



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

Area Planning Commission City Planning Commission City Council Director of Planning

Regarding Case Number: CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

Project Address: 6421 - 6429 1/2 WEST SELMA AVENUE; 1600 - 1604 NORTH WILCOX AVENUE

Final Date to Appeal: 09/06/2018

Type of Appeal:

- Appeal by Applicant/Owner
 Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): THE SUNSET LANDMARK INVESTMENTS, LLC

Company: _____

Mailing Address: 215 NORTH MARENGO AVENUE, 3RD FLOOR

City: PASADENA

State: CA

Zip: 91101

Telephone: (626) 449-4200

E-mail: DAN@ROBERTSILVERSTEINLAW.COM

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self

Other: _____

- Is the appeal being filed to support the original applicant's position?

Yes

No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): DANIEL E. WRIGHT

Company: THE SILVERSTEIN LAW FIRM

Mailing Address: 215 NORTH MARENGO AVENUE, 3RD FLOOR

City: PASADENA

State: CA

Zip: 91101

Telephone: (626) 449-4200

E-mail: DAN@ROBERTSILVERSTEINLAW.COM

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: ALL

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: David Wight Date: 9-6-18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Jesse Ramos</u>	Date: <u>9-6-2018</u>
Receipt No: <u>0101939387</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

THE SILVERSTEIN LAW FIRM

A Professional Corporation

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PASADENA, CALIFORNIA 91101-1504

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September 6, 2018

Hon. Herb Wesson, President
Los Angeles City Council
200 N. Spring Street, Room 320
Los Angeles, CA 90012

Re: Appeal of Approval of CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

Honorable Councilmembers:

I. INTRODUCTION.

This firm and the undersigned represent The Sunset Landmark Investments, LLC (hereinafter "Sunset Landmark"). Please keep this office on the list of interested persons to receive timely notice of all hearings and determinations related to the proposed approval of an eight-story hotel building at 6421-6429 ½ W. Selma Avenue, commonly known as either the Tao Hotel, Dream Hotel II, or Selma Wilcox Hotel ("Project"). Sunset Landmark adopts and incorporates by reference all Project objections raised by themselves and all others during the environmental review and land use entitlement processes.

II. CITY OFFICIALS AND RELEVANT GROUP ARE COOPERATING TO CREATE A NIGHTTIME LAS VEGAS STYLE ENTERTAINMENT DISTRICT ALONG SELMA AVENUE FOR WHICH THERE HAS BEEN NO PLANNING TO PROTECT OTHER PROPERTY OWNERS OR ASSURE ADEQUATE PUBLIC INFRASTRUCTURE EXISTS TO SUPPORT THESE TRAFFIC, ALCOHOL, AND NOISE INTENSE USES.

The public record now establishes that Relevant Group and the Hollywood Regional Center has always planned to develop multiple hotels, outdoor nightclubs, indoor/outdoor party spaces, and food and alcohol serving venues the likes have not been seen outside of downtown Las Vegas. None of this is planned in the Hollywood Community or the Hollywood Redevelopment Plan. In fact, each of the parcels of land upon which this series of hotels and restaurants are being developed, the City imposed

“D” Development Limitations on floor area ratio because the sites were too distant from high capacity transit. One by one, the City is taking actions to override the limits of the community plan and the redevelopment plan, ignoring legal obligations under the current zoning and plans, all to recklessly authorize a giant noise-generating district that is already triggering a chorus of complaints of property owners and residents being kept awake by the City-authorized open-air night clubs.

The California Environmental Quality Act (“CEQA”) mandates that the City analyze the “whole of the action” and not to authorize the break-up of a larger project to avoid assessment of the cumulative direct and indirect impacts of the whole project. It has now become clear that this development group has been trumpeting for several years “an exciting new boutique hotel district” along Selma Avenue. Parallels of this district have been made to Las Vegas. Yet there has been no public planning discussion that such a noisy, alcohol dipped district is in the public interest, or that policy trade-offs to accomplish it have included the developer being required to pay for necessary increases in demand on public infrastructure, police, and emergency services.

The Dream Hotel I has become the subject of severe nuisance complaints by persons living in homes and apartment buildings as much as ½ mile from its rooftop and outdoor nightclub. Relevant Group (or straw man entities linked to it named like Selma Hotel LLC) then made separate applications and a categorical exemption from environmental review of the Tao Restaurant, coupled with a suspicious looking underground parking garage beneath a single floor of proposal retail uses. Persons reviewing the Tao Restaurant and huge underground parking facility observed that these allegedly “by-right” applications were made by an entity with the word “hotel” in its name, yet no hotel had been applied for.

The environmental review of the Dream Hotel I did not disclose or include the Tao Restaurant/parking garage and the Tao Restaurant/parking garage did not include the Dream Hotel I. At the public hearings on the Tao Restaurant/parking garage representatives of the community, including Hollywood Heritage pointed out that the Tao Restaurant/parking garage appeared to be a piecemealed building and that the developer was refusing to disclose, and the City was refusing to require, environmental review of the entire project contemplated by the owners of both Dream Hotel I and the Tao Restaurant/parking garage.

Now the same development group, as predicted by Hollywood Heritage and others, has revealed what it coyly calls the Wilcox Selma Hotel but in various documents in the record has also been called the Dream Hotel II or the Tao Hotel. And

unsurprisingly, the developer proposes to never build the one floor of retail space over the parking garage that is now under construction. Instead, the developer proposes to substitute an 8-story hotel with another rooftop nuisance/nightclub over the parking garage and the operating Tao Restaurant. The environmental review of the Wilcox Selma - Dream Hotel II – Tao Hotel does not mention or include in its individual or cumulative analysis the Dream Hotel I.

Recently, another hotel called the Schrader Hotel has been proposed by another entity linked to Relevant Group and the Hollywood Regional Center. The Schrader Hotel's entitlement counsel (Shepard Mullin), and public outreach consultant (Laurie Goldman) are the same as for the Selma Hotel before the City Council in this appeal. The environmental analysis of the Schrader Hotel does not mention or include any of the previous hotels proposed by, built by, half-constructed by, or sequenced and piecemealed by Relevant Group to avoid the preparation of an environmental impact report. CEQA imposes a mandatory duty upon the City to require the developer to analyze the "whole of the project" proposed to be developed, but instead the City's Planning Department is acting complicit in evading its mandatory environmental review duties.

City Planning Commissioner Renee Dake Wilson commented on this obvious fraudulent activity during the City Planning Commission hearing. She directly told the Mr. King of Relevant Group that such could "see" what he did in applying first for an allegedly piecemealed "by-right" portion of the Selma hotel (the Tao Restaurant building and construction of the three levels of underground parking). She said that it made her not believe much of anything else he had to say. And then in typical City of Los Angeles conduct, after essentially admitting that the City of Los Angeles could "see" the piecemealing of this project, she voted to approve the Project – assuring that the developer would have no incentive to halt its ongoing piecemealing of the Dream Hotel I, this Selma Hotel Project, and the upcoming Schrader Hotel Project. This conduct is by the City is a knowing and willful violation of the piecemealing laws of the California Environmental Quality Act. Planning Commissioners Khorsand and Perlman could not endorse the stench of such an open and willful legal violation, and both voted "no" to disapprove the Project as proposed. When at least three members of the City's Planning Commission recognize the failures to comply with law, the City Council must stand up and cure the misguided direction of the City's Planning Department.

It is time for the City to halt all of these projects and order a comprehensive environmental impact report of the cumulative impact of massive overrides of protective mitigation measures on each of these parcels of land, and do some real planning. For the foregoing reasons, the City Planning Commission has no factual basis to conclude that a

mere mitigated negative declaration is the appropriate level of environmental review of the Wilcox Selma - Dream Hotel II – Tao Hotel.

III. SUNSET LANDMARK ADOPTS ALL OF THE ANALYSIS AND SUPPORTING EXHIBITS FILED BEFORE THE CITY'S ADVISORY AGENCY IN FILE NO. VTT-74406.

