the east, and the historic Palace Theater to the south. There is no physical space on which on-site parking can be provided

since the subject building was built in 1924, before parking requirements were in place. Furthermore, the subject property is the Desmond's Building which is listed as a contributor in the National Register within the Historic Broadway Theater and Commercial District. The intent of the of the Historic District Designation is to recognize and preserve the architectural and cultural significance of the area and its buildings, making it impractical to modify existing structures or spaces while remaining consistent with the principles of the Secretary of Interior's Standards.

#### Floor Area Ratio

The project site is developed with an existing building built in 1924 that has had a significant portion of the building remain vacant for decades. There is no room to provide additional parking spaces, especially on a site that consists of a building that is a contributor in the National Register within the Historic Broadway Theater and Commercial District.

9. **The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

#### Rooftop Dining and Live Entertainment and Dancing

It is an unnecessary hardship to restrict outdoor dining and live entertainment on an unenclosed rooftop in an area where entertainment and visitor serving uses are encouraged. The project site is located within the Broadway Theater District of Downtown Los Angeles. There are many existing and proposed projects both in along the Broadway Corridor and throughout Downtown Los Angeles that offer rooftop dining and live entertainment. Other establishments with rooftop dining and live entertainment in the vicinity of the project include the Ace Hotel at 929 South Broadway, Perch at 448 South Hill Street, Freehand Hotel at 416 West 8<sup>th</sup> Street and the Standard Hotel at 550 South Flower Street. Therefore, there are properties within the same zone and vicinity that possess the substantial property right of having outdoor dining and live entertainment on an unenclosed rooftop and because of unnecessary hardships as a result of the C5 Zone, is denied the property in question.

#### Parking

The applicant seeks to utilize the site in a manner which optimizes the otherwise limiting features of the property. The request for a zone variance to permit a reduction in on-site automobile parking for zero (0) parking spaces is necessary due to practical difficulties of satisfying citywide parking requirements in a historic building. The Applicant seeks to utilize the site in a manner which optimizes the otherwise limiting features of the property. The existing building is a historic building that has been built to the property lines, not allowing the space for on-site parking and building onto a historic building is not feasible. Many patrons of the establishment will be local downtown residents where walking, ride sharing and

public transits will be the transportation solution as opposed to driving. The uniqueness of downtown living and convenience is not generally shared by other communities in the City where driving and parking become necessary in most cases.

#### Floor Area Ratio

There are several buildings downtown that have adaptively reused the building by relocating floor area and adding to the rooftop, consistent with the Adaptive Reuse Ordinance and Case No. ZA-2004-7710(ZAI). For example, the Foreman Building at 701 South Hill relocated floor area consistent with Case No. ZA-2014-3943(ZAI) and Case No. ZA-2004-7710(ZAI).

The granting of the variance is necessary for the preservation and enjoyment of the subject building, where the applicant is adaptively reuse the building to bring a project that will be consistent with the vision for both Downtown and the revitalization of Broadway. This is a substantial property right that where others have utilized and met the intent of the Adaptive Reuse Ordinance

10. **The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

#### Rooftop Dining and Live Entertainment and Dancing

Allowing the project to incorporate outdoor dining above the ground floor at a rooftop lounge and courtyard will not be materially detrimental to the public welfare. The hotel, restaurant, bar and lounge use, including above ground dining, is compatible with the surrounding Regional Commercial Center uses and complements the City's vision of Hollywood as a thriving entertainment district. The property is located within the Hollywood Center, a regionally significant commercial and entertainment hub with no residentially zoned properties within 500 feet of the site. Due to the property's surrounding uses, rooftop dining above the ground floor will not be detrimental or pose a nuisance to the public welfare. The project will also include design features including a glass guardrail and landscaping on the rooftop to further increase noise attenuation at the site. The project is required to comply with the citywide noise ordinance and has been conditioned to ensure the operation will not pose a nuisance to the public welfare. The conditions related to facility operations have been incorporated as recommended by LAPD Hollywood Vice and include restrictions on live entertainment, hours of operation, and requirements to provide private security at the site. As stated at the hearing, LAPD is generally supportive of the project and is looking to restrain noise at the site. As such, the variance to permit outdoor dining above the ground floor will not be materially detrimental to the public welfare.

#### Parking

The granting of the variance will not be detrimental to the public welfare in that the project is located in the bustling downtown area with high density development full

of commercial and residential activities. Many existing historic buildings do not provide parking spaces, and the Code exempts the parking requirement to implement adaptive reuse policies in order to revive under used buildings. A Zone Variance granting relief from Section 12.21(A)(4) to permit a reduction in on-site automobile parking for zero (0) parking spaces in lieu of the required parking spaces in conjunction with the proposed addition of floor area on the 7<sup>th</sup> floor and 8<sup>th</sup> floor/roof will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located due to the following benefits: will encourage transit use and pedestrian activity in areas well served by transit; enhance quality of development through creating a quality entertainment establishment for both residents and visitors to the area; enhance the quality of land use in the region by not requiring unneeded parking; increase open space and other amenities provided on land or floor area not dedicated for parking; discourage automobile usage thereby resulting in decreased traffic congestion, air pollution, and generation of greenhouse gases; and encourage bicycling, walking and alternative transportation measures such as carpooling and shared car programs.

