



## APPLICATIONS:

# DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number \_\_\_\_\_  
Env. Case Number \_\_\_\_\_  
Application Type \_\_\_\_\_  
Case Filed With (Print Name) \_\_\_\_\_ Date Filed \_\_\_\_\_

Application includes letter requesting:

☐ Waived hearing ☐ Concurrent hearing ☐ Hearing not be scheduled on a specific date (e.g. vacation hold)  
Related Case Number \_\_\_\_\_

**Provide all information requested. Missing, incomplete or inconsistent information will cause delays.**

*All terms in this document are applicable to the singular as well as the plural forms of such terms.*

## 1. PROJECT LOCATION

Street Address<sup>1</sup> \_\_\_\_\_ Unit/Space Number \_\_\_\_\_  
Legal Description<sup>2</sup> (Lot, Block, Tract) \_\_\_\_\_  
Assessor Parcel Number \_\_\_\_\_ Total Lot Area \_\_\_\_\_

## 2. PROJECT DESCRIPTION

Present Use \_\_\_\_\_  
Proposed Use \_\_\_\_\_  
Project Name (if applicable) \_\_\_\_\_  
Describe in detail the characteristics, scope and/or operation of the proposed project \_\_\_\_\_  
to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption within a!!!!!!sf restaurant  
and rooftop bar/lounge with 742 seats, in conjunction with live entertainment and dancing.

Additional information attached ☐ YES ☐ NO

Complete and check all that apply:

### Existing Site Conditions

- |   |  |
|---|--|
| <input type="checkbox"/> Site is undeveloped or unimproved (i.e. vacant)  | <input type="checkbox"/> Site is located within 500 feet of a freeway or railroad                  |
| <input type="checkbox"/> Site has existing buildings (provide copies of building permits)   | <input type="checkbox"/> Site is located within 500 feet of a sensitive use (e.g. school, park)    |
| <input type="checkbox"/> Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial) | <input type="checkbox"/> Site has special designation (e.g. National Historic Register, Survey LA) |

<sup>1</sup> Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

<sup>2</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

**Proposed Project Information**

- |  |   |
|--|---|
| <input type="checkbox"/> Demolition of existing buildings/structures | <input type="checkbox"/> New construction: _____square feet                   |
| <input type="checkbox"/> Relocation of existing buildings/structures | <input type="checkbox"/> Accessory use (fence, sign, wireless, carport, etc.) |
| <input type="checkbox"/> Interior tenant improvement                 | <input type="checkbox"/> Exterior renovation or alteration                    |
| <input type="checkbox"/> Additions to existing buildings             | <input type="checkbox"/> Change of use <u>and/or</u> hours of operation       |
| <input type="checkbox"/> Grading                                     | <input type="checkbox"/> Haul Route   |
| <input type="checkbox"/> Removal of any on-site tree                 | <input type="checkbox"/> Uses or structures in public right-of-way            |
| <input type="checkbox"/> Removal of any street tree                  | <input type="checkbox"/> Phased project                                       |

**Housing Component Information**

Number of Residential Units: Existing \_\_\_\_\_ – Demolish(ed)<sup>3</sup> \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Number of Affordable Units<sup>4</sup> Existing \_\_\_\_\_ – Demolish(ed) \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Number of Market Rate Units Existing \_\_\_\_\_ – Demolish(ed) \_\_\_\_\_ + Adding \_\_\_\_\_ = Total \_\_\_\_\_

Mixed Use Projects, Amount of Non-Residential Floor Area: \_\_\_\_\_square feet

**3. ACTION(S) REQUESTED**

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? ☐ YES ☐ NO

Authorizing section \_\_\_\_\_ Section from which relief is requested (if any): \_\_\_\_\_

Request: \_\_\_\_\_

\_\_\_\_\_

Authorizing section \_\_\_\_\_ Section from which relief is requested (if any): \_\_\_\_\_

Request: \_\_\_\_\_

\_\_\_\_\_

Authorizing section \_\_\_\_\_ Section from which relief is requested (if any): \_\_\_\_\_

Request: \_\_\_\_\_

\_\_\_\_\_

Additional Requests Attached ☐ YES ☐ NO

<sup>3</sup> Number of units to be demolished and/or which have been demolished within the last five (5) years.