In support of this appeal, Sunset Landmark adopts and directs the City Council's attention to its March 23, 2018 objection letter and supporting evidence. To assist the City Council, Sunset Landmark will submit to the City Council File a full copy of the March 23, 2018 objection letter so that Councilmembers may carefully review the additional grounds upon which this appeal must be granted. Those grounds are listed here:

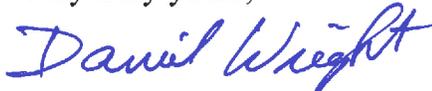
- (a) The City persists in relying on facially invalid Zoning Administrator Interpretations of LAMC 12.22A18 and 12.12C4 to increase the number of authorized hotel rooms on this lot.
- (b) Under the zoning for the Property, the maximum FAR is 2:1, yet the Relevant Group sought and the City Planning Commission granted nearly twice that density. The City has not and cannot meet the legal standards that apply in order to propose to wipe out the previous zoning, adopted by the City as a CEQA mitigation measure. Having failed to even meet the legal standards for such modification of a mitigation measure, the City fails to proceed in accordance with law.
- (c) Under the current Hollywood Redevelopment Plan, the Project is required to comply with a Transportation Plan the former redevelopment agency and the City have failed to prepare and enact for over 40 years. Due to the lack of such a Plan to mitigate traffic and safety impacts, this Project approval individually and cumulatively negatively impact the community without requiring proper mitigation. Relevant Group actions are shifting the cost of public infrastructure it ought to pay for onto the taxpayers of Los Angeles.
- (d) The supporting MND is fatally flawed. It fails to disclose and analyze the whole project, and if it did, an MND would not be the proper environmental clearance document. Additionally, even if the MND were proper, which it is not, the MND fails to fully disclose and analyze the basis of the residential unit density and FAR changes. The MND avoids this full disclosure, presumably to avoid having the City admit that the

Project is inconsistent with the General Plan, the Hollywood Community Plan, the Hollywood Redevelopment Plan, and the City's basis zoning laws applicable to the Project site.

IV. CONCLUSION.

For the reasons set forth herein, in prior correspondence, and in the serious objections in the record, this case demands a remand to the Planning Department for the mandatory environmental and planning review that should have long ago been ordered.

Very truly yours,



DANIEL E. WRIGHT

FOR

THE SILVERSTEIN LAW FIRM, APC

DEW:vl



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: AUG 17 2018

Case No. CPC-2016-2601-VZC-HD-CUB-ZAA-SPR
CEQA: ENV-2016-2602-MND
Plan Area: Hollywood

Council District: 13 – O'Farrell

Project Site: 6421 – 6429 ½ West Selma Avenue;
1600 – 1604 North Wilcox Avenue

Applicant: 6421 Selma Wilcox Hotel, LLC
Representative: Alfred Fraijo Jr., Shepard, Mullin, Richter & Hampton, LLP

At its meeting of **July 12, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

The continued maintenance of a 20,624 square-foot ground floor restaurant and the construction of a new 1,939 square-foot ground floor restaurant and a 114 guest room hotel over three levels of subterranean parking. The proposed building measures approximately 88.6 feet in height, with eight stories, and 79,878 net square feet of floor area. The proposed restaurant would have a maximum of 100 seats (60 indoor and 40 outdoor seats). The hotel would have a lobby bar with 48 seats and the rooftop would include a pool and amenity deck with a bar/lounge area with a maximum of 187 seats, and other accessory uses. No change is proposed for the existing 20,624 square-foot restaurant. The Project proposes to provide 50 parking spaces on-site within the subterranean structure and 36 parking spaces off-site to be accessible via a valet service.

1. **Found**, pursuant to CEQA Guidelines Section 1507 4(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-2602-MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **found** the mitigation measures have been made enforceable conditions on the project; and **adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved and recommended** that the City Council **adopt**, pursuant to Section 12.32 F and Q of the Los Angeles Municipal Code (LAMC), a Vesting Zone Change and Height District Change from C4-2D to (T)(Q)C2-2D;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a 1,939 square-foot restaurant with 100 seats (60 indoor and 40 outdoor seats), and 114 guest room hotel including the ground floor lobby bar with 48 seats, in-room mini-bars, and a rooftop amenity deck with a bar lounge area with a maximum of 187 seats, and pursuant to LAMC Section 12.24 S, up to a 20

4. percent reduction in the required parking;
Approved, pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment to permit a 10-foot northerly side yard and a 19-foot easterly rear yard in lieu of the required 11-foot side yard and 20-foot rear yard setbacks, pursuant to LAMC Sections 12.14 C.2, 12.11 C2 and 12.11 C3;
5. **Approved**, pursuant to LAMC Section 16.05, Site Plan Review for the construction, use, and maintenance of a project with 50 or more guest rooms;
6. **Adopted** the revised "Exhibit A";
7. **Adopted** the attached Conditions of Approval as modified by the Commission including Staff's Technical Modification dated July 11, 2018; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz
 Second: Mack
 Ayes: Choe, Millman, Mitchell, Dake Wilson
 Nays: Khorsand, Perlman
 Absent: Padilla-Campos

Vote: 6 - 2



James K. Williams, Commission Executive Assistant II
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: *The decision of the Los Angeles City Planning Commission regarding the Vesting Zone Change and Height District Change is not appealable.* The remainder of the determination letter is appealable to the City Council within 20 days of the mailing of this determination letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 20-day period shall not be considered by the Council.

Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: SEP 06 2018

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.** The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

Attachments: Zone Change Ordinance, Modified Conditions of Approval, Findings

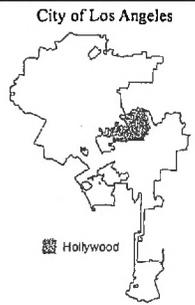
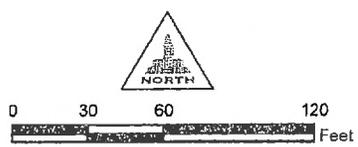
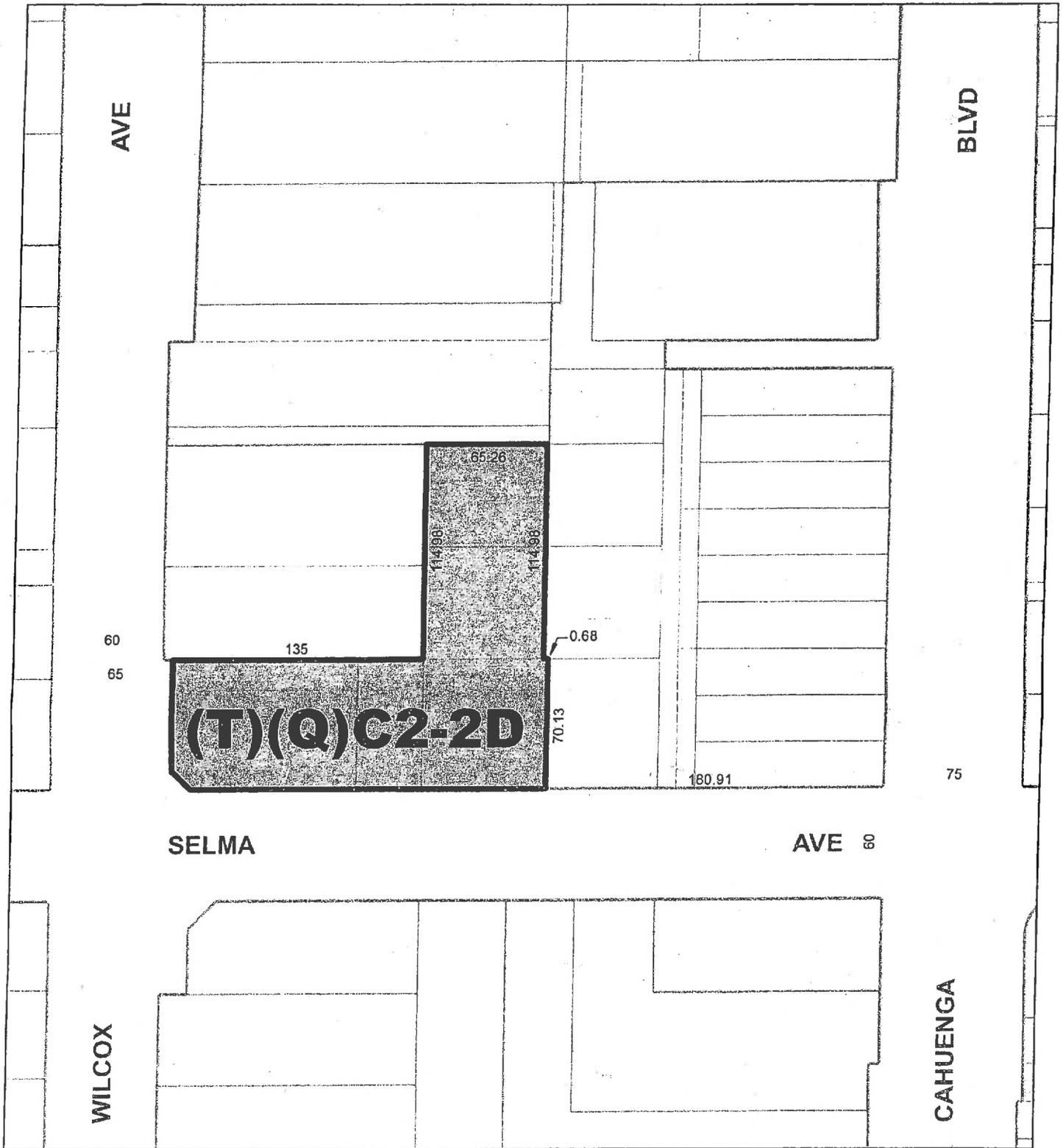
c: Nicholas Hendricks, Senior City Planner
May Sirinopwongsagon, City Planner