#### Floor Area Ratio

Allowing the project to incorporate outdoor dining above the ground floor at a rooftop lounge will not be materially detrimental to the public welfare. The project will bring in a viable, neighborhood serving use in a restaurant and lounge/bar in an area that designated for Regional Center Commercial uses. The project will not create any significant noise, lighting, or shade/shadow impacts. Conditions have been imposed to shield any lighting away from adjacent uses. In addition, conditions related to noise relating to the rooftop area have been included as conditions of approval. The project is consistent with the Adaptive Reuse Ordinance and related regulations. With conditions of approval, the project will be compatible with surrounding uses along Broadway and will not be detrimental to sensitive uses, since there are no such uses immediately adjacent to the site.

**11. That the granting of the variance will not adversely affect any element of the General Plan.**

The proposed project and requested entitlements are aligned with the General Plan. The property has a land use designation of Regional Center Commercial, according to the Central City Community Plan. The zone of the site is [Q]C5-4D-CDO-SN and the requested uses are permitted within the C5 Zone. The project is located within a Transit Priority Area, significantly reduces the dependence on automobile travel, as well as the State Enterprise Zone allowing a reduction of the required parking spaces. The proposed use, which includes the sale and dispensing of a full line of alcoholic beverages for consumption on the premises, in conjunction with a proposed bar/lounge with live entertainment, is consistent with the following Community Plan objectives and policies or commercial land use:

Objective 2-2 – To retain the existing retail base in Central City.

Objective 2-2.1 – Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.

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

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

Objective 2-4.1 – Promote night life activity by encouraging restaurants, pubs, nightclubs, small theatres, and other specialty uses to reinforce existing pockets of activity.

The granting of these variances will not adversely affect any element of the General Plan. The use of outdoor terraces and courtyards for dining and entertainment is consistent with the Central City Community Plan's goal for the area to be a "major center of population, employment, retail services, and entertainment." The restaurant with above ground dining and live entertainment will further the Community Plan's vision of creating a regionally significant entertainment district. The project with live entertainment and outdoor dining on an enclosed rooftop will promote revitalization of an underutilized area by constructing a new restaurant that is compatible with surrounding retail, restaurant and other commercial uses.

The project site is located in an area that offers convenient access to mass transit that serves the greater Los Angeles region. The proposed restaurant is envisioned to be a focal point for tourist, entertainment, and pedestrian oriented uses in the downtown area. The project will be a new anchor for the Broadway Theater District, which is presently lined by hotels, restaurants, bars, theaters, and retail uses. The restaurant with live entertainment and outdoor dining on an unenclosed rooftop will offer a venue for social gatherings and entertainment in a pedestrian oriented building with convenient access to public transit and ride share services. As such, the project will not adversely affect any element of the General Plan and is consistent with the General Plan, the Central City Community Plan, and the Center City Redevelopment Plan.

### **Community Design Overlay Findings**

12. **In accordance with the Community Design Overlay Approval procedures of Section 13.08 E.3 of the LAMC and the Broadway CDO (Ordinance No. 180,871), the project substantially complies with the adopted Community Design Overlay Design Guidelines and Standards.**

The project involves renovation of the ground floor facade of the building on the east side of Broadway and includes the replacement of the existing ground floor storefront. The project proposes new storefront windows and doors, a new light

bronze metal storefront frame system, a new stone bulkhead at 12 inches in height when measured from the sidewalk grade, a new limestone tile on the storefront walls, and a replication of the historic curvilinear display windows on the storefront. The project proposes restoration of the existing architectural canopy that is located above the ground floor storefront. The project proposes rehabilitation to the upper facade of the building to include new facade planter boxes, facade lighting, restoration of the balcony railings and flagpole, repainting the window frames, restoration of the terra cotta tiles and replication of the historic urns to be located on the parapet of the roof. The project also proposes an addition of 6,200 square feet of floor area on an existing 7th floor penthouse and for an 8th-floor story to be added to the building for a new rooftop restaurant and bar to include an outdoor dining area and dancing/entertainment space on the rooftop. The project proposes new rooftop mechanical equipment which will be screened from public view. The project will renovate the interior of the building for office space located on the second to sixth floors and commercial retail space on the ground floor and basement level, which is not subject to the provisions of the Broadway CDO because the scope of work is interior and does not front a public street. Signage will be submitted under a separate permit. The conditioned project is consistent with the following CDO Design Guidelines and Standards for the Rehabilitation of Historic Structures:

The conditioned project complies with the following CDO Design Guidelines.

### FAÇADE IMPROVEMENTS

*Guideline 1: Retain the building's original appearance and all character defining features.*

*Standard 1a. Character defining features as shown in Appendix B, which articulate a building façade, should be repaired using in-kind materials.*

*Standard 1b. When a character defining feature is determined by review to be too deteriorated to be repaired, but the overall form and detailing are still apparent, replace them in-kind (identical form and materials) or with substitute material that conveys the same form, design and overall visual appearance as the original.*

*Standard 1c: Character defining features, as illustrated in Appendix B should not be hidden behind displays, signage and/or building alterations and additions.*

*Standard 1d: Removing non-historic additions is encouraged to expose and restore the original design elements.*

The project proposes facade alterations and rehabilitation of the ground floor storefront and upper-story levels that are fronting Broadway. The existing, non-historic storefront elements and fabric such as the exterior security grilles, walls, signs and any deteriorated storefront frames, trims, moldings, windows and doors will be removed to reveal the underlying historic storefront elements as shown on

Sheet 100 of Exhibit A. The building's original appearance and all character defining features will be retained. The railings on the balconies on the facade will be cleaned, repaired and painted as shown on Sheet 300 of Exhibit A. The project proposes to retain and restore original design elements such as the existing terra cotta tiles, the ornamental terra cotta twisted columns, spandrel panels, pediments, and pilasters. The masonry grout and ornamental terra cotta on the exterior facade of the building will be repointed and grouted as needed. The window frames will be repaired, restored and painted as needed as shown on Sheet 300 of Exhibit A. The existing flagpole that is located on the facade of the building will also be repaired and restored. The project proposes new fiberglass planter boxes on the facade as shown on Sheets 300 and 701 of Exhibit A. As such, the project complies with Section 3, Design Guideline 1 and Standards 1a - 1d of the Broadway Theatre and Entertainment District Design Guide.

