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CITY PLANNING**

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October 31, 2019

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

CONDITIONS AND REVISED FINDINGS FOR THE PROJECT LOCATED AT 2005 W. JAMES WOOD BOULEVARD WITHIN THE WESTLAKE COMMUNITY PLAN AND ADD AREAS; CF 18-1242

On February 26, 2019, the PLUM Committee considered a project involving the demolition of an existing commercial retail building and related surface parking for the construction, use, and maintenance of a new 6-story hotel above two levels of subterranean parking. The Project would contain 100 guest rooms, and approximately 10,948 square feet of office, restaurant, meeting room and support space, on a 22,500 square-foot property. The Project includes approximately 100 automobile parking spaces, as well as 6 long-term and 6 short-term bicycle parking spaces. The Floor Area Ratio (FAR) of the proposed building would be 2.99:1 and the maximum height would be approximately 82 feet. The request included a General Plan Amendment for the Project Site and Add Areas. The matter was continued in order for an update to the CEQA analysis to be completed, relative to the General Plan Amendment and Add Areas. The Revised Mitigated Negative Declaration (MND) was recirculated on September 12, 2019, and the comment period ended on October 15, 2019. The additional analysis incorporated into the MND found that no new impacts would be created and no new mitigation measures would be necessary. The mitigation measures identified in the MND continue to mitigate all potential impacts of the project.

Transmitted herewith for the PLUM Committee and City Council's consideration, are the conditions and revised findings for the Project that incorporates the Revised Mitigated Negative Declaration. In addition, transmitted herewith for the PLUM Committee's consideration are the Response to Appeal by Meridian Consultants dated January 17, 2019, and QES Incorporated dated January 17, 2019 and October 25, 2019. The responses substantiate that the analysis in the Revised MND adequately studies the potential impacts of the Project. Specifically, the appeal critiques the MND for only evaluating the potential impacts of the project on the closest sensitive receptor. The MND states that the potential impacts to the closest receptor would be less than significant. Therefore, impacts to receptors further away would be less than significant.

Also, the appeal critiques the MND for failing to include a Health Risk Assessment (HRA). The HRA methodology is not relevant for this project, because HRA procedures refer to measuring and analyzing emissions from the project over a period of years, if the project is an emissions source, emitting toxic air contaminants.

With respect to noise, three Mitigation Measures have been included in the MND that address construction noise, operational noise, and construction vibration. Measures include the requirement of state of the art construction equipment, directional speakers and noise mufflers, and avoidance of heavy equipment near sensitive receptors. These are in addition to the regulatory mitigation measures contained in the Los Angeles Municipal Code. Thus, impacts would be less than significant with the Mitigation Measures.

With regard to uses, The area zoned for residential use constitutes one-third of the property. The 50-foot wide lot is an R4 lot that is currently a parking lot. There will be no units displaced by this project. Thus, there would be no significant impact. Though the project would remove the commercial uses currently on the site, the general vicinity includes a range of neighborhood-servicing commercial uses within walking distance. Thus, the impact would be less than significant.

With respect to height and floor area, the C2-2 Zone allows a 6:1 FAR. The Height District Change with D-limitation would only allow a 2.99:1 FAR, roughly half. Being that the site is in a node of activity, there would be no significant impact.

The appellant also makes references to the Add Area analysis, contending that the General Plan Amendment would increase density, throughout. As stated in the MND, the proposed amendment to the Westlake Community Plan Land Use Map would change the land use designation of other parcels in addition to the Project site making them consistent with the land use designation of the properties located to the north along Alvarado and 7th Streets. This could facilitate rezoning of other parcels and would allow for additional density since the Community commercial Land Use Designation allows Height District 2. However, there are no projects currently proposed or contemplated for those parcels. Any future development projects that could be enabled by the proposed amendment cannot be determined at this time; moreover, such projects would be defined and subject to environmental review and approval by the City when, and if, such individual projects are proposed. As such, the proposed amendment would result in less than significant impact.

Therefore, Planning Staff recommends that the PLUM Committee adopts the conditions and revised findings as the conditions and findings of the City Council.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Kevin Golden
City Planner

VPB:JC:KG

PLUM Committee
Council File 18-1242
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Enclosures

Attachment A: Conditions and Revised Findings
Attachment B: Response to Appeal by Meridian Consultants dated January 17, 2019,
and QES Incorporated dated January 17, 2019 and October 25, 2019

(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. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked Exhibit A, dated April 12, 2018, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to hotel and guestrooms, with associated ancillary uses only. No residential dwelling units are permitted.

“D” LIMITATIONS

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 building height shall not exceed 82 feet.
2. **Floor Area Ratio (FAR).** The proposed project shall be limited to an FAR of 2.99:1 with a total of 60,637 square feet of floor area.

CONDITIONS OF APPROVAL

Pursuant to Section 12.24 W.24(a), and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions

1. **Use.** Use of the subject property shall be limited to the use and area provisions of the C2 Zone; hotel guest rooms and commercial uses shall be permitted.
2. **Residential Density.** Not more than 100 guest rooms may be constructed on the property.
3. **Driveway.** The site design for the new building on site shall be limited to one driveway, via the abutting alley.
4. **Parking.** Parking spaces shall be provided as required by the LAMC.
5. **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.
 - a. **Non-required Parking.** Any parking spaces which are provided in excess of the Code required parking requirement shall be capable of supporting EVSE and installed with EV chargers to immediately accommodate electric vehicles within the parking areas. The parking spaces shall be designed and labeled for EV chargers consistent with the requirement for Required Parking.
6. **Short-term Bicycle Parking.** The required short-term bicycle parking spaces shall be provided near the stairwell on Westlake Ave.
7. **Security Gate (Department of Transportation).** A minimum of 40-foot reservoir space shall be provided between any security gate(s) and the property line.
8. **Signage.**
 - a. On-site signs shall be limited to the maximum allowable under the LAMC.
 - b. Multiple temporary signs in windows and along building walls are prohibited.
9. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape loan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning.