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

MYI of

072318

(Q) QUALIFIED CONDITIONS

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

1. **Uses.** The uses on the subject property shall be limited to the C2 Zone, pursuant to LAMC Section 12.14, except that Automotive Uses shall be prohibited.
2. **Development.** The use and development of the subject property shall be in substantial conformance with the site plan, floor plan, elevations, and renderings labeled Exhibit "A" dated July 2, 2018. Minor deviations may be allowed in order to comply with provisions of the Municipal Code.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

1. Responsibilities/Guarantees.

- a. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
- b. Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

2. Dedication(s) and Improvement(s).

- a. Dedication. A minimum 20-foot radius property line return or a 15-foot by 15-foot property line cut corner be dedicated at the intersections of Selma Avenue and Wilcox Avenue adjoining the site.
- b. Improvements. Improve Selma Avenue and Wilcox Avenue adjoining the site by the reconstruction of the existing concrete sidewalks to complete full-width concrete sidewalks including the corner radius cuts with tree wells including any necessary removal and reconstruction of the existing improvements satisfactory to the City Engineer.

3. Bureau of Street Services, Urban Forestry: Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

Note: All protected tree removals and removal of trees located within the public right-of-way must be approved by the Board of Public Works. Contact Urban Forestry Division at 213-847-3077

4. Bureau of Street Lighting: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; one (1) on Wilcox Avenue.
5. Department of Transportation. Driveway Access and Circulation shall be reviewed and approved with Citywide Planning Coordination Section (201 North Figueroa Street, Room 550, at 213-482-7024). New driveways should be a Case 2 – designed with a recommended width of 30 feet for wo-way operations. Delivery truck loading and unloading should take place on site with no vehicles having to back into the project via the proposed project driveway, or as approved by the Department of Transportation and Department of Building and Safety.
6. Fire Department. Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

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

“D” DEVELOPMENT CONDITIONS

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Height.** The height of all buildings and structures, except for mechanical and other rooftop equipment, on the subject property shall not exceed 89 feet from the proposed grade, as shown in Exhibit “A” stamp dated July 2, 2018, excluding the parapet.
2. **Floor Area.** The total floor area of all buildings or structures located on a lot shall not exceed a Floor Area Ratio (FAR) of 3.7:1.

CONDITIONS OF APPROVAL

As modified by the City Planning Commission on July 12, 2018

Pursuant to Section 12.24-W,1, 12.28, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions:

1. **[Modified] Site Plan.** The use and development of the property shall be in substantial conformance with the illustrative site plan, floor plans, elevations, sections, and renderings labeled Exhibit "A", dated July 2, 2018, except as may be revised as a result of this action.
2. **[Added] Building Location.** Each level of the subterranean parking structure shall be located at the following depths, as identified on the stamped Exhibit A Section Sheet 01C:
 - a. Level P1: -11'-5 ⁵/₈"
 - b. Level P2: -22'-6"
 - c. Level P3: -33'-2 ³/₄"

The configuration of Levels P2 and P3 shall be in substantial conformance with stamped Exhibit A Sheets 2 and 3 and shall not be expanded in area. Use of the areas within the subterranean structure shall be in substantial conformance with those identified on the stamped Exhibit A.

3. **[Added] Building Articulation.** The northerly and easterly elevations shall be revised to utilize façade articulation utilized on the southerly and westerly elevations to the satisfaction of the Director of Planning. The variation in brick articulation utilized on the westerly and southerly elevations shall be carried over to the northerly and easterly elevations, respectively.
4. **Density.** A maximum of 114 guest rooms may be permitted.
5. **Rooftop.**
 - a. The covered bar and lounge area indicated on the roof plan stamped Exhibit "A", shall be designed to be able to be fully enclosed with noise-attenuating features (physical as well as operational) by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
 - b. Prior to the issuance of a Certificate of Occupancy, the sound levels shall be measured consistent with the procedures in LAMC Section 111.02. Documentation of the measurements shall be submitted to the Department of City Planning for the file.
 - c. A minimum six (6) foot high glass wall shall be installed around the perimeter of the rooftop deck, except where there is rooftop structure or other enclosed structure located at the perimeter of the building.
6. **Parking.**
 - a. **[Modified]** Automobile parking spaces shall be provided pursuant to LAMC Section 12.21-A,4 and may be reduced utilizing bicycle parking replacement. Automobile parking may further be reduced by up to 20 percent, provided that the reduction is only applied to parking provided off-site.

Pursuant to Condition No 37, as part of the review of the effectiveness of, and compliance with the terms of this grant, the Zoning Administrator shall also assess the demand for parking. Upon review of evidence that there is a demand for the total number of Code required parking spaces, the Zoning Administrator may determine that the 20 percent reduction in parking is no longer granted and require that the applicant provide the total number of parking spaces required by LAMC Section 12.21-A,4.

- b. **[Added]** Automobile parking spaces may be provided off-site, within 750 feet, and shall be provided in compliance with LAMC Section 12.21-A,4(g) and 12.26-E,5. The applicant shall submit a copy of the recorded covenant and any lease agreements to the Department of City Planning to be placed in the file.
- c. Bicycle parking spaces shall be provided pursuant to LAMC Section 12.21-A,4 and 16, as effective on March 13, 2013.
- d. **[Modified]** Electric Vehicle Parking. The Project will include at least 20 percent (20%) of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans will indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design will be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total code required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

7. Drop off/Pick Up.

- a. If valet service is used a copy of the contract with the valet company shall be submitted to the Department of City Planning demonstrating that valet service is made available to customers/guests of the petitioner(s). If valet service is implemented the petitioner(s) will additionally be required to provide the Department of City Planning with information pertaining to the valet rates or cost of valet service as it relates to customers utilizing said service. The availability of valet parking/service shall be made known to the public via the restaurant menu or hotel brochure, a posting of the information on readily visible locations in the hotel lobby and the hotel restaurant and on any hotel or hotel restaurant website.
- b. A drop off/pick up area may be designated off-site, within the area of the subject property's street frontage, for hotel guests and patrons of establishments on site.
- c. The drop off/pick up areas shall be subject to the review and approval from the Department of Transportation. The approved plan shall be submitted to the Department of City Planning for the file.

- 8. **Landscaping/Hardscape.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A.

- a. **Tree Wells.**
 - i. The minimum depth of tree wells located on a podium or rooftop shall be as follows:
 1. Minimum depth for trees shall be 42 inches
 2. Minimum depth for shrubs shall be 30 inches.
 3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
 4. Minimum depth for an extensive green roof shall be 3 inches.
 - ii. The minimum amount of soil volume for tree wells on a podium or rooftop shall be based on the size of the tree at maturity:
 1. 600 cubic feet for a small tree (less than 25 feet tall at maturity).
 2. 900 cubic feet for a medium tree (25-40 feet tall at maturity).
 3. 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).
 - b. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise required by the Urban Forestry Division, Bureau of Public Works.
 - c. A minimum three (3) foot wide landscape planter, with a minimum depth of 42 inches, shall be installed around the perimeter of the rooftop, except where there is rooftop structure or other enclosed structure located at the perimeter of the building.
9. **Irrigation.** The Project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with DCP.
10. **Solar Panels.** The project shall install the equivalent of 10 percent of the rooftop of the eight-story building or 595 square feet, whichever is greater, of solar panels as part of an operational photovoltaic system to be maintained for the life of the project. The 10 percent shall be calculated based on the area of the rooftop identified on the Rooftop Deck Floor Plan of the stamped Exhibit A dated July 2, 2018.
11. **Light.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
12. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
13. **Construction Generators.** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.