<sup>4</sup> As determined by the Housing and Community Investment Department

**4. RELATED DEPARTMENT OF CITY PLANNING CASES**

Are there previous or pending cases/decisions/environmental clearances on the project site? ☐ YES ☐ NO

If YES, list all case number(s) \_\_\_\_\_

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. \_\_\_\_\_

Ordinance No.: \_\_\_\_\_

☐ Condition compliance review

☐ Clarification of Q (Qualified) classification

☐ Modification of conditions

☐ Clarification of D (Development Limitations) classification

☐ Revision of approved plans

☐ Amendment to T (Tentative) classification

☐ Renewal of entitlement

☐ Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? ☐ YES ☐ NO

Have you filed, or is there intent to file, a Subdivision with this project? ☐ YES ☐ NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. OTHER AGENCY REFERRALS/REFERENCE**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please check all that apply and provide reference number if known.

Are there any outstanding Orders to Comply/citations at this property? ☐ YES (provide copy) ☐ NO

Are there any recorded Covenants, affidavits or easements on this property? ☐ YES (provide copy) ☐ NO

☐ Development Services Case Management Number \_\_\_\_\_

☐ Building and Safety Plan Check Number \_\_\_\_\_

☐ Bureau of Engineering Planning Referral (PCRF) \_\_\_\_\_

☐ Bureau of Engineering Hillside Referral \_\_\_\_\_

☐ Housing and Community Investment Department Application Number \_\_\_\_\_

☐ Bureau of Engineering Revocable Permit Number \_\_\_\_\_

☐ Other—specify \_\_\_\_\_

**6. PROJECT TEAM INFORMATION** (Complete all applicable fields)

**Applicant<sup>5</sup> name** \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: 90036

Telephone \_\_\_\_\_ E-mail: sy@brennercapital.com

Are you in escrow to purchase the subject property? ☐ YES ☐ NO

**Property Owner of Record** ☐ Same as applicant ☐ Different from applicant

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Representative name** \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Other** (Specify Architect, Engineer, CEQA Consultant etc.) \_\_\_\_\_

Name \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Primary Contact for Project Information**  
(select only one)

☐ Owner

☐ Applicant

☐ Agent/Representative

☐ Other \_\_\_\_\_

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

PROPERTY OWNER

9. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- A. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- B. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- C. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- D. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.  
The City requires an original signature from the property owner with the "wet" notary stamp.  
A Notary Acknowledgement is available for your convenience on following page.*

Signature 

Date FEB 3 2018

Print Name VATHE AKPILAT

Signature 

Date 

Print Name

**Space Below For Notary's Use**

California All-Purpose Acknowledgement Civil Code § 1189

**Civil Code ' 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

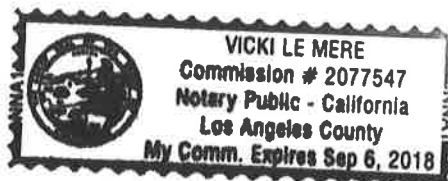
On Feb. 3 / 18 before me, VICKI LEMERE (NOTARY PUBLIC)  
(Insert Name of Notary Public and Title)

personally appeared VAHE AKRULAT, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Vishu Ze Mera (Seal)  
Signature



**APPLICANT**

**10. APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

- A. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
- B. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
- C. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
- D. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
- E. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
- F. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- G. I understand that if this application is denied, there is no refund of fees paid.
- H. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but is not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
- I. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

*The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.*

Signature: \_\_\_\_\_

Date: FEB 3 2018

Print Name: VATE AKPULAT

## CONDITIONAL USE FINDINGS

### Attachment 1

612 S. Broadway  
Los Angeles, CA 90014

**Representative:**

Elizabeth Peterson Group, Inc.  
400 S. Main Street #808  
Los Angeles, CA 90013  
Tel: 213-620-1904  
Email: [samira@epgla.com](mailto:samira@epgla.com)