10. **Building Materials.** A note shall be added to the Project Elevations to indicate that metal materials incorporated into the design shall be of a non-reflective material.
11. **Solar-ready Buildings.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
12. **Solar and Electric Generator.** Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
13. **Window Transparency.** A note shall be added to the Project Elevations to indicate that all ground floor windows shall be comprised of non-reflective, transparent glass. Any at-grade parking uses shall not be visible from the exterior of the building. Architectural treatments, or other design features shall be used to ensure the parking is not visible from the exterior of the building and as shown in Exhibit A.
14. **Pedestrian Walkways and Entrances.** Clearly marked pedestrian access-ways shall be integrated into the site design and connect to the commercial area. The entryway shall incorporate enhanced paving treatment to create a safety buffer between the driveway area and the pedestrian entrance to the building. The doors for pedestrian access throughout the project site shall remain open during business hours. Pedestrian entrances shall be accessible directly from James M. Wood Blvd. and Westlake Ave.
15. **No Blank Wall.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
16. **Wall mounted lighting fixtures.** Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed to provide illumination to pedestrians and motorists in the drop off area.
17. **Features.** Project shall incorporate features such as white markings, signage and lighting so that pedestrian crossings are visible to moving vehicles during the day and at night.
18. **Roof-mounted Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view by any abutting properties.
19. **Fencing.** All fencing/walls surrounding the ground floor of the subject site shall feature decorative architectural elements or landscaping.
23. **Trash/recycling.** Trash and Recycling pick-up and emptying or disposing of trash/recycling into outside containers is permitted to occur only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturdays and Sundays.
 - a. Trash/recycling containers shall be locked when not in use.
 - b. Trash/recycling containers shall not be placed in or block access to required parking.
24. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Department of City Planning to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass,

and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.

25. **Final Plans.** Prior to the issuance of any building permits for the Project by the Department of Building and Safety, the applicant shall submit all final construction plans for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
26. **Flood Hazard.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (effective 7/3/98).
27. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the Project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
28. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
29. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
30. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.
31. **Tree Removal (Non-Protected Trees).** Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at (213)847-3077. All trees in the public right-of-way shall conform to the current standards of the Department of Public Works, Urban Forestry Division, Bureau of Street Services
32. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
33. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the restaurant.

34. Prior to the issuance of a demolition, grading, or building permit, the applicant shall contact Metro Bus Operations Control Special Events Coordinator, or Metro's Stops and Zones for closures longer than six months, and coordinate the maintenance or relocation of the bus stop located at the corner of James M. Wood Boulevard and Westlake Avenue. Documentation of correspondence with Metro shall be submitted to the Department of City Planning.
35. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards. All construction equipment shall be outfitted with Best Available Control Technology devices certified by the California Air Resources Board. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
36. Haul trucks (e.g. material delivery trucks and soil import/export) shall be of the 2010 and newer diesel model or trucks that meet U.S. EPA 2007 model year NOx emissions requirements.
37. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
38. **Construction Impacts.** A Construction work site traffic control plan shall be submitted to the Department of Transportation 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 be restricted to off-peak hours.
39. **Project Access.** As stated above, the proposed driveway will be accessed via an alley way located along James M Wood and will accommodate truck deliveries to the hotel. All delivery truck loading and unloading shall take place on-site with no vehicles backing into the project driveway. Deliveries shall be restricted to off-peak hours only and are expected to occur between the hours of 5 a.m. and 12 p.m. Monday – Sunday. A dock manager shall be available on-site to assist delivery trucks accessing the loading area.
40. **Development Review Fees.** An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to LADOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.
41. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
 - a. Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all

California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.

- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- c. The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- e. If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- f. The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

Environmental Conditions

42. Air Quality

- a. Off-road diesel-fueled heavy-duty construction equipment greater than 50 horsepower (hp) used for this Project and located on the Project site for a total of five (5) days or more shall meet at a minimum the United States Environmental Protection Agency (USEPA) Tier 3 emissions standards and the equipment shall be outfitted with Best

Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter or equivalent control device.

43. **Biological Resources**

a. **Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas)**

Project activities (including disturbances to native and nonnative vegetation, structures, and substrates) should take place outside of the breeding season for birds, which generally runs from March 1 to August 31 (and as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code, Section 86). If Project activities cannot feasibly avoid the breeding season, beginning 30 days prior to the disturbance of suitable nesting habitat, the Project Applicant shall:

- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the Project Site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis, with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- If a protected native bird is found, the Project Applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
- Alternatively, the qualified biologist could continue the surveys to locate any nests. If an active nest is located, clearing and construction (within 300 feet of the nest or as determined by a qualified biological monitor) shall be postponed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- The Project Applicant shall record the results of the recommended protective measures described previously to document compliance with applicable State and federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the Project.

44. **Noise**

a. **Increased Noise Levels (Demolition, Grading, and Construction Activities)**

- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, must be turned off when not in use for more than 30 minutes.

- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Stationary construction equipment, such as pumps, generators, or compressors, must be placed as far from noise sensitive uses as feasible during all phases of project construction.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- The power contractor shall use either plug-in electric or solar powered onsite generators to the extent feasible

45. Transportation and Traffic

- a. The Project Applicant shall submit a formal Work Area Traffic Control Plan for review and approval by the Department of Building and Safety prior to the issuance of any construction permits. This plan shall incorporate safety measures around the site to reduce the risk to pedestrian traffic near the work area. This plan shall identify traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity. This plan shall include:
- b. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- c. Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- d. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- e. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions

46. **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.

47. **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.
48. **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.
49. **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.
50. **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.
51. **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.
52. **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.
53. **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 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 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 (ii).
- 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 in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, 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, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include 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.

REVISED FINDINGS

Legislative Findings / General Plan / Charter Findings

1. GENERAL PLAN LAND USE DESIGNATION

The Project Site is located within the Westlake Community Plan. The existing Community Plan designates the property as Highway Oriented Commercial with corresponding zones of C2, C 1, CR, RAS3, RAS4, and P. The Project Site's current zones are C2-1 and R4-1. The proposed General Plan Amendment will change the land use designation to Community Commercial with corresponding zones of C4, C2, C1, CR, RAS3, RAS4, P, and PB for both the subject Project Site and the "Add Area" (which extends to properties along both sides of Alvarado Street, between 8th Street and James M. Wood Boulevard,). Height District 2 in the C Zone allows unlimited height with a maximum FAR of 6:1.

The Project Site and "Add Area" are in an existing commercial area, a location that is able to support such developments which are in close proximity to rail and bus transit stations. It is made up of retail shops, offices, clinics, and cafés that are pedestrian oriented neighborhood and community serving uses. With approval of the proposed General Plan Amendment from Highway Oriented Commercial to Community Commercial, the Project will be consistent with the land use designation. The mix of commercial uses adjacent to multiple family residential uses give the "Add Area" a distinct identity of being a commercial corridor in proximity to MacArthur Park.

The Westlake Community Plan, last updated in 1997, considers Highway-Oriented commercial uses as drive-thru establishments, auto-repair, and other similar uses, and envisions that these uses be located away from pedestrian oriented areas. However, the built environment of the project site and surrounding properties (including the Add Area) as well as the uses present never evolved into the Highway-Oriented commercial uses identified in the Westlake Community Plan. Most of the buildings in the area are built to the property line. The Project Site and "Add Area" are within walking distance (1,500 feet) of the Metro Red and Purple Line Westlake/MacArthur Park Station. With the continuing investment in the regional and local transit infrastructure and the commitment by the City to create an environment that acknowledges all modes of transportation, the General Plan Amendment from Highway Oriented Commercial to Community Commercial is necessary and appropriate.

2. GENERAL PLAN TEXT

- a. **Westlake Community Plan:** The proposed Project is consistent with several goals, objectives, and policies of the Westlake Community Plan. The plan text includes the following relevant land use goals, objectives and policies:

Commercial, Objective I: *To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.*

The Project will develop upon an underutilized site containing a partially-vacant shopping center and will revitalize it with a new viable hotel use.

Commercial, Objective 2: To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.

The Project will provide short- and long-term jobs, including construction, maintenance, and administrative support staff.

Commercial, Objective 3: To improve the compatibility between commercial and residential uses.

The proposed hotel with a first floor restaurant is compatible with the existing commercial and multiple-family residential development in the area. The existing nearby commercial uses will provide easy access to amenities and services for hotel guests, while the proposed restaurant will be a new amenity for the hotel guests and local residents. The pedestrian friendly architectural design will enhance the streetscape of James M. Wood Boulevard and Westlake Avenue.

Commercial, Policy 1: That commercial facilities be located on existing traffic arteries and commercial corridors.

The development is comprised of a hotel use, is essentially a "hybrid" between residential and commercial uses, and a restaurant commercial use. The development proposed is located along James M. Wood Boulevard, which is a commercial corridor improved with a church just east of the Project Site and a clothing store to the west and a restaurant and hotel to the south.

Commercial, Policy 7: That new commercial development be oriented so as to facilitate pedestrian access by locating parking to the rear of structures.

With the exception of a few spaces for loading/un-loading and compliance with ADA, the majority of the hotel's parking is located in two basement levels.

Commercial, Policy 8: That adequate parking be provided for all types of retail and office commercial development, and that all parking areas adjacent to residential lands be appropriately buffered by a wall and/or landscaped setback.

The Project's parking is provided as required by the LAMC. The majority of the hotel's parking is buffered from residential uses and pedestrians, as it is located in two basement levels.

- b. **Framework Land Use Chapter:** The Framework Element's Land Use chapter seeks to support the viability of the City's residential neighborhoods and commercial districts while encouraging sustainable growth in commercial districts.

The General Plan Framework seeks to "reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime." The corresponding zones for the Community Commercial (referred to as Community Centers in the Framework) land use designation are CR, C4, and [Q]C2. The General Plan Framework defines Community Centers as "intended to be identifiable focal points and activity centers

for surrounding groups of residential neighborhoods ... and contain a diversity of uses such as small offices, overnight accommodations, cultural and entertainment facilities, schools and libraries in addition to neighborhood-oriented uses."

The General Plan Framework identifies two types of Commercial Centers: 1) A multiuse, nonresidential center that encourages the development of professional offices, hotels, cultural and entertainment facilities, in addition to the neighborhood-oriented uses; and, 2) A mixed-use center that encourages the development of housing in concert with the multi-use commercial uses.