B. Alcohol Related Conditions:

14. Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with:

- a. the operations of a 1,939 square-foot restaurant which may have a maximum of 100 seats (60 indoor and 40 outdoor seats). Outdoor seating located within the public right-of-way shall obtain a revocable permit prior to the issuance of a permit.;
- b. the operations of a 114 guest room hotel within:
 - i. the hotel lobby bar, which may have a maximum of 48 seats;
 - ii. "mini-bars" located within the hotel guest rooms;
 - iii. the rooftop outdoor bar and lounge and covered lounge, with a maximum of 187 seats.

15. Hours of operation approved herein are as follows:

- a. the 1,939 square-foot restaurant: 6:00 a.m. to 2:00 a.m., daily;
- b. the hotel lobby bar: 6:00 a.m. to 2:00 a.m., daily;
- c. the rooftop bar and lounge.
 - i. Outdoor patio areas: 7:00 a.m. to 12:00 a.m. (Midnight), daily
 - ii. Enclosed patio area: 7:00 a.m. to 12:00 a.m. (Midnight), daily, subject to the following:

When the enclosed bar and lounge doors or windows are open between 7:00 a.m. and 12:00 a.m., any music, sound, noise, or vibration shall not be audible or felt beyond that part of the premises which is under the control of the applicant.

The doors to the rooftop's covered bar and lounge area shall be closed whenever live entertainment, including DJs, and/or amplified music is played in the indoor area.

- d. After-hour use of the facilities, other than routine clean-up and maintenance is not permitted.

16. Restaurant.

- a. The 1,939 square-foot ground floor restaurant shall operate as a bona-fide restaurant, with its kitchen open for all hours of restaurant operations and food shall be available during all such hours. Customers of all ages shall be permitted during all hours of operations.
- b. The exterior windows and glass doors of the hotel premises/ground floor restaurant and bar/lounge areas shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and private security.

17. Age Verification.

- a. Electronic age verification device(s) shall be retained and installed on the premises at each point of sale location and available for use during operational hours. The device shall be maintained in an operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.

- b. Hotel Guest Room Mini-Bars. The hotel manager(s) shall require proof of identification and age for all registered guests at check-in. Rooms where the registered guest is under twenty-one years of age, or where the age of the guest cannot be determined, shall have their in-room liquor cabinet disabled and locked if any such lockers are provided in the room

18. Live Entertainment:

- a. Restaurant. Live entertainment, amplified music, or ambient music may be permitted indoors within the 1,939 square-foot restaurant and the outdoor seating area.
 - b. Hotel.
 - i. Live entertainment, amplified music, or ambient music may be permitted within the within the hotel lobby and enclosed rooftop bar and lounge area.
 - ii. No live entertainment or amplified music shall be permitted in any patio or outdoor areas, including the outdoor rooftop patio or bar and lounge area. Ambient music may be permitted.
 - c. Live entertainment is subject to any required permits to be reviewed and approved by the Los Angeles Police Commission, as applicable. Live entertainment may include but not be limited to live bands, a DJ or karaoke, provided the latter is not conducted in private rooms.
 - d. Any ambient or amplified music, sound, vibration or noise emitted that is under the control of the petitioner(s) shall not be audible or otherwise perceivable beyond the subject premises. Any sound, vibration or noise emitted that is under the control of the petitioner which is discernible outside of the subject premises shall constitute a violation of Section 116.01 of the Los Angeles Municipal Code, including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The establishment will make an effort to control any unnecessary noise made by restaurant/hotel staff or any employees contracted by the restaurant or bar facilities located within the hotel facility, or any noise associated with the operation of the establishment, or equipment of the restaurants.
 - e. No Dance Hall or Hostess Dance Hall, as defined by LAMC Section 12.03, use shall be permitted without the approval of a Conditional Use Permit pursuant to LAMC Section 12.24 W,18. Patron Dancing is not permitted nor shall the Petitioner(s) accommodate or endorse dancing features in any fashion.
 - f. There shall be no pool table or billiards table, electronic games, coin-operated games, dart games, or video machines maintained upon the premises at any time.
19. A "Free Designated Driver Program" shall be implemented in which "FREE Non-Alcoholic Beverages" will be offered to the designated drivers: such as coffee, tea, or sodas approved by the Zoning Administrator. An explanation of the program shall be printed on the restaurant menus and/or made known to patrons via a two-sided card placed on all restaurant tables. Information pertaining to the "Designated Driver Program" shall additionally be detailed on the hotel website or page and/or any social media account dedicated to the hotel/hotel restaurant operations.

20. **[Modified]** Security. Between the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of two (2) security guards in the ground floor hotel restaurant on Thursdays, Fridays and Saturdays.

During the hours of 8:00 p.m. and 12:30 a.m., the applicant shall provide a minimum of two (2) security guards in the rooftop enclosed bar/lounge area and in the outdoor rooftop patio areas, Thursday, Fridays, and Saturdays.

In addition to the security guard requirements delineated above, the applicant shall be required to provide a minimum of two (2) security guards on the premises during the all hours of hotel operation. The additional security employment required per this provision for the ground floor restaurant and bar/lounge areas as well as the rooftop bar/lounge area, will be employed in addition to and in enhancement of the three security guards who are mandated to be employed on the hotel premises during all hours of operation.

The security guards shall not have any other activities other than those that are security related. Security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.

21. Admission and Third Party Promoters.

- a. The applicant/operator shall not require an admission or cover charge. Any advertising of an admission charge or cover is prohibited.
- b. The applicant shall not sublet the premises to outside "promoters" for nightclub or concert activity. Private parties hosted by the hotel or future operators of the ground floor dining area and rooftop bar/lounge, in which general public are excluded from the entire ground floor bar, lounge, outdoor courtyard and dining areas or the entire rooftop area are permitted provided that an appropriate one-day permit is submitted for approval to LAPD and ABC.
- c. 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.
- d. At no time shall any form of membership card or compensation be a pre-requisite for admission to the facility at large unless the applicant is featuring a special event which has received prior written approval from the Hollywood Vice Office to commence in conjunction with the operation of the subject premises.

22. There shall be no Adult Entertainment of any type pursuant to Section 12.70 of the LAMC. Any proposed Adult Entertainment shall be subject to the requirements of Section 12.70 and require the filing of the appropriate application.

23. Partitions separating booth/dining areas in the ground floor and rooftop restaurants and bar/lounge areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth/dining areas within the interior space for the facility that restrict, limit, or obstruct the clear observation of the occupants.

24. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in

the premises, nor shall the licenses provide, permit, or make available either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customers.

25. No loitering on the premises, public way adjacent to the premises, or property adjacent to the premises over which the applicant has control.
26. The applicant shall be responsible for maintaining free of litter, the premises and the area adjacent to the premises over which they have control. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied.
27. Within six months of the date of this determination and within six months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. Upon completion of the training, the applicant shall provide evidence to the Zoning Administrator that such training was provided.
28. The applicant / hotel operator / 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:
 - a. Posted at the entry, and the cashier or customer service desk,
 - b. Provided to the immediate neighbors, schools, and the Neighborhood Council, and
 - c. Responded to within 24-hours of any complains/inquires received on this hotline.
29. Petitioner(s) shall install and maintain security cameras and a three-month DVR/video library that covers all common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. The DVRs shall be made available as required by law.
30. 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 Director's designee shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Director's Designee may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
31. The approved conditions shall be retained on the premises at all times and produced upon request of the Police Department, the Department of Building and Safety or City Planning. All licenses, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, copies of the ABC operating conditions and conditional use permit conditions shall be provided to all employees working in the facility. Establishment employees are required to be knowledgeable of the establishment operating conditions and shall sign a

document acknowledging that they have read and understood all of the ABC and conditional use permit conditions. Said acknowledgment form(s) shall be maintained at the location by the operator and/or manager who shall present the document(s) to Police Department personnel, ABC Investigators or any other City agency upon request.

32. Petitioner(s) shall maintain on the premises and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the Security Company service(s), Valet Company service(s), and the property owner.
33. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
34. 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.
35. The business operator and/or the operator's agents shall comply with California Labor Code Section 6404.5(c) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
36. **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 Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with the retail store, known as [OPERATION NAME], and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

37. **[Added] Plan Approval.** The applicant shall file a Plan Approval application twenty-four (24) months from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Department of City Planning. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of this grant, including but not limited to the approval of a 20 percent reduction in parking pursuant to LAMC Section 12.24 S. The applicant shall provide documentation which reflect the parking demands of the operation of the hotel and restaurants. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

38. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the BEST (Beverage and Entertainment Streamlined Program) in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the BEST (Beverage and Entertainment Streamlined Program) within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
39. The applicant(s) shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.
40. **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.
41. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Department of City Planning for attachment to the case file.