**Applicant:**

Attn: Shay Yadin  
MCP 612 Broadway  
5850 W. 3<sup>rd</sup> Street  
Los Angeles, CA 90036  
Tel: 917.285.3438

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#### REQUEST:

- 1) Pursuant to **LAMC § 12.24 - W,1** a new conditional use permit for the sales and dispensing of a full-line of alcoholic beverages for on-site consumption throughout the 7th and 8<sup>th</sup>/rooftop floors consisting of 12,251sf and providing a total of 742 seats;
- 2) Pursuant to **LAMC § 12.24 – W,18** a conditional use to permit live entertainment and dancing on the 7th and 8<sup>th</sup> /rooftop floors;
- 3) A zone variance, pursuant to **LAMC 12.27**, to allow relief from **LAMC 12.14 A,1 (b) 3** to permit the use of uncovered outdoor rooftop dining as well as dancing and entertainment in a C5 zone;
- 4) A zone variance, pursuant to **LAMC 12.27**, to allow relief from **Ordinance 164,307**, to permit a new FAR of 6.85 for a building with an existing nonconforming FAR of 7.11 in lieu of the required 6.0;
- 5) A zone variance, pursuant to **LAMC to 12.24-W,18**, to allow relief from **12.21 A-4** for zero parking spaces, in lieu of the 12 triggered spaces required for the increase in FAR;
- 6) Pursuant to **LAMC 13.08 E**, the applicant requests a Community Design Overlay approval for the 1924 building. Proposing a front façade cleaning and restoration, new ground-level storefront, and a new rooftop addition for a proposed restaurant and rooftop bar with outdoor dining.

#### BACKGROUND:

The property is located within the Broadway Community Design Overlay District, Broadway Theater and Entertainment District Design Guide (Community Design Overlay) (21-2408), Downtown Adaptive Reuse incentive Area, Greater Downtown Housing incentive Area (21-2385), Los Angeles State Enterprise Zone (21-2374), City Center Redevelopment Project Area of the former Community Redevelopment Agency, Historic Downtown Los Angeles Business Improvement District, Central City Revitalization Zone, Central City Parking, Downtown Parking, and Reporting District No. 163 of the Central Division of the Los Angeles Police Department.

The property is developed with the approximately 68,962sf building and is a contributor to the Broadway Theater and Commercial District. The building was occupied by ground-level retail (Payless shoes store), all other levels and basement areas were commercial uses now remains vacant. The applicant proposes to sell and serve alcoholic beverages for on-site consumption and to live entertainment and dancing in



## CONDITIONAL USE FINDINGS

### Attachment 1

conjunction a restaurant. The immediate surrounding properties, there do not appear to be any uses that would be adversely impacted by the project. Within the immediate vicinity, there are several pay parking lots and parking structures available for patron use.

#### HISTORY:

Founded by Daniel Desmond in 1924, the department store was designed by famed local architect Albert C. Martin who established the architecture firm now known as A.C. Martin Partners. The property contributes to the historic value of the Broadway Theater and Commercial District and featured in the National Register of Historic Places. The iconic building sits vacant, with goals to provide its historic use of retail on the ground and basement level, new office spaces throughout the upper floors, and the introduction of another level for a restaurant and rooftop bar with outdoor dining, dancing, and live entertainment.