### BUILDING FORM

- Guideline 2: Preserve, repair, and replace, as appropriate, building elements and features that are important in defining historic character (see "rehabilitation" in Section 2: Definitions for more details). Retain the original building continuity, rhythm, and form created by these features, such as storefront pattern, structural bays, windows and doors, decorative metalwork, transom windows, glazing systems, clearstory windows, cornices, etc. Also retain the traditional three-part configuration of most historic buildings-base, middle, and top. Restore or reconstruct the building base in cases where alterations have modified this important element of the design.*
- Standard 2a: Modifications or additions required to adapt a building for reuse should be designed to clearly differentiate between historic and new and should be compatible with the overall scale, massing and design of the existing building.*
- Standard 2b: Retain previous alterations that have acquired their own historic significance, as determined by staff review, and are compatible with the remaining historic fabric (to be determined in consultation) with a qualified preservation consultant.*
- Standard 2c: New additions and window and door openings should be located on a secondary façade.*
- Standard 2d: Any alterations or additions to existing buildings shall maintain the prevailing setback (see Section 2 Definitions) and reinforce the existing streetwall. Storefronts and building entryways may be recessed as long as the main structural elements are built to the front property line or the prevailing setback, whichever applies.*

The project proposes to retain the original building's continuity, rhythm, and form. The building's character defining features on the exterior building façade on the upper levels such as the ornamental terra cotta tiles, the ornamental terra cotta twisted columns, spandrel panels, balcony railings, the flag pole, pediments, and pilasters will be retained, repaired, and cleaned. While the only changes to the exterior building façade on the upper floor levels will be the addition of the façade lighting, fiberglass planter boxes and ornamental urns, all elements are designed

to be compatible with the historic building and have been reviewed and approved by the Office of Historic Resources. The project complies with Guideline 2, by retaining the traditional three-part configuration typical of most historic buildings that include the base/bulkhead, the middle of a light bronze steel frame storefront system, and the top transom above the entrance doors along with restoration of the façade of the upper floors, the building will return to the original façade and materials. The project also maintains the prevailing setback, complying with Standard 2d. The project proposes 6,200 square feet of floor area on an existing 7th floor penthouse and for a story to be added to the building for a new rooftop restaurant and bar. The project proposes new rooftop mechanical equipment which will be screened from public view. The new rooftop penthouse structures will have a smooth trowel plaster finish on the exterior facades that differentiate between historic and new with a modern design and are compatible with the overall scale, massing and design of the existing building. The proposed rooftop structures will be setback from the cornice line by 23 feet and will maintain the prevailing setback complying with Standard 2d. As such, the project complies with Section 3, Guideline 2 of the Broadway Theatre and Entertainment District Design Guide.

### BUILDING ADDITIONS

- Guideline 3: Additions should be of a scale and style that is compatible with existing development on the site and with adjacent structures. Building additions on historic buildings should comply with the Secretary of Interior Standards for additions.*
- Standard 3a: Provide roof forms on additions that are compatible with existing on-site development and are in keeping with the architecture of the historic structure.*
- Standard 3b: Provide fenestration on additions that is compatible with existing on-site development and is keeping with the architecture of the historic structure.*
- Standard 3c: Utilize building materials on additions that are compatible with, yet distinctly different from, that of existing on-site development.*
- Standard 3d: Avoid making alterations to existing building that cover or obscure elements that might otherwise be desirable-such as a desirable exterior finish, fenestration or roof line for the purpose of achieving uniformity.*
- Standard 3e: Any alterations or additions to existing buildings shall maintain the prevailing setback (See Section 2 Definitions) and reinforce the existing streetwall. Storefronts and building entryways may be recessed as long as the main structural elements are built to the front property line or the prevailing setback, whichever applies.*

The new rooftop building additions are compatible with the existing building and the Secretary of Interior Standards for additions. The exterior facades of the new additions will contain a smooth trowel plaster finish that differentiates from the terra cotta tiles and brick facades on the existing building. The new additions are compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment. The new rooftop additions will not contain any distinctive exterior surface materials that will obscure any desirable

elements of the existing building facades. If the new additions are removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. The new additions will be setback from the existing cornice line and front façade of the building at 23 feet and will be setback from Broadway. As such, the project complies with Section 3, Guideline 3 of the Broadway Theatre and Entertainment District Design Guide.