The Project supports and is generally consistent with the General Plan Framework Land Use Chapter, and it will contribute an amenity to the residents, employees, and visitors of Los Angeles in general, and the Westlake community in particular. Specifically, the Project will comply with the goals, objectives and policies for the Community Center land use designation, set forth in the General Plan Framework Land Use Chapter:

Goal 3: Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.

Objective 3.9: Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.

Policy 3.9.1: Accommodate the development of community-serving commercial uses and services and residential dwelling units in areas designated as "Community Center" in accordance with Tables 3-1 and 3-5.

The Community Center land use designation is a focal point for surrounding residential neighborhoods and contains a diversity of uses, Community Centers generally range from floor area ratios of 1.5:1 to 3.0:1, characterized by two- to six-story buildings, e.g., some will be two-story Centers, some four- or six-story Centers depending on the character of the surrounding area.

Policy 3.9.6: Require that commercial and mixed-use buildings located adjacent to residential zones be designed and limited in height and scale to provide a transition with these uses, where appropriate.

Policy 3.9.7: Provide for the development of public streetscape improvements, where appropriate.

The Project is consistent with the Community Centers land use designation's first typology: A multiuse, non-residential center that encourages the development of professional offices, **hotels**, cultural and entertainment facilities, in addition to the neighborhood-oriented uses. The Project is located in an area of Westlake consisting of properties with the Highway Oriented Commercial land use designation and are zoned C2-1, among a mix of Medium Residential and High Medium Residential and R3- and R4-zoned properties. The Project Site's proposed Community Commercial land use designation supports the area's diversity of uses, consistent with the Framework's characterization of Community Commercial as a focal point of activity

for surrounding groups. The Project will invigorate the immediate area by replacing an obsolete shopping center and associated surface parking lot with a hotel. Approval of the Project will therefore contribute to the existing diversity of jobs and services in an urban area that is well-served by public infrastructure and transit.

- c. **Health and Wellness Element:** "Plan for a Healthy Los Angeles", the Health and Wellness Element of the General Plan, provides high-level policy vision to elevate health as a priority for the City's future growth and development. The Plan focuses on public health from the perspective of the built environment and City services. The proposed Project is consistent with the Plan's policies, as follows:

Policy 2.2: Healthy building design and construction: *Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.*

Policy 3.8: *Active spaces: Support public, private, and nonprofit partners in the ongoing development new and innovative active spaces and strategies to increase the number of Angelenos who engage in physical activity across ages and level of abilities.*

Active spaces in the proposed Project include a fitness center and swimming pool. The proposed Project will comply with the state and local Green Building Codes. The project site's location, near several public transit lines, and restaurant uses at the ground level encourage pedestrian circulation in an area currently with limited pedestrian activity.

- d. **Mobility Element:**, The proposed General Plan Amendment and Zone Change are consistent with the Mobility Plan 2035, the Mobility/Transportation Element of the General Plan, including the five goals of the plan to provide:

- i. Safety First
- ii. World Class Infrastructure
- iii. Access for All Angelenos
- iv. Collaboration, Communication and Informed Choices
- v. Clean Environments & Healthy Communities

Pursuant to Mobility Plan 2035, the designations for the Project's adjacent streets are: James M. Wood Boulevard, adjoining the project site to the south, is designated an Avenue III and has a 72-foot right-of-way; Westlake Avenue, adjoining the project site to the east, is designated a Standard Local Street with a 60-foot right-of-way. The proposed project will not impact Mobility Plan 2035 as Westlake Avenue is presently 60 feet wide while the portion of James M. Wood Blvd. that is adjoining the project site has varying widths of 78 to 80 feet. The Department of Public Works, Bureau of Engineering is requiring off-site improvements as part of the project's approval, including any necessary removal and reconstruction of the existing right of way improvements.

The Applicant is not requesting discretionary actions to allow relief from off-street automobile stalls and bicycle parking spaces. The project site is well-served by public transportation, including the following regional and local bus lines:

- Metro Local Line 200 runs north-south along Alvarado Street;
- Metro Local Line 66 runs east-west along 8th Street and Olympic Boulevard.
- LADOT Pico Union / Echo Park line runs in all directions but generally north-south toward Echo to the north and the Pico Union neighborhood to the south, including along Alvarado Street, Union Avenue, Westlake Avenue, Lucas Avenue and Washington Boulevard.

3. CHARTER COMPLIANCE - CITY CHARTER SECTIONS 555, 556 AND 558 (GENERAL PLAN AMENDMENT)

The proposed General Plan Amendment is consistent with Charter Sections 555, 556 and 558. It sustains numerous goals, policies and objectives of the Citywide General Plan Framework and the Westlake Community Plan to provide density in commercial centers, support transit use, reduced vehicle dependency, and improve air quality. The proposed GPA will change the land use designation from Highway Oriented Commercial to Community Commercial on the land use map, promoting job and housing growth in a multi-use, non-residential center that encourages the development of professional offices, hotels, cultural and entertainment facilities, in addition to the neighborhood-oriented uses.