#### FAR SCHEDULE:

LEVEL	FAR (SF)	AREA (SF)	AMOUNT CHANGED (SF)
Basement	7,830sf	7,974sf	+144sf
1 <sup>st</sup> Floor	8,034sf	7,925sf	-109sf
2 <sup>nd</sup> through 6 <sup>th</sup> Floor	40,795sf	40,820sf	+25sf
7 <sup>th</sup> Floor	3,238sf	6,830sf	+3,592sf
8 <sup>th</sup> Floor & Roof	0sf	2,893sf	+2,893sf
<b>Total</b>	<b>59,897sf</b>	<b>66,442sf</b>	<b>+6,545sf</b>

*The D Limitation under Ordinance 164,307 states the total floor area contain in all buildings on a lot shall not exceed 6 times the buildable area of lot. Requesting to permit 6.58 FAR in lieu of the required 6.0.*

#### CONDITIONAL USE FINDINGS:

- 1. That 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 requested conditional use of a full line of alcoholic beverages for on-site consumption act as an amenity for the proposed restaurant and lounge. The project's presence during both daytime and later nighttime hours will further the ongoing safety measures by keeping the streetscape light and bright and providing a comfortable dining area for members and guest. The provision of this quality establishment with the addition of alcohol sales, effectively maintained and operated, will serve to enhance the aesthetics, convenience, livability, and security of the area. The project will provide ample lighting and highly trained staff, contributing positive activity to the streetscape activity and character of Broadway. In light of these factors, the applicant states that the proposed location is admirably suited for the addition of alcohol sales, in that it promotes livability and economic development.

## CONDITIONAL USE FINDINGS

### Attachment 1

2. **That 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 proposed project's location, size, height, and operations will not adversely affect or further degrade adjacent properties or the neighborhood. The building is an existing structure in existence since 1920's, and as such is woven into the fabric and character of the neighborhood. The requested conditional use for on-site sales of alcoholic beverages will not adversely impact the surrounding community as the on-site alcohol sales will be an accessory use to the restaurant and lounge use. The increased pedestrian presence both throughout the day and into the evening will be beneficial to the public welfare and safety of the surrounding area by putting more eyes on the street.

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

The subject site is located in the Central City Community Plan and has a Regional Center Commercial land use designation. The proposed mixed use building providing office and restaurant space is in harmony with the general intent and purpose of the Plan. The building's proposed amenities are consistent with several goals of the Central City Community Plan and addresses several issues, including:

*High vacancy rates in older office buildings. (Issue).*

*Lack of the necessary mix of retail to attract a variety of users to the downtown area in the evenings and on weekends. (Issue).*

*Historic buildings, which, if rehabilitated, could be used for commercial, retail, office and residential uses. Support for efforts to preserve and rehabilitate historic structures. (Issue).*

*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 2-3).*

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

*Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity. (Policy 2-4.1).*

*Prepare a plan to develop Broadway as a night-time entertainment destination. (Program).*

*To ensure that the arts, culture, and architecturally significant buildings remain central to the further development of downtown and that it remains clearly discernable and accessible to all citizens of and visitors to Los Angeles. (Objective 10-1).*

Additionally, the Central City Community Plan recognizes that the viability of Downtown Los Angeles will depend to a large extent on continued economic growth and development. Approval of the request will provide the local economy with many much-needed temporary construction and permanent jobs.

## CONDITIONAL USE FINDINGS

### Attachment 1

The site is located within the City Center Redevelopment Project area. The project is consistent with the City Center Redevelopment Plan's objectives, including:

*To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area.*

*To further the development of Downtown as a major center of the Los Angeles metropolitan region, within the context of the Los Angeles General Plan.*

*To promote the development and rehabilitation of economic enterprises including retail, commercial, ... entertainment, ... and hospitality uses that [provide] employment and improve the Project Area's tax base.*

*To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized area.*

#### ADDITIONAL FINDINGS:

**a. Explain how the proposed use will not adversely affect the welfare of the pertinent community.**

The proposed project and use will not adversely affect the welfare of the pertinent community. The subject site is located along Broadway surrounded by mix uses within a commercial zone, therefore an appropriate and prime location for this use. In addition, the project will enable the revitalization of an underutilized existing building. The proposed use will serve not only those who come to visit the neighborhood but also those who are already an integral part of the community.

The on-site sales of alcohol beverages will act as an amenity for the restaurant, and not detrimentally affect the community. The sales of alcohol will provide an amenity that is expected of a quality establishment and is necessary for the project to succeed in the competitive market. The proposed use will create a more active property than is currently at the site and will brighten the street while improving the pedestrian experience of the neighborhood, increasing safety.