### ROOF LINES

- Guideline 5: Retain and preserve the existing roof lines and/or cornice(s) and any other decorative features of historic buildings.*
- Standard 5a: Existing roof lines and cornices should not be altered. Whenever possible rehabilitate and/or restore the original roof line of altered structures.*
- Standard 5b: Roofs should be repaired with appropriate materials, in keeping with the architecture of the building, so as to ensure proper maintenance and reduce water damage or building deterioration.*
- Standard 5c: When a roof is too deteriorated to repair (as determined by review), but the overall form and detailing are still apparent, the replacement of the roof and its key features using compatible substitute material is encouraged.*
- Standard 5d: New rooftop features such as skylights, that extend above the roof parapet shall not be visible from the street at ground level. Set back all non-historic rooftop features from all street-facing facades.*
- Standard 5e: Rooftop additions should be avoided whenever possible. However, if rooftop addition(s) are necessary to reuse a historic building, then these additions should be setback from all street-facing facades.*
- Standard 5f: Use of existing rooftops for active uses or open spaces is encouraged. However, the reuse should not alter the existing roofline or any decorative feature of the historic roof. Any required safety railings or enclosures should be of an open framework or lattice design to maximize transparency. They should be setback to minimize the visibility or impact on dominant roofline features and shall be subject to review.*

The project will retain and preserve the existing roofline and cornice and all decorative features of the historic building. The proposed rooftop additions will be setback from the street-facing façade on Broadway and will not require the alteration of the existing roofline and cornice. The project proposes to use the rooftop for a restaurant and bar space with outdoor seating and a dance floor area. The outdoor seating areas on the roof will be safely bounded by glass railings with steel framing to allow maximum transparency as shown on Sheets 203 and 303 of Exhibit A. The reuse of the roof does not alter the existing roofline and cornice. The existing rooftop features a skylight that will be relocated from the 7<sup>th</sup> floor to the new 8<sup>th</sup> floor as shown on Sheets 101 and 203 of Exhibit A. The skylight will not be visible from the street at ground level. The new rooftop additions will not have an impact on any existing roof lines, cornices, or other decorative features of the existing building. As such, the project complies with Section 3, Guideline 5 of the Broadway Theatre and Entertainment District Design Guide.

ENTRY TREATMENTS

- Guideline 6: Retain and preserve entryways and their character defining features such as doors, transoms, integral signage, bases, pilasters, and entablatures as shown in Appendix B.*
- Standard 6a: Entryways should be repaired by using in-kind materials or through limited replacement using in-kind materials or a compatible substitute material, when there is extensive damage or missing parts or key features.*
- Standard 6b: The replacement of an entryway using compatible substitute material is encouraged when an entryway is too deteriorated to repair, but the overall form and detailing are still apparent.*
- Standard 6c: New entryways may be added as required for a new use, provided these entryways preserve the overall historic character of the building and do not eliminate existing historic storefronts or detract from character defining features.*
- Standard 6d: Features of theater entrances, including ticket kiosks and poster display cases, should be retained; in-filling of theater entrances is inappropriate. Adaptation of existing public assembly places and/or theaters for live performances is strongly encouraged. If such use of a theater is not viable, then other uses are encouraged, as long as all associated physical characteristics are retained. Ticket kiosks can be adapted for other uses, including, display windows, restaurant busing stations, flower stands or newsstands, to be consistent with corridor-wide rehabilitation and preservation efforts.*

Per Condition Number 33, the new storefront and front entries at the ground floor level will be in conformance with the illustrations provided in Exhibit A. The project proposes a total of three (3) pedestrian entrances at the ground floor level that will be accessible from the pedestrian walkway that is located along the storefront on Broadway. The pedestrian entrances will be open to the public from the pedestrian walkway on Broadway during business hours. Two (2) pedestrian entrances will be allocated for the approximately, 6,149 square-foot commercial retail tenant space, one (1) pedestrian entrance will be allocated for the adjacent, approximately 963 square-foot elevator lobby for the basement and the creative office tenant spaces on the upper floors. The project proposes to repair and restore the historic storefront and remove existing non-historic architectural elements so as to preserve the overall historic character of the building which has a three part storefront with entrances that are located where they existed historically. The existing entryways include exterior security grilles, non-historic walls, and can/cabinet signs, which do not reflect the overall historic character of the building and will be removed as shown on Sheet 100 of Exhibit A. The existing terra cotta features and ornamentation will remain and will be rehabilitated. The pedestrian entrance doors that are located at the center of the storefront shall be located approximately 13 feet and 3 inches from the property line that is fronting Broadway and recessed approximately 8 feet from the front façade of the building as shown on Sheet 700 of Exhibit A. The remaining pedestrian entrance doors that are located on the northerly and southerly ends of the storefront shall be located

approximately 5 feet and 10 inches from the property line that is fronting Broadway and recessed approximately one foot from the front façade of the building as shown on Sheet 700 of Exhibit A. The new entryways will consist of new glass doors and windows. The new entryways will also be oriented around unique storefront display cases that will consist of curved glass on the edges to replicate the historic storefront and entryways that were originally placed on the building. The project has been conditioned to comply with Section 3, Design Guideline 6 and Standards 6a – 6c of the Broadway Theater and Entertainment District Design Guide. Standard 6d does not apply to the proposed project because the building does not include a theater entrance.