The Project Site and "Add Area," which extends to properties along both sides of Alvarado Street, between 8th Street and James M. Wood Boulevard, are in an existing commercial and multiple family residential area, a location that is able to support such developments that are in close proximity to rail and bus transit stations. The recommended "Add Area" is zoned C2, and is a mix of commercial uses, in a node of urban activity. The project site and "Add Area" are located within one-half mile from the MacArthur Park Metro Red Line and Purple Line Rail Station, which is at the corner of 6th Street and Alvarado Boulevard adjacent to the popular McArthur Park. The MacArthur Park Metro Red Line station provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Red Line and Purple Line serve Downtown, including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Azusa and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Purple Line also serves Koreatown. The Metro Blue Line originates at the 7th Street/Metro Center station and provides access from downtown Los Angeles to downtown Long Beach, as well as connecting service to the Metro Green Line (serving Norwalk, Redondo Beach, and LAX via shuttle). Additionally, the Wilshire/Alvarado Bus Station provides access to the several Metro Bus lines that are available.

The Project Site is located within the Westlake Community Plan area, which designates the site and properties along Alvarado Street between James M Wood Boulevard and midblock between 7th and 8th Streets for Highway Oriented Commercial Land Uses. Properties located north along 7th Street up to Wilshire Boulevard are within the Community Commercial Land Use Designation. The General Plan Amendment for the Project Site to amend the land use designation from Highway Oriented Commercial to Community Commercial, is consistent with the land uses of the properties located to the north along Alvarado and 7th Streets, which includes local serving commercial uses such as local restaurants, bakeries, and retail establishments.

The Westlake Community Plan was last updated in 1997. In 2001, the City readopted the General Plan Framework, which shifted away from the use of the Highway Oriented

Commercial Designation to the designations of Neighborhood or Community Commercial to describe land uses along the City's commercial corridors. The Community Commercial Land Use Designation is a useful tool for facilitating walkable neighborhoods as the City and region have embraced a more robust public transportation system, with focused efforts on mixed-use and high density development near rail stations.

The Community Commercial Land Use Designation is a useful tool for facilitating walkable neighborhoods consistent with the region's increasingly more robust public transportation system, including mixed-use and high density development near rail stations and bus lines.

As conditioned, the Project will be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. The Project's recommended bulk and height will be an appropriate addition to adjacent land uses. The Project will replace an underutilized shopping center and associated surface parking lot with a hotel, which is compatible with other developments and improvements in the immediate vicinity. The GPA will unify land use and zoning with adjacent and future planned land use patterns in the "Add Area." Moreover, it would allow for redevelopment of the Project Site, reflecting the typical scale envisioned by the General Plan Framework. It would also provide a hotel in the Westlake area to accommodate a growing shortage of hotel rooms and employment opportunities in the surrounding neighborhood.

Entitlement Findings

1. Zone Change Findings.

- 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 proposed Project is a new six-story hotel comprising 100 guest rooms, approximately 10,948 square feet of office, restaurant, meeting room and support space, and two levels of basement parking. The Project includes approximately 100 vehicle parking spaces and 12 bicycle parking spaces. The Project Site is currently improved with an approximately 8,228 square-foot, single-story shopping center and related surface parking on three lots totaling approximately 22,500 square feet. The Project Site is zoned R4-1 and C2-1 and designated in the Westlake Community Plan as Highway Oriented Commercial.

The proposed Vesting Zone Change to C2-2D would lead to a development that is deemed consistent with public necessity, convenience, general welfare and good zoning practice. The Westlake Community Plan designates the property for Highway Oriented Commercial uses, which corresponds to the C 1, C2, CR, RAS3, RAS4 and P Zones. The proposed Zone Change to C2-2D is consistent with the proposed General Plan Land Use Designation of Community Commercial, as the C2 Zone is one of the corresponding zones. For the C2 Zone, Height District No.2 allows unlimited height; however, height is effectively limited by a maximum FAR of 6:1. The proposed Project will be built to a height of approximately 82 feet and an FAR of 2.99:1. The proposed Zone Change would allow for the R4 portion of the lot to match the C2 portion.

Public Necessity, Convenience, and General Welfare. The rezoning of the site to accommodate the conditioned project will be consistent with public necessity as it will

increase both job opportunities and tourism in the Westlake Community of Los Angeles. The Project site is located within an area that includes a dense collection of office buildings, hotels, stores, churches, schools and apartment buildings, as well as the MacArthur Park Metro Red Line and Purple Line Rail subway station at the corner of 6th Street and Alvarado Boulevard. The rezoning allows for the construction of commercial, residential and hotel uses. As conditioned, the design of the proposed project will enhance the neighborhood and will contribute to the Westlake Community Plan Area.

The objectives of the Westlake Community Plan include providing adequate land for strengthening existing commercial areas and designing new development to be compatible with adjacent residential neighborhoods. Changing the existing zone to the (T)(Q)C2-2D Zone will allow for the development of project that complements adjacent properties and the neighborhood. Public Convenience is also served by increasing pedestrian activity and accommodating tourism, given the close proximity to downtown.

The Project reduces reliance on the car by locating a hotel use near transit access to local and regional destinations. The proposed project will be located less than a mile from an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities. The site is located near many office, residential, retail and restaurant uses. These opportunities increase pedestrian activity, which in turn benefits local businesses and neighborhoods.

The proposed project will promote general welfare of the community by the following:

- Help meet local job needs.
- Enhance the sense of community in the area by providing an amenity near substantial public transit opportunities and facilities.
- Bring investment to the Westlake community.

The requested Zone Change to (T)(Q)C2-2D is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent with good zoning practice. It will provide for development of Project that complements both the commercial and residential character of the area. The Project's bulk and size is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed Zone Change would enhance the pedestrian experience, provide new opportunities for tourism, and provide a development compatible with the surrounding area.