To additionally protect the welfare and concerns of the surrounding community, conditions will be set forth by the Zoning Administrator, the Los Angeles Police Department, and the State Alcoholic Beverage Control to ensure no ill effects result from the granting of these entitlements. The requested entitlements are to improve the building, amenities, and community, and the applicant welcomes all opportunities to protect the welfare of the neighborhood through these entitlements

**b. Explain how the approval of this application will not result in, or contribute to an undue concentration of such establishments.**

The sales and consumption of alcohol will not adversely affect the welfare of the pertinent community by committing to the responsible operation of the existing establishment. In addition, this project is located in a commercially dense part of the Broadway neighborhood and will serve the growing population's demand for hospitality options. The applicant is committed to working with the community to mitigate any foreseeable adverse impacts. The proposed restaurant and bar addition will contribute to the growth and development of the area and overall warrants an increase in hospitality amenities as well as providing

## **CONDITIONAL USE FINDINGS**

### **Attachment 1**

jobs for residents. Furthermore, operating conditions imposed by the Zoning Administrator in conjunction with review by LAPD will help to mitigate any adverse impacts that may occur.

**c. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.**

Approval of this application will not result in or contribute to an undue concentration of such establishments. The requested entitlements for the sale and service of alcohol for the restaurant and lounges are all located within the property and are intended for the operation and servicing of the health club. The applicant will be the sole operator of proposed establishment limiting the impact and concentration.

#### **Findings for Variance**

**1. That 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.**

The current zoning code provisions would impair and prevent the applicant from enjoying reasonable and optimum use of the subject site. The zoning regulations allow certain land uses in the various zones in order to achieve compatibility between respective uses. Such regulations, however, are written on a City-wide basis and cannot take into account individual, unique characteristics, which a specific parcel and its intended use may have.

#### **FLOOR AREA RATIO**

The site contains 9,689 square feet of lot area and a maximum of 59,897 square feet of floor area would be permitted by ordinance No. 164307 that requires a maximum FAR of 6.0. The existing 6 story building with a basement and existing rooftop structures consists of approximately 68,962 square feet of floor area and an existing non-conforming FAR of 7.11. The proposed project includes approximately 6,545 new square feet of floor area on both the 7th floor, 8<sup>th</sup> floor rooftop. The existing basement area is considered retail space by the Department of Building and Safety as we have an existing building permit showing its historic use as a barbershop. However, we are unable to provide FAR swapping outside of the building line, and thus a Zone Variance is requested herein in order to allow for new FAR to be added to the rooftop of a building that has an existing nonconforming FAR. The proposed total FAR for the project is 66,442 square feet, resulting in an FAR of 6.85. This is a reduction from the existing non-conforming FAR, and the request is in place to ensure that this new FAR can be added to the rooftop outside of the building envelope for a building that has historically exceeded the FAR limitations of ordinance No. 164307. The additional floor area is not only needed to make this challenging project financially viable but is also warranted in that the rooftop offers a unique opportunity to create innovative open spaces and high-quality hospitality offerings. The strict application of the Zoning Ordinance is impractical when considering the limitations imposed by the preservation of the historical character and the physical configuration of the building. Significant alteration of the historical elements of the building and its exterior façade would be inconsistent with the intent of the zoning regulations to encourage the best use and to conserve and stabilize the value of the property that is located within a downtown redevelopment project area.

## CONDITIONAL USE FINDINGS

### Attachment 1

#### ROOFTOP OUTDOOR EATING AREA

The Code's limitation of outdoor dining to solely that of ground floor restaurants hinders the applicant's ability to have practical enjoyment of the full use of their site and maximize on the full use of their height district and C5 zoning. The allowance of the use of the uncovered rooftop dining uses, and FAR of 6.85 will allow the proposed project to enjoy use of their rooftop, which is currently underutilized useable space for much needed dining and entertainment uses will allow for the highest and best use of the building to be realized. The existing building takes up the entirety of the footprint of the parcel, limiting the opportunity for outdoor uses other than the rooftop. The outdoor area on the 7<sup>th</sup> floor consist of 1,549sf and on the 8<sup>th</sup> rooftop floor we are providing 3,536sf for outdoor dining, drinking, and entertainment totaling 5,085sf.