### STOREFRONTS

- Guideline 7: Preserve, repair and highlight storefronts and their character defining features such as doors, transoms, sidelights, windows, pilasters, entablatures, bay division and bases.*
- Standard 7a: Retain or reconstruct the historic storefront configuration: door location, display window dimensions, transoms windows, historic signage (where applicable and appropriate), historic materials and details.*
- Standard 7b: Repair or reconstruct deteriorated storefront elements: broken or missing glazing, metal windows, doors and their frames, wood windows, decorative metalwork, ornamental plaster, terra cotta, and cast stone. Replace in-kind (identical form and material) repetitive elements or portions of elements that are too deteriorated to repair, as determined by review.*
- Standard 7c: When a storefront is too deteriorated to repair, as determined by review, but the overall form and detailing are still apparent, the replacement of a storefront using compatible substitute material is encouraged when in-kind materials are infeasible.*
- Standard 7d: Retention of sensitively installed alteration where historic fabric no longer exists is allowable.*
- Standard 7e: Construct new storefronts when the historic storefront is completely missing. The new storefront may be a replication-where there is adequate historical, pictorial or physical documentation available-or a new design which is compatible with the historic character of the building. Recreate storefronts based on documentation when possible, not conjecture.*
- Standard 7f: The design of the missing storefront or storefront details should be compatible with the size of the opening and the style of the building. Installation of typical storefront elements-base, display windows, and central entrance; vertical elements to define storefront bays; and a glazing system including sliding or swinging doors is encouraged, when the design is not known.*
- Standard 7g: The transparency of storefront of first floor storefront and transom windows shall be maintained. Painting or mirroring storefront or transom windows or entry glazing is prohibited.*
- Standard 7h: Individual storefronts should not be used for storage or left empty without window displays.*

- Standard 7i: Locate interior mechanical equipment away from the storefront glazing.*
- Standard 7j: If dropped ceilings are installed, they should not be visible from the street and should not hide original architectural features.*
- Standard 7k: Merchandise displayed out-of-doors should be neatly exhibited within cases constructed to fit within recesses of storefronts and within the interior of the property line. Displays may encroach not more than three feet into the property line, with appropriate approvals from the Bureau of Engineering.*

The existing, non-historic storefront elements and fabric such as the exterior security grilles, walls, signs and any deteriorated storefront frames, trims, moldings, windows and doors will be removed to reveal the underlying historic storefront elements as shown on Sheet 100 of Exhibit A. The project proposes to replace the existing, non-historic storefront door and window system with a new steel storefront door and window system in a light bronze color that highlights the storefront and entryways. The new storefront door and window system will consist of the traditional three-part configuration typical of most historic buildings that include the base, middle, and top. The base is defined by the proposed bulkhead, composed of crème ella honed stone with a height of 12 inches as measured from the existing sidewalk grade to the top of the bulkhead, which is similar in height to the historic bulkhead that was originally on the building based on historic photographs and historic building elevations that have been provided in the case file. The middle of the storefront is defined by doors and windows and a light bronze metal frame storefront, and the top is defined by a light bronze metal framed transom with transom windows located above the storefront entrance doors. The style of the storefront is consistent with the historic style of the storefront that is shown on historic photographs and historic building elevations. The storefront will consist of glass display areas that span a majority of the length of the storefront and include curved glass to replicate the historic storefront display areas that are shown on the historic photographs. The project proposes a midnight fossil limestone tile and crème ella honed stone tile for the storefront façade walls as shown on Sheet 700 of Exhibit A. The project also proposes to clad the existing architectural canopy that is located above the storefront in light bronze metal as shown on Sheet 700, Note MTL-1 of Exhibit A. The existing architectural canopy will be retained and restored since it is a character defining feature of the building. As conditioned, the project complies with Section 3, Design Guideline 7 and Standards 7a – 7k of the Broadway Theatre and Entertainment District Design Guide.

### WINDOWS

- Guideline 8: Repair and maintain windows and character defining features such as the window frame, sash, muntin, glazing, hood mold, paneled or decorated jamb and molding.*
- Standard 8a: Windows should be repaired whenever possible rather than replaced.*
- Standard 8b: Windows should be repaired by reinforcing historic materials and through limited replacement using compatible substitute material when there is extensive deterioration or missing parts of key*

*features. Compatible alternatives that help attenuate noise and improve energy efficiency may also be considered.*

*Standard 8c: When replacement is necessary, the window(s) should be replaced using compatible substitute materials and a design similar to that of the original window. If an exact match is not possible, then the window's color, finish, mullion and muntin configuration and profile, glass-to-frame ratio, and its frame depth, width and details should be considered in selecting a replacement. Compatible alternatives that help attenuate noise and improve energy efficiency may also be considered.*

*Standard 8d: Filling in or altering the size of historic windows is strongly discouraged particularly on primary facades. If the alteration is to create a new entryway, refer to standard 6c.*

*Standard 8e: Window vents, fans, air conditioning units, or any other equipment installed into a window should not project beyond the window or any façade and their number should be minimized.*

*Standard 8f: Windows should be comprised of non-tinted or reflective clear glass, which is free of temporary signage and/or other types of materials that may obstruct visibility. For new windows, low E-glazing for ultraviolet light control is encouraged. Clear mylar on ground floor windows is encouraged to protect against graffiti.*

*Standard 8g: The division of historic window frames is generally inappropriate. Removal of non-historic window frames is encouraged.*

All windows and exterior glass doors on the ground floor will be comprised of non-tinted, non-reflective, clear glass, which is free of temporary signage and/or other types of materials that may obstruct visibility. Per Condition of Approval Number 34.b, the project will install the Solarban 60 Starphire/Starphire Clear Glazing glass on the proposed storefront doors and windows as specified on Sheet 700, Note GL-1 of Exhibit A. The new storefront door and window glass will allow for a minimum of 74-percent visible light transmission on the ground floor with a visible light reflectance of no more than 11-percent. The existing windows on the upper story façade that are facing Broadway will be repaired or restored and the wood window frames will be painted in the old boot color as shown on Sheets 300 and 800, Note PT-1 of Exhibit A. As proposed and conditioned, the windows will be protected from graffiti to the greatest extent possible. As such, the project complies with Section 3, Design Guideline 8 and Standards 8a – 8d and Standards 8f and 8g. Standard 8e does not apply because the project does not propose to install mechanical equipment or window vents into any window that faces Broadway.