C. Environmental Conditions:

42. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the hotel street level and to keep unpermitted persons from entering the construction area.
43. **Public Services (Police).**
- a. The plans shall incorporate a design that references the "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the LAPD. These measures shall be approved by the LAPD prior to the issuance of building permits.
 - b. Public Services (Police). Upon completion of the Project, the LAPD Hollywood Area commanding officer shall be provided with a diagram of each portion of the property. The diagram shall include access routes and any additional information that might facilitate police response.

44. **Construction Traffic Control/Management Plan.** A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction-related traffic shall be restricted to off-peak hours.

45. **Transportation Demand Management and Monitoring Program.**

- a. The Applicant shall prepare and submit a preliminary Transportation Demand Management Plan (TDM) to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the project.

The TDM shall include strategies, as determined to be appropriate by the Department of Transportation, which would have a minimum ten (10) percent effectiveness in reducing new vehicle trips.

In the event that the Project would provide twenty (20) or more required parking spaces off-site, the TDM shall demonstrate a minimum twenty (20) percent effectiveness in reducing new vehicle trips.

- b. In the event that the Project would provide twenty (20) or more parking spaces off-site and is required to implement a TDM which has a minimum twenty (20) percent effectiveness in reducing the total net project trips, a Monitoring Program (MP) shall be prepared to provide continued monitoring of the TDM's effectiveness. The MP shall be prepared by a licensed Traffic Engineer and submitted to the Department of Transportation for review. The MP shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, achievement of the peak hour trip volume requirements listed. Should the review show that the peak hour trip cap threshold has been exceeded the Project shall have one year to attain compliance or be subject to a penalty program.

Implementation of the TDM shall be at the Project's expense.

Strategies may include, but shall not be limited to, the following:

1. Provide guest assistance on arrival and departure to find options to personal or rented vehicles to access the site.
2. If found feasible by LADOT and Metro, improve the existing bus stop on the north side of Hollywood Boulevard east of Wilcox Avenue where there is an existing sign, bench and trash receptacle with a weather protected cover. Improve the bus stop on the south side of Hollywood Boulevard west of Cahuenga Boulevard where a bus sign only with a bench, trash receptacle, weather protected cover and bench. Improve the bus stop on the north side of Sunset Boulevard west of Wilcox Avenue where a bus sign, a bench, and trash receptacle with a weather protected cover;
3. Provide a visible on-site kiosk with options for ridesharing, bus routes and bike routes in a prominent area(s) in view for hotel guests, employees and patrons of the restaurants;

4. Provide information for guests of the hotel upon check in that includes the transit, bike routes, and nearby walking opportunities as options to use rather than person vehicles;
 5. Provide an on-site TDM manager to assist hotel guests navigate the alternative modes of transportation options, in matching rideshare partners for the employees, determining transit routes for employees, and promoting TDM program;
 6. Provide access pass and transit pass reductions for employees;
 7. Provide bicycle spaces to encourage cycling as an alternative to single occupant vehicles;
 8. Provide bicycle sharing service for guests and employees use;
 9. Provide amenities to encourage guests of the hotel spend some of their time eating, relaxing and recreating on-site.
46. **Transportation (Pedestrian Safety).** The developer and contractors shall maintain ongoing contact with administrator of Selma Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (213)580-2950 or (213)580-2900 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

D. Administrative Conditions

47. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
48. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
49. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
50. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
51. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or

the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

52. **Building Plans.** 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.
53. **Corrective Conditions.** 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 City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
54. **Expedited Processing Section.** 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.

55. 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.

NOTE TO THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)

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 grants, the City Planning Commission 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 City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The City Planning Commission 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 City Planning Commission 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 City Planning Commission.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- All service of alcoholic beverages shall be conducted by a wait person or bartender.
- The alcoholic beverage license for the restaurant shall not be exchanged for a public premises type license nor operated as a public premises.
- There shall be no service, sales or possession of an alcoholic beverage on any abutting private property area not under the immediate control of the applicant/facility operator with the exception of the approved patio/outdoor dining areas.
- Bottle and/or Table service involving the distribution of distilled spirits shall be prohibited during regular restaurant/hotel operations and is only permitted during special events that have been authorized by the Los Angeles Police Department. "Buckets" of beer and portable bars are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be NO sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating. The sale of poolside cabanas and lounge chairs may be permitted in conjunction with the restrictions set forth above related to alcohol sales.
- "Happy Hour" is permitted between the hours of 4:00 pm and 8:00 pm, daily. There may be no more than a fifty percent discount on alcoholic beverages.
- The quarterly gross sales of food shall not exceed the gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department of the California State Department of Alcoholic Beverage Control upon request.

FINDINGS

General Plan/Charter Findings (Charter Section 556)

1. **General Plan Land Use Designation.** The Project Site is located within the Hollywood Community Plan, adopted by the City Council on December 13, 1988. The site has a land use designation of Regional Center Commercial, as designated on the plan map. The Regional Center Commercial land use designation lists the following corresponding zones: C2, C4, P, PB, RAS3, and RAS4. The site is currently zoned C4-2D and is subject to the Development "D" Limitations contained within Ordinance No. 165,660, adopted in 1990. The Community Plan indicates within the footnotes that development intensity is limited to 4.5:1 FAR and a maximum of 6:1 FAR with the approval from City Planning Commission. Additionally, the Framework Element characterizes designated Regional Centers as having a range of FARs from 1.5:1 to 6:1. The proposed Project will have a maximum 3.7:1 FAR. The recommended Vesting Zone and Height District Change would permit commercial uses that are consistent with the established entertainment district and encourage the future growth of the Hollywood Center.
2. **General Plan Text.** The Hollywood Community Plan text includes the following relevant objectives:

Objective 1: To coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area. To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4: To promote economic well-being and public convenience through:

- a. Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

Policy: The focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street. The Hollywood Center is included in the Hollywood Redevelopment Project area as adopted in May 1986. This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region. Future development should be compatible with existing commercial and development, surrounding residential neighborhoods, and the transportation and circulation system. Developments combining residential and commercial uses are especially encouraged in this Center area.

The Project Site is located within the Hollywood Center, which is an established commercially developed, entertainment center. The proposed Project would develop the underdeveloped and underutilized site, with a new eight-story building. The site is currently developed with a one-story building and a partially constructed, three-level, subterranean parking structure on the northeastern portion of the site. The Project would maintain the existing building, complete construction of the subterranean structure on the western portion of the site, and construct an eight-story building which would be located primarily on the western portion of the site. A portion of the building would be constructed over the existing building along Selma Avenue. The existing building will continue to operate as a bona-fide restaurant and the proposed building would include a new ground floor restaurant and a 114 guest room hotel. As the Project Site is an L-shaped site located within a built urban environment, developing the site vertically has allowed for a more efficient use of the site

and permitted floor area. However, the existing C4 zone would limit the ability to utilize the site for certain commercial uses, whether services or amenities, that are compatible with the present and future development of the Hollywood Center. Uses, such as outdoor eating or dining, would be limited to the ground floor and entertainment related commercial uses are generally limited. The recommended C2 Zone would permit commercial uses that are compatible with the Hollywood Center and would promote the future development and improvement of the area. The recommended Height District Change would modify the existing D Limitations to permit a maximum FAR of 3.7:1 and would ensure that the development of the site is physically compatible with the existing and future development of the Hollywood Center.

3. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project Site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the instant request:

Regional Centers

GOAL 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

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

The Framework Element describes Regional Centers as having a range of FARs from 1:5:1 to 6:1, with buildings characterized by 6- to 20-stories (or higher). And are usually major transportation hubs. The Project proposes to develop the site with an eight-story building with three levels of subterranean parking. The building would have a total floor area of 79,878 net square feet, or a 3.7:1 FAR. As proposed the Project is consistent with the anticipated development of Regional Centers. The proposed 114 guest room hotel would provide an additional service and amenity in an area that is highly visited by tourist and business travelers. The site is located a block south of Hollywood Boulevard which is serviced by a number of bus lines as well as the Metro Red Line. The site is located between the Metro Red Line Hollywood/Cahuenga and Hollywood/Vine stations. The proximity to public transit would provide alternative transportation options for hotel guest to visit other regions. Additionally, the proposed restaurant and hotel lobby bar and rooftop bar and lounge provides an additional amenity for visitors to area. The establishment of the hotel, bar, lounges, and dining areas would also provide an increase in employment opportunities than the previously existing one-story commercial development. As such, the Project would meet the goals and objectives of the Framework Element to encourage the future development of the designated regional center and enhancement of the urban lifestyle.