The strict application of the provisions of the Zoning Code would clearly result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations since the proposed uses are substantially compatible with the many Downtown initiatives including the Bringing Back Broadway initiative and the Adaptive Reuse Ordinance as well as prevalent uses in the surrounding area. Furthermore, visitors and guests in the Downtown area deserve a unique experience that attracts visitors and lends itself to the development of a healthy growing neighborhood. Providing a combination of uses on this particularly magnificent rooftop provides beautiful views of the Downtown region, creating a positive image of Downtown that the Central City Community Plan calls for.

#### PARKING VARIANCE

The increase of 6,485 sf would trigger 12 vehicle parking spaces and would result in practical difficulties inconsistent with the general intent of the City's goal to rehabilitate older, vacant buildings while providing amenities to make Downtown a 24-7 destination. Approval of the applicant's request to provide zero parking spaces in conjunction to the rooftop additions represents an appropriate balance of visitor serving uses and to promotes the use of alternative methods of transportation instead of encouraging driving.

Since the building was constructed in the 1920s, its envelope cannot be altered to accommodate the additional required parking. Practical implications imposed by the age of the building make it virtually impossible for any parking to be provided on-site. The building is within walking distances of several transit stops, including the orange and red lines, which provide service as often as every 15 minutes or less.

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

The building's existing footprint, historical character, and configuration are special circumstances applicable to the property, which do not apply generally to other property in the same zone and in most other areas of the City. The Downtown ARO recognizes the difficulty in balancing the need to rehabilitate older buildings for the highest and best use in order to prevent blight while also maintaining historical character.

3. **That 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,**

## CONDITIONAL USE FINDINGS

### Attachment 1

**because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The requested variance is essential to the reuse of this dead space in the applicant's building. The allowance of the requested variance will afford the applicant to take full advantage of the property. To deny the applicant's request would be contrary to the general intent of the zoning ordinances and perpetuate the continued underutilization of this building. Therefore, it will not unduly be detrimental to surrounding properties.

Increased FAR, uncovered rooftop dining, and to waive triggered parking are provisions that have been allowed in several instances recently in similar projects in Los Angeles. In order to successfully revitalize a building of this immense size, special allowances must be made. Without the approval of the variances requested herein, the applicant would be unable to successfully redevelop this building, which is pivotal to Downtown development, in a manner appropriately suited to the preferences and needs of residents and visitors.

In combination, the requested variances will allow this historic building to be reused to reach its maximum potential, drawing visitors to the historic theater district of downtown Los Angeles and catering to the needs of a diverse group of users. The variances requested herein will allow the building to recapture the original grandeur of the Desmond's Department store, allowing an innovative combination of uses that will anchor a revival of the Broadway Theater District and catalyze redevelopment of Downtown Los Angeles as a whole.

4. **That 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.**

Granting of the variances will not be materially detrimental to the public welfare or to surrounding neighborhoods. In fact, approving the request permits the rehabilitation of a vacant building so that it will add hundreds of persons on-site at any given time (employees and restaurant) will increase "eyes on the street" and improve safety.

The combination of existing and proposed rapid-transit and the increased popularity in rideshare will discourage the use of single-occupancy vehicles.

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

The granting of the requested variances will not compromise any element of the General Plan. The primary goal of the General Plan for Regional Centers is to create environments "that provide jobs, entertainment, culture, and serve the region." Additionally, the granting of these variances will not hinder the goals of the Central City Community Plan but will assist in Downtown's continued revitalization. The Community Plan calls for the development of commercial spaces that further amenities offered to tourists and create vibrant 24-hour features, particularly by promoting restaurants and nighttime entertainment. This proposal for a mixed-use building having restaurant, bar, dancing, office and retail uses fully supports these initiatives by the Community Plan.