#### *FACADES, EXTERIOR SURFACE MATERIALS, & COLOR*

*Guideline 9: Retain and preserve building exterior materials which contribute to the overall historic character of the building.*

*Standard 9a: Exterior materials that have been historically unpainted should not be painted to create a new look. Unpainted masonry, brick, tile or terra cotta should not be painted (see Maintenance Section under Section 1 Design Principles).*

- Standard 9b: Whenever possible the original coat of paint, should not be removed. However, if an area is to be repainted, colors that are historically appropriate for the style of the building or which are characteristic of the district as a whole should be used.*
- Standard 9c: Colors used for an exterior building finish, plaster or paint should be consistent with the original color of the building based on historical documentation.*
- Standard 9d: Bright or intense colors should not be utilized unless consistent with the historical appearance of the building as shown in historical documentation.*
- Standard 9e: Exterior materials should be repaired by patching, piecing-in or consolidating the original material or by limited replacement with a compatible substitute material.*
- Standard 9f: If the overall form and detailing are still apparent and exterior materials are too deteriorated for repair, as determined by review, they should be replaced with a compatible substitute material.*
- Standard 9g: If adequate historical, pictorial, and physical documentation is not available about the type of material used for a historic feature, then new materials compatible with the existing materials, color and finish should be used.*

The project proposes to restore the traditional three-part configuration typical of most historic buildings that include the base/bulkhead, which is proposed to be stone finished in a crema ella color, the middle light bronze metal framed storefront, and the top will be transom windows located above the entrance doors framed with the light bronze metal, which will be located along the top of the storefront. The building's original appearance and all character defining features that are located on the west façade of the building fronting Broadway such as the existing ornamental terra cotta tiles, the ornamental terra cotta twisted columns, spandrel panels, balcony railings, the flag pole, pediments, and pilasters will be retained and cleaned or repaired if damaged or replaced with in-kind materials if too deteriorated to be repaired. The masonry grout will be repointed as needed as shown on Sheet 300 of Exhibit A. Exterior materials that have been historically unpainted will not be painted. Unpainted masonry, brick, tile and terra cotta will not be painted. Any patches will be done with matching materials, however, whenever possible, the original material will not be removed. The project restores the building's original color scheme, does not propose any bright or intense colors, and proposes historically compatible colors on the storefront and upper façade of the building. The project has been conditioned to comply with Section 3, Design Guideline 9 and Standards 9a – 9g of the Broadway Theatre and Entertainment District Design Guide.

### LIGHTING

- Guideline 10: Retain and preserve existing historic lighting fixtures and/or incorporate new lighting into the building's overall design to accentuate character defining features and provide a safe pedestrian environment (refer to the Historic Downtown Lighting Guidelines for suggestions for individual buildings).*

- Standard 10a: Whenever possible existing historic lighting fixtures should be preserved or rehabilitated and upgraded.*
- Standard 10b: New lighting fixtures should be compatible with the architectural design of the building.*
- Standard 10c: Provide lighting along all vehicular access ways and pedestrian walkways. Recessed lighting on the ground along vehicular access ways and pedestrian walkways is highly encouraged.*
- Standard 10e: All exterior lighting should be directed onto the lot, and all flood lighting should be designed to eliminate glare and/or be shielded so as to not spill light on adjoining properties.*
- Standard 10f: Downlighting that illuminates the storefronts and sidewalks for pedestrians is encouraged.*
- Standard 10g: Buildings should be highlighted through uplighting or accent lights placed on the façade where appropriate.*
- Standard 10h: Entry arches should be highlighted with accent lights that are integrated into columns, when appropriate.*
- Standard 10i: Architectural details should be highlighted with washlights or other appropriate lighting fixtures.*
- Standard 10j: lower level columns should be accented by uplighting with spotlights mounted on appropriate floor ledges.*
- Standard 10k: Eaves or cornices should be highlighted with spotlights mounted on appropriate floor ledges.*
- Standard 10l: Architectural elements above pediments should be highlighted with accent lights on ledges below to uplight the top of the building façade.*
- Standard 10m: Downlights should be installed above ground level windows to accent display windows and enhance pedestrian safety.*
- Standard 10o: Lighting that uses flashing, strobe, motion or multi-colored elements is strongly discouraged unless consistent with the historic character of the structure.*
- Standard 10p: Intense lighting which is used solely for advertising purposes is strongly discouraged.*

The proposed project does include a lighting plan for the exterior façade of the building that faces Broadway. The project will include new uplighting fixtures that will illuminate and accentuate the architectural details on the upper floors of the building facade that faces Broadway. The project has been conditioned to comply with Section 3, Design Guideline 10 and Standards of the Broadway Theatre and Entertainment District Design Guide.