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

2. Height District Change Findings.

- a. Pursuant to Section 12.32 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 proposed Height District Change from Height District 1 to Height District 2D would permit an FAR of 3:1 on the site. The proposed Height District Change will allow for the construction, use and maintenance of the proposed hotel project, which is consistent with the General Plan and serves the public necessity, convenience and general welfare and good zoning practice. The requested Height District Change would allow for consistent scale of development throughout the Project Site. The proposed FAR would be equivalent in Floor Area Ratio allowed within the surrounding parcels with zoning designations of R3 and R4. The concurrent Height District Change to Height District No. 2D will limit development of the proposed hotel to a maximum FAR of 3:1, ensuring that bulk and scale are compatible with existing zoning and future development in the neighborhood.

3. Vesting 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 Permit ("CUP") to allow the construction, use and maintenance of a 6-story, 100-room hotel with two levels of basement parking which is located within 500 feet of an "R" Zone. The proposed hotel would replace the current underutilized 8,228 square-foot shopping center and associated surface parking lot.

Approval of the CUP will provide a service that is essential and beneficial to the community and region. There is currently a hotel shortage in the Downtown area-particularly around the convention center. Much of the existing supply in Downtown Los Angeles is characterized by two types of hotels: very high-end and expensive or low-end. Current real estate values can make it difficult to build moderately priced hotels Downtown. Communities outside of Downtown Los Angeles that are just a short distance away, offer an alternative.

On-site amenities include a swimming pool and 250 square-foot gym on the second floor, and a 1,033 square-foot meeting room and 2,693 square-foot restaurant on the ground floor.

The use of the hotel and ground floor restaurant is compatible with the surrounding development and will serve as a source for increased employment. The hotel and restaurant will provide an additional amenity and service for those who are visiting the area and local residents. As conditioned herein, the project will enhance the built environment in the surrounding neighborhood and will provide an amenity and service that will be beneficial to the community.

- b. 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.

Within 500 feet of the Project Site are parcels with land use designations of Medium Residential and High Medium Residential (R3 and R4 Zones) with an accompanying footnote on the Westlake Community Plan Land Use Map limiting height and FAR to Height District No.1. The surrounding parcels with zoning designations of R3 and R4 are permitted a maximum FAR of 3:1. The concurrent request for a Height District Change to Height District No. 2 will limit development of the proposed hotel to a maximum FAR of 3:1, ensuring that bulk and scale are compatible with existing and future development in the neighborhood.

Furthermore, the Project Site is located on James M. Wood Boulevard, a commercial corridor characterized at this location by a church to the east, a restaurant and hotel to the south, and retail to the west. The 9-foot setback along the northern boundary of the Project Site and the "U"-shaped orientation of the hotel provides a buffer and reduces massing between the hotel and the existing apartment complex north of the Project Site.

- 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's proposed zoning is C2-2D, which is consistent with the proposed land use designation of Community Commercial. The proposed Project substantially conforms with the general purpose and intent of the Westlake Community Plan, including;

Commercial, Objective No.1: *To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.*

Approval of the requested CUP will allow demolition of the existing 8,228 square-foot underutilized shopping center and allow the development of a hotel, a much-needed service that will foster tourism and create jobs for the Westlake community.

Commercial, Objective No.3: *To improve the compatibility between commercial and residential uses.*

Defined as a residential use, hotels represent a "hybrid" of residential and commercial uses, ensuring compatibility between the commercial uses surrounding its three sides and the multifamily development to the north.

Commercial, Policy No.7: *That new commercial development be oriented so as to facilitate pedestrian access by locating parking to the rear of structures.*

Except for a few parking spaces on the ground floor to facilitate loading and un-loading, the majority of the Project's parking is located in two basement levels. Vehicular access to the Project Site is limited to a single driveway located on the abutting alley. Access to the basement levels is through a two-way ramp at the rear of the property, ensuring that James M. Wood Boulevard and Westlake Avenue remain pedestrian-friendly.

Commercial, Policy No.8: That adequate parking be provided for all types of retail and office commercial development, and that all parking areas adjacent to residential lands be appropriately buffered by a wall and/or landscaped setback.

The proposed Project provides the Code-required vehicle parking spaces. That the majority of the Project's parking is located below ground level certainly ensures that the parking area is appropriately buffered from residential uses.

4. **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 proposed Project involves the demolition of an existing shopping center and associated surface parking lot and the construction of a six-story, 100-room hotel with two levels of basement parking. The building will include ancillary uses such as meeting room, office, maintenance, swimming pool, fitness center and restaurant for the hotel's guests.

The Project Site is within the Westlake Community Plan and contains dual zoning designations of R4-1 and C2-1 and a single General Plan Land Use Designation of Highway Oriented Commercial. The proposed GPA would designate the Project Site with the Community Commercial Land Use Designation with a corresponding zone of C2-2D in order to allow construction of the proposed hotel. The requested Zone and Height District Change from R4-1 and C2-1 to C2-2D is compatible with the existing development of the neighborhood, consistent with the general intent and provisions of Westlake Community Plan. The proposed 6-story building would be compatible with the surrounding 2 and 4 story buildings because proposed Project is on a corner, in node of urban activity.