## **CONDITIONAL USE FINDINGS**

### **Attachment 1**

We respectfully request approval of the subject variance application.

# **SPECIAL INSTRUCTIONS FOR ALCOHOL (CUB) & ADULT ENTERTAINMENT ESTABLISHMENTS (CUX) – LAMC 12.24 W.1 & 12.24 W.18**

City of Los Angeles – Department of City Planning

The Special Instructions for Alcohol (CUB) & Adult Entertainment Establishments is a required attachment to the *MASTER LAND USE APPLICATION INSTRUCTIONS* (CP-7810). Only utilize this form when filing for a conditional use permit pursuant to LAMC Section 12.24 W.1 for alcohol establishments or pursuant to 12.24 W.18 for adult entertainment establishments.

## **ADDITIONAL REQUIREMENTS/FINDINGS FOR APPROVAL OF A CUB or CUX:**

*For a CUB or CUX request to be considered, the following additional information and findings must be provided.*

- 1. RADIUS MAP REQUIREMENTS.** In addition to the Public Noticing requirements detailed in the Master Land Use Application Instructions (CP-7810):
  - Radius Maps for alcohol uses must show land use to a 600-foot radius.
  - A **LIST OF ALCOHOL ESTABLISHMENTS** between 600 and 1,000 feet of the site is required. Include in the list the type of license and address.
  - A **LIST OF THE FOLLOWING USES** within 600 feet is also required:
    - (1) residential uses and type (single-family, apartment, hotel, etc.);
    - (2) churches;
    - (3) schools, including nursery schools and child-care facilities;
    - (4) hospitals;
    - (5) parks, public playgrounds and recreational areas; and
    - (6) establishments dispensing, for consideration, alcoholic beverages for consumption on or off premises.
- 2. FINDINGS (*on a separate sheet*)**
  - a. General Conditional Use**
    - i. That 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.
    - ii. That 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.
    - iii. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.
  - b. Additional Findings**
    - i. Explain how the proposed use will not adversely affect the welfare of the pertinent community.
    - ii. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.
    - iii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.



3. **QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE**

- a. What is the total square footage of the building or center the establishment is located in? \_\_\_\_\_
- b. What is the total square footage of the space the establishment will occupy? \_\_\_\_\_
- c. What is the total occupancy load of the space as determined by the Fire Department? \_\_\_\_\_
- d. What is the total number of seats that will be provided indoors? \_\_\_\_\_ Outdoors? \_\_\_\_\_
- e. If there is an outdoor area, will there be an option to consume alcohol outdoors? \_\_\_\_\_
- f. If there is an outdoor area, is it on private property or the public right-of-way, or both? \_\_\_\_\_
  - i. If an outdoor area is on the public right-of-way, has a revocable permit been obtained? \_\_\_\_\_
- g. Are you adding floor area? \_\_\_\_\_ If yes, how much is enclosed? \_\_\_\_\_ Outdoors? \_\_\_\_\_

**h. Parking**

- i. How many parking spaces are available on the site? \_\_\_\_\_
- ii. Are they shared or designated for the subject use? \_\_\_\_\_
- iii. If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety? \_\_\_\_\_
- iv. Have any arrangements been made to provide parking off-site? \_\_\_\_\_
  - 1. If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety? \_\_\_\_\_

**Note:** Required parking must be secured via a covenant pursuant to LAMC 12.26 E 5. A private lease is only permitted by a Zone Variance.

- 2. Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.
- 3. Will valet service be available? \_\_\_\_\_ Will the service be for a charge? \_\_\_\_\_
- i. Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks? \_\_\_\_\_
- j. For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17? \_\_\_\_\_

4. **QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT**

- a. What are the proposed hours of operation and which days of the week will the establishment be open?