#### UTILITIES, MECHANICAL EQUIPMENT, TRASH CONTAINERS & LOADING

- Guideline 13: Preserve and retain significant visible character defining features of early mechanical equipment and, whenever possible, screen and enclose all other utilities, mechanical equipment, and trash containers.*
- Standard 13a: New mechanical equipment and/or new distribution systems shall be installed in a manner that does not interfere with any character defining features of the building. Restaurant vending shall be*

- installed on a secondary façade and, be integrated with, and, not detract from, the character defining features, whenever possible.*
- Standard 13b:** *Window vents, fans, air conditioning units or any other equipment installed into a window should not project beyond any window on any façade and their number should be minimized.*
- Standard 13c:** *No other mechanical equipment (besides those listed in Standard 13b) shall be permitted in window or door openings facing public streets.*
- Standard 13e:** *Screen all exterior rooftop and ground-level mechanical equipment, including HVAC equipment, exhaust fans and satellite dishes from public view.*
- Standard 13f:** *Locate enclosed trash containers and other service areas at the rear of structures or at the location that is most out of view of the general public.*
- Standard 13j:** *Service areas, such as those used for storage or maintenance, should be enclosed within a building.*

The project has been conditioned to have all mechanical and other equipment screened from the viewing perspective of someone standing on Broadway and any public street to the greatest extent possible. The project does not propose any window vents, fans, and air conditioning units within the projection space of the windows. Mechanical equipment on the roof will be screened from public view and will not interfere with any character defining features of the historic building. Also, the project does not propose new service areas. Existing service areas used for storage or maintenance are enclosed within the building and the trash containers and other service areas are located at the rear of the building in the alley or at a location that is most out of view of the general public. As such, the project complies with Section 3, Design Guideline 13 and Standards of the Broadway Theatre and Entertainment District Design Guide.

- 13. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and the vicinity.**

No significant changes to the physical layout of the site are being proposed. While not a designated historic building, the project proposes an addition that is compatible with the existing structure, proposes the use of historically-contextual materials, and reactivation of an underutilized ground floor commercial space and vacant space on the upper levels, which maintains the historic fabric of this Nationally Registered Historic District. The Broadway Theater and Commercial District is located in downtown Los Angeles between Second Street and Olympic Boulevard along Broadway. These seven blocks were developed between 1894 and 1931, primarily with large office buildings, department stores, and theaters. Most of the contributing buildings were designed in traditional architectural styles, the most common being Beaux-Arts, which in commercial buildings usually exhibits a division of the street facing elevations into three horizontal zones based on the parts of a column in Classical architecture. The Broadway Theater and Commercial District is the first and largest historic theater district in the United States and consists of a dozen movie palaces and tens of major retail and clothing

stores. Listed on the National Register of Historic Places, the district contains the sole remaining large concentration of movie palaces in America. The subject building was not utilized as a theater and is not considered a historic monument, however, the building is a contributor that is listed in the National Register.

The proposed features of the project, including a new pedestrian-oriented storefront, rehabilitation of historic elements on the ground floor façade and upper-story façade and the rooftop additions are designed to provide visual interest, enhance the pedestrian experience and provide entertainment-related uses. The project proposes the installation of a new storefront for a new commercial retail tenant located at the ground floor level of an existing building. The design of the proposed storefront is consistent with the traditional three-part configuration typical of most historic buildings in the vicinity on Broadway that include the base, middle, and top as described previously in Finding Number 12 under Guideline Number 7 - Storefront. The scale of the new storefront is consistent with the scale of the original storefront that is shown in historic photographs and the historic building elevations that were provided by the Applicant. The height of the new storefronts matches the height of the adjacent storefront as measured from the bottom of the bulkhead to the metal storefront frame located at the top of the storefront at approximately 12 feet.

As conditioned by this approval, the project has been reviewed by staff and has been found to be harmonious in scale and design with the existing development and any cultural, scenic, or environmental resources adjacent to the site and the vicinity. The project is also in substantial conformance with the design guidelines and standards (see above). The project is conditioned to comply with the CDO requirements for storefront treatment, graffiti precautions, window and door repair and/or replacement, façade restoration and lighting, rooftop mechanical equipment, an addition of floor area to an existing rooftop penthouse on the 7<sup>th</sup> floor and a new 8<sup>th</sup> floor addition for a new restaurant and bar.

#### **ADDITIONAL MANDATORY FINDINGS**

14. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, Areas determined to be outside the 0.2% annual chance floodplain.
15. Pursuant to Section 21084 of the Public Resources Code, the Secretary for the Natural Resources Agency found certain classes of projects not to have a significant effect on the environment and declared them to be categorically exempt from the requirement for the preparation of environmental documents.

The proposed project has been determined not to have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 32 of the City CEQA Guidelines. On August 14, 2018, the proposed project was issued a Notice of Exemption Log Reference No. ENV-2018-907-CE. The proposed project will not require mitigation or

monitoring measures and no alternatives to the project were evaluated.

The project qualifies for a Categorical Exemption under CEQA Guidelines Section 15532(b) since the project is an infill development project identified as “development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.”

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;

The project site is located within the adopted Central City Community Plan area, and is designated for Regional Commercial land uses corresponding to the C5 Zone. The property is zoned [Q]C5-4D-CDO-SN. As proposed, the project would comply with all other applicable regulations of the Zoning Code.

The project is consistent with the Central City Community Plan’s objectives.

Objective 2-2 – To retain the existing retail base in Central City.

Objective 2-2.1 – Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.