4. **The Mobility Element.** The Project Site is located one block south of Hollywood Boulevard, which is serviced by the Metro Red Line, which began operating in stages between 1993 and 2000. The site is located to the west of the Hollywood/Highland stop and to the east of the Hollywood/Vine stop. In addition to the Metro Red Line, the site is serviced by a number of bus lines which operate along Hollywood Boulevard, Sunset Boulevard, and Highland Avenue. The Mobility Element (Mobility Plan 2035) of the General Plan is not likely to be affected by the recommended action herein. Selma Avenue is a designated Local Street –

Standard, dedicated to a width of 60 feet and is improved with curb, gutter, and sidewalk. Wilcox Avenue is a designated Modified Avenue III, dedicated to a width of 65 feet at the Project Site's frontage and is improved with roadway, curb, gutter, and sidewalk. The Project has been conditioned to require compliance with dedication and improvement required by the Bureau of Engineering, which would be consistent with the Mobility Element. In addition to establishing Street Standards, the Mobility Element encourages "the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure" (Policy 5.4). The Project proposes to provide the required number of automobile parking spaces, while also utilizing reductions permitted by the Zoning Code, and from the City Planning Commission pursuant to LAMC Section 12.24 S. The Project has been conditioned to require that 20 percent of the required parking spaces are to be wired for the installation of future EV chargers, and that 5 percent of the required parking spaces are to be installed with EV chargers. As conditioned, the Project would be able to provide a service to local residents and employees in the area, while encouraging the use of low and zero emission fuel sources and the infrastructure to support it. Additionally, the Project would comply with existing Green Building codes, which were adopted to help facilitate the reduction of energy consumption.

5. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.
6. **Health and Wellness Element and Air Quality Element.** Policy 5.1 and 5.7 of the Plan for a Healthy LA, the Health and Wellness Element, and Policy 4.2.3 of the Air Quality Element are policy initiatives related to the reduction of air pollution and greenhouse gases. As conditioned herein, the Project would be required to provide parking spaces which would be equipped for the immediate installation and use of EV Charging Stations, as well as for future use. The Project has also been conditioned to install solar panels to an operating photovoltaic system. The installation and operation of the solar panels would help to reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, the conditions would provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and the City. As conditioned, the Project would be consistent with the aforementioned policies, as well as Policy 5.1.2 of the Air Quality Element, by ensuring that future developments are compatible with alternative fuel vehicles and shift to non-polluting sources of energy. The solar and EV conditions are also good zoning practice because they provide a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on site for other functions. As such, the Project provides service amenities to improve habitability for the patrons of the Project and to minimize impacts on neighboring properties.

Entitlement Findings

7. **Zone Change and Height District Change Findings (Charter 558 and LAMC 12.32).**
 - a. Pursuant to Section 12.32 C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The Project Site is comprised of five parcels located at the northeast corner of Selma Avenue and Wilcox Avenue within the Hollywood Community Plan area. The site has 65 feet of frontage along the western side of Wilcox Avenue and approximately 200 feet of frontage along the northern side of Selma Avenue. The northeastern portion of the site extends 185 feet to the north, midblock between Wilcox Avenue and Cahuenga Boulevard. The site has a land use designation of Regional Center Commercial and is zoned C4-2D. The Regional Center Commercial land use designation lists the following corresponding zones: C2, C4, P, PB, RAS3, and RAS4. The recommended Vesting Zone and Height District Change to (T)(Q)C2-2D would be consistent with the land use designation.

Public Necessity, Convenience, and General Welfare. The vesting zone and height district change to (T)(Q)C2-2D would enable the development of the subject site with a proposed ground floor restaurant and a 114 guest room hotel, while maintaining the operations of the existing restaurant. The Project would complete the construction of the subterranean parking structure and construct a new eight-story building over the western portion of the site, resulting in a building with a 3.7:1 FAR. The ground floor of the building would consist of a 1,939 square-foot restaurant and the lobby of the proposed eight-story hotel. The northeastern portion of the site would remain developed with the one-story building and subterranean structure, with a portion of the proposed building being constructed over it along Selma Avenue. While the C4 Zone would permit commercial uses, the types of commercial uses are limited and contain restrictive development standards. A typical amenity of a use such as a restaurant or hotel is an outdoor eating area. In a built urban environment, where physical constraints require buildings to be built vertically, the ability to have this type of amenity in the C4 Zone would be limited as it is only permitted on the ground floor. The ability to use the rooftop, or any floor above the ground floor, for this type of amenity would allow for improved site design at every level of the Project.

The Project Site is located within the Hollywood Center, a designated Regional Center, which has become an established commercial and entertainment district. The area is frequently visited by tourist and business travelers in the City. The development of a hotel and restaurant uses would provide an alternative location for visitors to stay and dine within the Hollywood Area. Additionally, the site's proximity to regional transit stations would improve accessibility to commercial and employment centers. The inclusion of ground floor restaurants and the rooftop bar and lounge, would provide an additional amenity and service for hotel guest, as well as the existing residents and employees, and visitors in the area.

Good Zoning Practice. The Hollywood Community Plan is intended to serve a number of purposes, including to guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends. As recommended, the vesting zone and height district change from C4-2D to (T)(Q)C2-2D would permit the development of a building with a floor area and height that is compatible with existing buildings, while permitting commercial uses that are consistent with the existing, and growing, commercial development in the Hollywood area. The Project Site is located one block to the south of Hollywood Boulevard and a block north of Sunset Boulevard. The site is partially developed with an existing restaurant on the northeastern portion of the site, is underdeveloped and underutilized when taken into consideration the proximity to public transportation and commercial district. The C2 Zone would permit additional commercial uses that are consistent with the existing entertainment district and the future growth of the district. While the C2 Zone would permit additional uses, the vesting zone change has been conditioned to prohibit uses which would not promote

the growth of the Hollywood Center as a commercial and entertainment center, as discussed in Finding No. 2. Future uses would be subject to the regulations of the zone, and would be required to obtain a conditional use, if applicable, prior to any change of use or authorization of a use. As such, uses which may be considered a nuisance for sensitive uses, such as residential development or schools, would be subject to discretionary review and conditioned appropriately if approved.

- b. Pursuant to Section 12.32-G and Q of the Municipal Code "T" and "Q" Classification Findings.** The current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
- c. Pursuant to Section 12.32-G,4(b) of the Municipal Code, D Limitation Findings. In establishing D limitations, the Council shall find that any or all the limitations are necessary: (1) to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood, and (2) to secure an appropriate development in harmony with the objectives of the General Plan, or (3) to prevent or mitigate potential adverse environmental effects of the Height District establishment or change.** The Project Site is currently zoned C4-2D and is subject to the D Limitations contained within Ordinance No. 165,660. The D Limitations limits the total floor area on a site to a 2:1 FAR. Additional floor area may be granted, up to 4.5:1, but no greater than 6:1, FAR; however, the additional floor area would have to be approved by the City Planning Commission and/or CRA/LA. The limitation is consistent with Footnote No. 9 of the Community Plan. Pursuant to the Zoning Code, Height District 2 permits a maximum 6:1 FAR, with no limitation on the height of the building in the recommended C2 Zone. The recommended D Limitation would limit the total FAR to 3.7:1, with a maximum height of 89 feet. Without the limitation, due to the site's physical constraints, the maximum 6:1 FAR would lead to a building which would be taller and incompatible with the surrounding properties. The limitation would ensure that the proposed development is physically compatible with the surrounding properties, which range from one to ten stories. The proposed limitations would permit the development of the project, as described in Finding Nos. 2 and 6.a, which would promote the objectives of the Hollywood Community Plan. As such the D Limitations would protect the best interest of and assure a development that is more compatible with the surrounding property or neighborhood and secure an appropriate development in harmony with the objectives of the General Plan.