Framework Element

Land Use (Framework Chapter 3)

Goal3A (Distribution of Land Use): *A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a health of living environment, and achievement of the vision for a more livable city.*

Objective 3.1: *Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*

Objective 3.2: *Provide for the spatial distribution of development that promotes an Improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.*

Objective 3.3: Accommodate projected population and employment growth within the City and each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Economic Development (Framework Chapter 7)

Goal 7D: A City able to attract and maintain new land uses and businesses.

Conformance with the Westlake Recovery Redevelopment Project Plan

The Project is consistent with the following Redevelopment Plan goals:

Goal No.1: To promote the economic well-being of Westlake through the encouragement of the revitalization of viable commercial areas.

Goal No.4: To enhance the safety of residents, business owners, employees and visitors and their property.

Goal No. 21: To reduce crime, the fear of crime, graffiti and vandalism in the community to enhance livability for residents and businesses and to encourage visitors.

Goal No. 26: To enhance and promote the Westlake community as a place to live, shop and work, and to create a safe 24-hour viable community.

The Project meets several objectives and goals, including promoting the economic well-being of Westlake by contributing to the revitalization of a commercial area, and locating new development near public transit, and shopping, services, and employment. The Project represents the re-development of an existing underutilized site, in an urbanized location, near a major transit corridor. A hotel at this location helps to revitalize a neighborhood, accommodate tourism, enhance business development, and promote efficient use of the land.

Commercial Citywide Design Guidelines

The City of Los Angeles' General Plan Framework Element and each of the City's 35 Community Plans promote architectural and design excellence in buildings, landscape, open space, and public space. They also stipulate that preservation of the City's character and scale, including its traditional urban design form, shall be emphasized in consideration of future development. The Citywide Design Guidelines serve to implement the Urban Design Principles, a part of the Framework Element. These principles are a statement of the City's vision for the future of Los Angeles, providing guidance for new development and encouraging projects to complement existing urban form in order to enhance the built environment. The proposed development is consistent with the following goals, objectives and policies of the Residential Citywide Design Guidelines:

Objective No. 1: Consider Neighborhood Context & Linkages in Building & Site Design

Site Planning:

Creates a strong street wall by locating building frontages at the front property line where no setback requirement exists, or at the required setback.

Provide direct paths of travel for pedestrian destinations within large developments. Especially near transit lines, create primary entrances for pedestrians that are safe, easily accessible, and a short distance from transit stops.

The project meets this guideline by bringing the building close to the property line and incorporating landscaping within the transition between the sidewalk and the private property. The main entrance is located in the middle of James M. Wood Boulevard, and a secondary entrance is located at the corner of James M. Wood Boulevard and Westlake Avenue.

Entrances

Ensure that the main entrance and entry approach can accommodate persons of all mobility levels.

The building was designed to provide multiple entry points that are accessible to persons of all mobility levels. A main entrance is located on James M. Wood Boulevard and at corner, both of which are at existing grade. The vehicular parking area also includes an entryway directly into the lobby area. The short-term bicycle parking is located on the ground level away from vehicles, with easy access to the lobby area.

Relationship to Adjacent Buildings

Ensure that new buildings are compatible in scale, massing, style, and/or architectural materials with existing structures in the surrounding neighborhood. In older neighborhoods, new developments should likewise respect the character of existing buildings with regards to height, scale, style, and architectural materials.

The new building is built to the property line at the street level, which is in keeping with most of the adjacent development. The building is 6 stories tall, whereas the tallest buildings within the vicinity is 5 stories tall. The C-zoned properties within the vicinity have no height limit. In addition, the less intense development is located between the corridors, and the proposed project is appropriate for the site as it fronts a commercial corridor.

Plant trees, shrubs, and vines to screen walls between property lines. Use decorative walls that include a change in color, material, and texture.

The project includes landscaping in the areas between the property and building lines. The project features horizontal and vertical contrasts at the base and the upper stories and utilizes a variety of materials including stucco, aluminum textured wall panels, and wood siding to create visual interest.

Objective No. 2: Employ High Quality Architecture to Define the Character of Commercial Districts

Pedestrian Scale

Differentiate the ground floor from upper floors. Changes in massing and architectural relief add visual interest and help to diminish the perceived height of buildings.

The project features a strong base that is differentiated from the upper stories. The base incorporates horizontal accents, while the upper stories include articulated masses and window fins to create verticality.

Objective 4: Minimize the Appearance of Driveways and Parking Areas

Off-Street Parking and Driveways

Place on-site parking to the side or rear of buildings so that parking does not dominate the streetscape.

Maintain continuity of the sidewalk by minimizing the number of curb cuts for driveways and utilizing alleys for access and egress. Where alleys do not exist, concentrate curb cuts at side streets or mid-block.

The project was designed to have vehicular access to the project taken from the alley to the west of the project site. The sidewalk along the property lines do not have any curb cuts, which will create a seamless walking experience.

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

The Project will be compatible with existing and future development on adjacent and neighboring properties, as described below:

Arrangement of Buildings and Structures

Arrangement of the Project's building and site features, including bulk and massing, height and setbacks, will be compatible with surrounding development. The Project comprises a six-story building with 100 guest rooms, approximately 10,948 square feet of office, restaurant, meeting room and support space on the ground floor and mezzanine that is open only to hotel guests, and two levels of basement parking, with frontage along James M. Wood Boulevard and Westlake Avenue.

In terms of bulk and massing the Project will rise as a single "U" shaped building above two levels of basement parking. The "U" shape of the building "opens" along the northern boundary of the site, breaking up the mass of the Project's northern elevation and ensuring compatibility with the adjacent multi-family building north of the Project Site.