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

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

Objective 2-4.1 – Promote night life activity by encouraging restaurants, pubs, nightclubs, small theatres, and other specialty uses to reinforce existing pockets of activity.

The proposed project involves rehabilitation, including upper story façade restoration, a new storefront, new rooftop mechanical equipment with screening, façade lighting, façade planter boxes and restoration of an existing architectural canopy that is located above the storefront. The proposed project also involves an addition of 6,200 square feet of new floor area on the 7<sup>th</sup> floor penthouse and a new 8<sup>th</sup> floor for a rooftop restaurant and bar. The proposed façade improvements and window installations that are located on the east and south facades of the structure that do not face Broadway are exempt from the provisions and review of the Broadway

CDO. The interior improvements are also exempt from the provisions of the Broadway CDO because interior improvement work and alterations or repair work to any façade that does not front a public street and not visible from the public right-of-way are considered exempt. The approval of this application is for the proposed façade improvements at the front of the building along Broadway and the addition of new floor area on the rooftop. No signage is included as part of this approval.

The project would bring in neighborhood serving use that would include live entertainment and dancing. The project promotes night life and an active 24-hour downtown environment, and would be consistent with the vision for the revitalization of Broadway and the Broadway Theater and Entertainment Design Guide.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;

The subject property is located in a highly urbanized area within the within the City of Los Angeles' Central City Community Plan area with a frontage of approximately 62 feet on the eastern side of Broadway. The subject site contains a lot area of approximately 9,689 square feet. The depth of the lot is approximately 155 feet.

- (c) The project site has no value as habitat for endangered, rare or threatened species;

The project is located within an established, fully developed, high-density mixed-use area of Downtown Los Angeles in proximity to large boulevards and other large employment centers. The project site has no value as a habitat for endangered, rare or threatened species.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

#### *Traffic*

On August 20, 2018, the Department of Transportation reviewed the project and a Traffic Study Assessment. The assessment stated the project site was not in a Transportation Specific Plan Area and no traffic study was required. The assessment determined the proposed use of the restaurant and bar with the existing retail use would result in a total of 359 new daily trips. There would also be a decrease of three AM Peak Hour Trips and an increase in 38 PM Peak Hour trips. As a result, no traffic study was required.

#### *Noise*

The project must comply with the adopted City of Los Angeles Noise Ordinances Nos. 144,331 and 161,574, as well as any subsequent

Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed project will not result in any significant noise impacts. Noise Assessment Study dated August 13, 2108, was prepared by Venklasen Associates. The assessment reviewed the project and determined that with appropriate measures, noise generated from the rooftop would not be detrimental to surrounding uses.

#### *Air Quality*

The building construction phase includes the renovation of an existing commercial building on the subject property, connection of utilities, architectural coatings, and paving the subject property. These renovation activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NOx emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

#### *Water Quality*

The restaurant and bar would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

- (e) The site can be adequately served by all required utilities and public services.

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of a new restaurant.

Exceptions to Categorical Exemptions

There are six (6) exceptions to categorical exemptions must be considered in order to find a project exempt from CEQA: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

- A. Location. The project is not located on or near any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- B. Cumulative Impact. The development of the project site with a restaurant with rooftop dining and live entertainment within an existing building is consistent with land use designation of the site, as designated by the Central City Community Plan. The Community Plan's designation of the site for regional center commercial density and uses was completed in anticipation of environmental impacts based on the maximum allowable density for the project site and the surrounding area. Similarly, other by-right projects in the surrounding area would have been analyzed for their environmental impacts during the preparation of the Community Plan and are not subject to further CEQA review. Any project proposing to deviate from the Community Plan and underlying zone would require a CEQA clearance and impacts would be mitigated for the project individually.

A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and Los Angeles Municipal Code. Any such project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will reduce potential impacts to less than significant and would, therefore, not create a cumulative impact.

- C. Significant Effect Due to Unusual Circumstances. There is no reasonable possibility that the proposed project will have a significant effect due to unusual circumstances. Construction of the project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff, among others. The project is an infill project located in an existing multiple- and single- family developed residential neighborhood, with no

identifiable unusual circumstances that present a likelihood of significant effects on the environment.

- D. Scenic Highway. The project will not damage scenic resources within a designated scenic highway. The project is not located on a designated scenic highway and will not impact any identified scenic resources, such as trees, buildings, rock outcroppings, or similar resources.
- E. Hazardous Waste Site. The project site has not been identified as a hazardous waste site. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, Cal California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.
- F. Historical Resources. The Desmond's Building is listed as a contributor in the National Register within the Historic Broadway Theater and Commercial District. The project does require review and approval from the Office of Historic Resources (OHR). The Office of Historic Resources staff has reviewed the proposed project in consultation with the Project Planner and confirmed that the project is in compliance with OHR's requirements.

There is no evidence that the proposed project 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 proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Section 15332 (Class 32) of the City of Los Angeles CEQA Guidelines. The Class 32 exemption is intended to promote infill development within urbanized areas.

Inquiries regarding this matter should be directed to Nick Ayars at (213) 978-1347, Planning Staff for the Office of Zoning Administration.

A handwritten signature in black ink, appearing to read 'Henry Chu', with a long horizontal flourish extending to the right.

Henry Chu  
Associate Zoning Administrator

HC:NA:IR:bk

cc: Councilmember José Huizar  
Fourteenth Council District  
Adjoining Property Owners