8. Conditional Use Findings.

- a. 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 applicant is requesting a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages in conjunction within a proposed 1,939 square-foot ground

floor restaurant and within three locations of the proposed hotel. The proposed restaurant would have 60 indoor seats and 40 outdoor seats. Within the hotel, alcohol sales and consumption is proposed within the hotel lobby, "mini-bars" within the 114 guest rooms, and the rooftop bar and lounge area. The proposed restaurant and hotel would be developed primarily on the western portion of the L-shaped site located at the northeast corner of Selma Avenue and Wilcox Avenue. The northeastern portion of the site would remain developed with the existing restaurant, which was previously approved a Conditional Use, Case No. ZA-2015-2671-CUB, by the Zoning Administrator in 2016.

The site is located one block south of Hollywood Boulevard and one block north of Sunset Boulevard. The Project Site is located within a dense, urban environment, one block south of the Hollywood Boulevard Entertainment District. The surrounding areas are developed with residential uses, hotels, restaurants, and various retail and commercial uses. The proposed restaurant would provide an alternative service amenity in an area which is not only a vibrant international destination, but is developed with a number of businesses and residences. The proposed restaurant is anticipated to operate as a bona-fide restaurant with the proposed sale of alcoholic beverages anticipated to be incidental to food service. The proposed hotel will serve to provide temporary residency for tourist and business travelers within close proximity to commercial and employment centers, as well as regional servicing public transit. The request to sell alcoholic beverages within "minibars" is intended to serve as an amenity for hotel guest, accessory to the operations of the hotel. The proposed lobby bar and rooftop bar and lounge would serve hotel guests, as well as the general public. The sale and dispensing of alcoholic beverages is anticipated to be an incidental amenity for patrons of the operations. The operations of the proposed restaurant, hotel lobby bar and rooftop bar and lounge will provide an additional amenity for those who are employed or visiting the Hollywood area.

- b. 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 Project Site is located within the Hollywood Community Plan and is located approximately one block south of the Hollywood Entertainment District. The site is presently developed with a restaurant and partially constructed parking structure on the northeastern portion of the site. The Project would complete construction of the subterranean parking structure in the excavated area on the western portion of the site and construct a new eight-story building. As proposed, the subterranean parking structure would accommodate up to 52 parking spaces. The Project proposes to provide up to 37 parking spaces off-site at 1541 North Wilcox Avenue. Parking on- and off-site would be serviced by valet, with a drop off/pick up area proposed along Selma Avenue and Wilcox Avenue. As previously discussed, the site is located within close proximity to the Metro Red Line and other forms of public transit. It is anticipated that patrons and guests of the Project would utilize public transit or other forms of ride-share services that would not require the parking of vehicles at the site or within the off-site parking location. As such, pursuant to LAMC Section 12.24 S, the required number of spaces may be further reduced by 20 percent provided that the reduction occurs with the parking provided off-site.

The proposed building would include a 1,939 square-foot ground floor restaurant and a 114 guest room hotel with rooftop amenities such as a pool and rooftop bar and lounge area. As designed and conditioned, a minimum six-foot high glass wall would be installed

along the perimeter of the rooftop area. The proposed restaurant and hotel will be located within close proximity to Hollywood Boulevard, which is a developed with commercial and entertainment uses. However, there are existing multi-family developments within the area as well. The proposed operations of the rooftop and outdoor operations have been conditioned to limit live entertainment and amplified music, as well as the hours of operations of the outdoor areas. The conditions related to live entertainment, amplified and ambient music, and hours of operation, which were reviewed and recommended by the Los Angeles Police Department (LAPD), would prevent late night noise, ensuring that its operations will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

- c. 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 Project Site is located within the Hollywood Community Plan with a land use designation of Regional Center Commercial. The site is not located within a specific plan. The site is presently developed as a one-story commercial building and partially constructed subterranean parking structure on the northeastern portion of the site. The recommended vesting zone change to (T)(Q)C2-2D would permit the construction of an approximately 89-foot tall, eight-story commercial building. The building would maintain the existing restaurant located on the northeastern portion of the site, and proposes a new 1,939 square-foot restaurant on the western corner of the site. The two restaurants would be separated by the lobby of the proposed 114 guest room hotel. As discussed in Finding No. 2, the Project would redevelop an underutilized site with uses that are compatible with the existing development in the surrounding area and would be in conformance with the objectives and policies of the Community Plan. The sale of a full line of alcoholic beverages in conjunction with the operations of the proposed restaurant and hotel, would be an added amenity for guests and patrons of the Project.

Additionally, the Project has been conditioned to require parking spaces to be constructed for the immediate installation and use of EV Chargers, as well as for future use, and for the installation of solar panels to an operating photovoltaic system. As such, the project is in substantial conformance with the General Plan and the Community Plan.

- d. Additional required findings for the sale of alcoholic beverages:**
- i. The proposed use will not adversely affect the welfare of the pertinent community.**

The Project proposes to develop the site with a new commercial building which would maintain the existing restaurant, and proposes to construct a new ground floor restaurant and an eight-story, 114 guest room hotel. The proposed restaurant is anticipated to operate as a bona-fide restaurant and the sale and dispensing of alcoholic beverages incidental to food service is a common amenity found with the operations of a restaurant. The proposed hotel would include rooftop amenities including a bar and lounge area, which would be partially covered. The request to serve alcoholic beverages within the guest rooms and as an incidental service within the lobby bar and rooftop bar and lounge is a common amenity that is found with the operations of a hotel. The Project Site is located within close proximity to Hollywood Boulevard, which is a commercially developed entertainment district. The proposed restaurant and hotel will be compatible with the range of commercial uses such as restaurants, nightclubs, theaters, retail, and other hotels. As conditioned, the proposed restaurant and hotel operations as it relates to the sale and dispensing of

alcoholic beverages have been conditioned as to not adversely affect the welfare of the pertinent community.

- ii. **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 State Department of Alcoholic Beverage Control licensing criteria, there are 3 on-site and 2 off-site licenses allocated to the subject Census Tract Number 1907.00, based on a population of 3,379. Within 1,000 feet of the subject site, there are currently 62 active licenses, including 59 on-site and 3 off-site licenses.

The number of existing on-site licenses within the census tract where the subject site is located exceeds ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The site is located within the Hollywood Community Plan and is located approximately one block south of the Hollywood Entertainment District. The area is developed with a diverse range of commercial uses, which include restaurants, theaters, and retail uses. In active commercial areas where there is a demand for licenses beyond the allocated number, the Department of Alcoholic Beverage Control (ABC) has recognized that high activity retail and commercial centers are supported by a significant and growing employee, visitor, and resident population in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to the public welfare and will not interfere with the quiet enjoyment of property by residents in the area. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. As proposed by the submitted application and conditioned herein by the City, the requested application will be implemented with conditions intended to prevent public drinking, driving under the influence, and public drunkenness. These conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages in conjunction with the proposed restaurant and the hotel for on-site consumption is not undue or anticipated to create a law enforcement issue. Consequently this approval will not result in an undue concentration of premises selling and dispensing of a full line of alcoholic beverages.

According to statistics provided by the Los Angeles Police Department's Hollywood Vice Unit, within Crime Reporting District No. 646 which has jurisdiction over the subject property, a total of 1,777 crimes were reported in 2017 (662 Part I and 1,115 Part II crimes), compared to the Citywide Average of 191 crimes for the and the High Crime Reporting District Average of 229 crimes. Alcohol related Part II Crimes reported include Narcotics (167), Liquor Laws (58), Public Drunkenness (27), Disturbing the Peace (2), Disorderly Conduct (159), Gambling (2), DUI related (29),

and other offenses (269). 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.

Although the site is located within a crime reporting district where the crime rate is higher than the area wide average, no evidence or communications were received indicating that the location of the proposed restaurant and hotel has been the subject of criminal or nuisance activity. On March 24, 2018, LAPD Hollywood Vice submitted a list of proposed operating conditions for the proposed restaurant and hotel as it relates to the sale and dispensing of alcoholic beverages. These proposed operating conditions are included herein, thus, the approval of the request is not anticipated to result in late night nuisance activity or contribute to the area's crime rate.

The subject grant has been conditioned to allow the Director's designee to require a Plan Approval application to evaluate the operations of the project if documentation is submitted showing that the project is not in compliance with the approved conditions. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not grant a conditional use and thus avoid the need to proceed with prolonged nuisance abatement proceedings. The project has been conditioned to prevent negative impacts and integrate the use into the community as well as protect community members from adverse potential impacts. As such, the proposed restaurant and hotel with the sale of a full line of alcoholic beverages will be compatible with the surrounding development and will not adversely affect the welfare of the surrounding community.