	M	Tu	W	Th	F	Sa	Su
Proposed Hours of Operation							
Proposed Hours of Alcohol Sale							

- b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify: \_\_\_\_\_

**Note:** *An establishment that allows for dancing needs a conditional use pursuant to 12.24 W.18.*

- c. Will there be minimum age requirements for entry? \_\_\_\_\_ If yes, what is the minimum age requirement and how will it be enforced? \_\_\_\_\_

- d. Will there be any accessory retail uses on the site? \_\_\_\_\_ What will be sold? \_\_\_\_\_

e. **Security**

- i. How many employees will you have on the site at any given time? \_\_\_\_\_

- ii. Will security guards be provided on-site? \_\_\_\_\_

1. If yes, how many and when? \_\_\_\_\_

- iii. Has LAPD issued any citations or violations? \_\_\_\_\_ If yes, please provide copies.

f. **Alcohol**

- i. Will there be beer & wine only, or a full-line of alcoholic beverages available? \_\_\_\_\_

- ii. Will "fortified" wine (greater than 16% alcohol) be sold? \_\_\_\_\_

- iii. Will alcohol be consumed on any adjacent property under the control of the applicant? \_\_\_\_\_

- iv. Will there be signs visible from the exterior that advertise the availability of alcohol? \_\_\_\_\_

v. **Food**

1. Will there be a kitchen on the site? \_\_\_\_\_

2. Will alcohol be sold without a food order? \_\_\_\_\_

3. Will the sale of alcohol exceed the sale of food items on a quarterly basis? \_\_\_\_\_

4. Provide a copy of the menu if food is to be served.

vi. **On-Site**

1. Will a bar or cocktail lounge be maintained incidental to a restaurant? \_\_\_\_\_

- a. If yes, the floor plans must show the details of the cocktail lounge and the separation between the dining and lounge facilities.

2. Will off-site sales of alcohol be provided accessory to on-site sales ("Take Out")? \_\_\_\_\_

- a. If yes, a request for off-site sales of alcohol is required as well.

3. Will discounted alcoholic drinks ("Happy Hour") be offered at any time? \_\_\_\_\_

vii. **Off-Site**

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol on the premises? \_\_\_\_\_
2. Will beer or wine coolers be sold in single cans, or will wine be sold in containers less than 1 liter (750 ml)? \_\_\_\_\_

viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements -- <http://www.abc.ca.gov/>.

**5. CALDERA BILL (CA Business and Professions Code Section 23958 and 23958.4)**

- a. Is this application a request for on-site or off-site sales of alcoholic beverages? \_\_\_\_\_
  - i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel? \_\_\_\_\_
    1. If no, contact the CA Department of Alcoholic Beverage Control (ABC) to determine whether the proposed site is located in an area whereby:
      - a. issuance of a license to serve alcohol on-site or off-site would tend to create a law enforcement problem, or
      - b. if issuance would result in, or add to an undue concentration of licenses.
    - b. If ABC has determined that an eligible use is in an area of high crime or undue concentration of licenses, the City Council will need to make the finding that the issuance of the license is required for **public convenience or necessity**.

**6. ADDITIONAL REQUIREMENTS FOR MASTER CUBs/CUXs.** In addition to all requirements detailed in the Master Land Use Application Instructions (CP-7810), applications for Master CUBs/CUXs shall include:

- A separate sheet containing a table identifying all CUB or CUX requests on the subject site, indicating: the type of alcohol permit sought; the square footage of each particular restaurant, bar or event space; the identifying address or suite/unit number corresponding to each CUB/CUX request; and (if known) the tenant-operator of each alcohol or adult entertainment establishment.
- All CUB or CUX requests on the subject site clearly identified and labeled on the plot plan and applicable floor plans, indicating: each type of alcohol permit sought; the square footage of each particular restaurant, bar or event space; and the identifying address or suite/unit number corresponding to each CUB/CUX request.

**NOTE:** *Please consider submitting documents beyond the requirements outlined in this form. If there are other circumstances which may further a more complete understanding of the project, do not hesitate to submit such information. The documents submitted with the application and the public hearing constitute the **primary opportunity** to clarify and define the project.*