- iii. **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 1000 feet of the project site:

- Selma Park (6561 West Selma Avenue)
- Selma Avenue Elementary School (6611 West Selma Avenue)
- Y.M.C.A. (6560 West Selma Avenue)
- Blessed Sacrament Church (6660 West Selma Avenue)
- King's Education (1555 Cassil Place)
- First Baptist Church (6682 Selma Avenue)

The proposed restaurant and hotel are located within the proximity of sensitive uses, including residential development. While the proposed restaurant and hotel proposes the sale of alcoholic beverages for on-site consumption, it is anticipated that the sale and consumption will be ancillary to the primary operations of the proposed restaurant and hotel. The site is located within a developing commercial corridor along Selma Avenue and in the Regional Center Commercial, which has long been a center of entertainment in the City. With the conditions referenced herein, the impacts of the on-site consumption and dispensing of a full line of alcoholic beverages would be reduced and will not detrimentally affect nearby residentially zoned or developed communities and other sensitive uses within the area.

9. **Zoning Administrator's Adjustment Findings.** In order for an adjustment from the zoning regulations to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative:
- a. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The Project Site is an L-shaped site with 65 feet of frontage along the western side of Wilcox Avenue and approximately 200 feet of frontage along the northern side of Selma Avenue. The northeastern portion of the site extends 185 feet to the north, midblock between Wilcox Avenue and Cahuenga Boulevard, as shown in the map below. The northeastern portion of the site is developed with an existing commercial building with a partially constructed subterranean structure. The Project proposes to complete the construction of the subterranean structure, to be utilized for parking, and to construct a new eight-story building. While the building will be located primarily on the western portion of the site, a portion of the building would be constructed over the existing building along Selma Avenue, which will be maintained as part of the Project.

Pursuant to the LAMC Section 12.14 C,2 and 12.22 A,18, a building would be required to provide five-foot side yard, with one additional foot added for every story over the second story. For the rear yard, the Zoning Code requires a minimum fifteen-foot setback, with one additional foot added for every story over the third story. As an eight-story building, the Project is required to provide an eleven-foot northerly side yard and a twenty-foot easterly rear yard setback. The applicant has requested an adjustment to permit a reduced northerly side yard setback of ten feet and a reduced easterly rear yard setback of nineteen feet.

As proposed and requested, the Project would comply with the setback requirements of a seven-story building. However, as the rooftop will include a covered rooftop bar and lounge seating area and will be used for other amenities, it is considered an eighth story. The rooftop includes outdoor amenities such as a pool and amenity deck and an uncovered bar and lounge seating area. Along the northern elevation, fully enclosed structures are limited to roof structures and storage, which would otherwise be permitted to be located at the perimeter of the building. Outdoor seating areas which are located along the northern elevation are further setback from the perimeter of the building and are buffered with a landscape planter. Along the eastern elevation, the rooftop amenities and fully enclosed structures are setback further than the required twenty feet and the requested nineteen feet. The second through seventh stories would observe the requested nineteen feet, which is consistent with the required rear yard setback of a seven-story building. As such, the provided yards would still conform to the intent of the provisions to not obstruct light or ventilation on any of the adjoining properties.

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

The L-shaped site is located at the northeast corner of Selma Avenue and Wilcox Avenue, with 65 feet of frontage along Wilcox Avenue and 200 feet of frontage along Selma Avenue. The proposed building has largely been configured to be oriented along Selma Avenue. As described in Finding No. 9.a, the second through seventh story would observe a reduced northerly side yard of ten feet and a reduced easterly rear yard of

nineteen feet. To the north, the adjacent property is developed with a surface parking lot. To the west, the adjacent property is developed with a ten story hotel. As designed, the reduced yards would provide an adequate setback to maintain access to light and ventilation for existing and future developments on adjacent properties. Additionally, a Mitigated Negative Declaration (Case No. ENV-2016-2602-MND) was prepared for the proposed Project. The mitigation measures identified in the MND have been incorporated as enforceable conditions of approval. The mitigation measures, in conjunction with conditions of approval related to the size, height, and operations of the proposed Project would ensure that the Project as a whole would be compatible with and would not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The Project Site is located within the Hollywood Community Plan, with a land use designation of Regional Center Commercial. The applicant has requested a Vesting Zone Change and Height District Change from C4-2D to (T)(Q)C2-4D. The Project proposes to maintain the existing commercial building and to complete construction of the subterranean parking structure and to construct a new eight-story building. The building would consist of a 1,939 square-foot restaurant and a 114 guest room hotel. The hotel would include a lobby bar and rooftop amenities such as a pool, rooftop bars with both outdoor and indoor bar and lounge seating areas. With the approval and adoption of the requested Vesting Zone Change and Height District Change, the Project would be in substantial conformance with the purpose, intent and provisions of the General Plan and the Hollywood Community Plan, as described in Finding Nos. 2 through 5. The site is not located within a specific plan area.

10. Site Plan Review Findings. In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

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

The Project Site is located within the Hollywood Community Plan, with a land use designation of Regional Center Commercial. The site is presently developed with a one-story commercial building and partially constructed subterranean parking structure on the northeastern portion of the site. The recommended Vesting Zone and Height District Change to (T)(Q)C2-2D would permit the construction of the approximately 89-foot tall, eight-story building on the western portion of the site and the maintenance of the existing building on the northeastern portion of the site. The Project would continue operations of the existing restaurant, and proposes a new 1,939 square-foot restaurant and a 114 guest room hotel. The hotel would have a ground floor lobby bar, and would include additional amenities on the rooftop such as a pool and bar and lounge area. The Project has been conditioned to require parking spaces to be constructed for the immediate installation and use of EV Chargers, as well as for future use, and for the installation of solar panels to an operating photovoltaic system. As discussed in Finding Nos. 2 through 6, the Project would redevelop an underutilized site with uses that are compatible with the existing development in the surrounding area and would be in substantial conformance with the objectives and policies of the General Plan and the Hollywood Community Plan.

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

The Project proposes to construct an approximately 89-foot tall, eight-story building with three-levels of subterranean parking. The Project would maintain the existing one-story building which is currently operating as a restaurant, and proposes a new 1,939 square-foot restaurant and a 114 guest room hotel. The existing restaurant would maintain the existing entryway along Selma Avenue. The proposed restaurant, located directly at the corner of Selma Avenue and Wilcox Avenue would have a separate entrance on Selma Avenue, but would also be accessible from an interior entrance from the hotel reception area. The proposed building would be constructed over three levels of subterranean parking, which would be accessible from a driveway located along Wilcox Avenue. It is intended that a valet drop off/pick up area will be provided along Selma Avenue and Wilcox Avenue to park the cars either on-site or at the off-site parking location. Short term bicycle parking is proposed within the public right-of-way along Selma Avenue and Wilcox Avenue and long term bicycle parking is proposed on the first subterranean level.

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

The hotel use is defined as a residential use due to the habitable rooms; however, it is not required to provide open space pursuant to LAMC Section 12.21 G as there are no dwelling units proposed. Although recreational and service amenities are not required, the hotel will provide amenities for hotel guests such as use of the rooftop deck, which includes a swimming pool. As conditioned, the Project would installed electric vehicle charging stations for five percent of the required parking provided on-site and the installation of an operational photovoltaic system (solar) that will offset the electrical demand of the EV chargers and other on-site electrical uses. The electric vehicle charging spaces and solar panels will improve habitability for residents and neighboring properties by reducing the level of greenhouse gas emissions and fuel consumption from the project site, in spite of increased parking capacity, through encouraging the use of low or zero emission vehicles. The EV ready parking spaces will also provide guests and patrons who use an electric vehicle a direct service amenity.

Environmental Findings

11. **Environmental Finding.** A Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2016-2602-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). Comments were received from members of the public stating that the MND fails to adequately analyze impacts of the Project related to air quality, greenhouse gases, and traffic. No technical studies were submitted with the comments which were received. The MND analyzes the potential impacts of the Project from two baselines referred to as the Original Baseline and the Current Baseline. The Original Baseline analyzes the Project's potential impact as it existed at the time of submittal of Case No. ENV-2015-2672-MND. The Current Baseline analyzes the Project's potential impact as the site currently exists. Projects in the surrounding area have been identified and analyzed as part of the MND. The MND incorporates mitigation measures to address identified impacts under both baselines. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND there is no substantial evidence that the proposed project will have a significant

effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. The records upon which this decision is based are with the Environmental Review Section of the City Planning Department in Room 750, 200 North Spring Street.

12. **Flood Insurance.** 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 C, areas of minimal flooding.