The Project's massing is further articulated by varied architectural treatments and materials. The combination of platinum, metal fringe and lace veil cement plaster and yellow teak wood veneer, dark bronze aluminum and boat anchor metal canopies accentuate the building form while windows and doors enliven the ground floor and encourage foot traffic. The variation in colors and wall planes provide additional

articulation. The canopy and signage draw attention to the main entrance to the building at James M. Wood Boulevard, ensuring compatibility with the residential neighborhood along Westlake Avenue.

In terms of height, the new zone designation does not have a height limit. The six-story Project's stair cases and elevator shafts create a varied roofline that range between 73 and 82 feet which, together with other elements of the Project's design, is compatible with the height and scale of the surrounding urban neighborhood. The proposed six story height for the Project helps provide a visual transition from the two- to four-story multifamily residential buildings surrounding the Project Site, including along adjoining Westlake Avenue and along James M. Wood Boulevard past Alvarado Street and Bonne Brae Avenue.

The Project will meet or exceed all yard setback requirements which include 0-feet required at the front yard along Westlake Avenue, 0-feet at the side yard along James M. Wood Boulevard, 0-feet rear yard along the alley adjoining the Project Site to the west and, a 9-foot side yard along the northern boundary. The 9-foot side yard-including the landscaping on the ground floor along the northern boundary provides a buffer from the adjacent multi-family building. Together with the "U" shape of the building, the setback will further contribute to compatibility with the surrounding neighborhood and enhance the urban experience for pedestrians and residents.

Off-Street Parking Facilities

The Project will provide all 100 automobile parking spaces on-site. Except for a few spaces on the ground floor to accommodate loading / un-loading and in compliance with ADA regulations, most of the Project's parking spaces are contained within two basement levels. Automobile access will be limited to one driveway off the alley to the west. The proposed automobile parking spaces and restriction of vehicular access to James M. Wood Boulevard will minimize potential traffic and parking impacts on adjacent streets.

Long-term bicycle parking spaces will be secured in the subterranean parking structure. Short-term bicycle parking spaces will be located along the James M. Wood Boulevard frontage, in proximity to the main pedestrian entrance to the hotel lobby, consistent with the LAMC's bicycle parking regulations.

Loading Areas

The Project will contain one loading space and trash area that will be located on-site and will be accessible from the abutting alley on the north side of the building. It is situated to minimize visibility from surrounding properties to the greatest extent feasible and, minimize disruptions to traffic flow.

Lighting

The Project's lighting program will be compatible with surrounding development. Exterior lighting will illuminate on-site facilities in order to provide sufficient lighting for circulation and security, while minimizing impacts on adjacent properties.

Landscaping

Landscaping is incorporated into portions of the project not covered by buildings or structures, including within the side yard along the northern boundary of the Project Site and along the James M. Wood Boulevard frontage.

Trash Collection

The Project will provide adequate, on-site space for trash receptacles in order to ensure safe and efficient handling of solid waste. Trash areas will be accessible from the Project's loading area and will not be visible from the street.

- 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 Project will provide a restaurant, meeting room, swimming pool and gym, allowing guests the option to enjoy the convenience of these amenities on-site. These amenities will be limited for use by hotel patrons only. As conditioned herein, impacts will be minimized on neighboring properties.

Revised Environmental Findings

5. **Environmental Finding.** The City of Los Angeles as the lead agency issued the proposed project a Mitigated Negative Declaration No. ENV-2017-713-MND on January 10, 2018, and the Revised MND was published on September 12, 2019. Subsequent to the republication of the MND, two comment letters were received, each from Unite Here! Local 11 and Supporters Alliance for Environmental Responsibility (SAFER). Both allege unmitigated adverse environmental impacts relative to air quality, noise, Greenhouse Gas Emissions, and land use, relative to the General Plan Amendment Add Areas. The comments reference a study by SWAPE dated February 11, 2019 and Smith Engineering and Management dated February 11, 2019, which states that cumulative risk relative to Greenhouse Gas Emissions and traffic were not studied because the potential impacts of the development within the Add Areas were not analyzed. As established in the Revised MND, there is no development project proposed for the Add Areas. Any cumulative analysis for the development potential within the Add Areas would be specious and speculative as no development projects are currently proposed. In addition, the comments reference a study by Dale La Forest & Associates dated February 11, 2019. The letter is based on speculative information about the length of the construction schedule. The analysis in the Revised MND, including the ESA Study dated February 2017 properly discloses the potential impacts and required mitigations. Therefore, the analysis included in the Revised MND fully studies the impacts of the proposed project, and no new impacts and no new mitigation measures are necessary.

On the basis of the whole of the record before the lead agency including any comments received, the Response to Appeal by Meridian Consultants dated January 17, 2019, and QES Incorporated dated January 17, 2019 and October 25, 2019, the lead agency finds that, with imposition of the mitigation measures described in the Revised MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached modified Revised Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning on the 13th floor of 221 North Figueroa Street, Los Angeles.

6. **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.



Date: January 17, 2019

To: Kevin Golden, Department of City Planning, City of Los Angeles

Cc: Infinitely Group Inc

From: Ned Baldwin, Senior Project Manager

Subject: Response to Appeal on the CPC Approval of ENV-2017-713-MND

Rec'd
1/17/18

This memo provides responses to comments contained in the December 10, 2018 appeal submitted by UniteHere! Local 11 on the approval action of the CPC regarding the proposed hotel at 2005 James M Wood Boulevard Project (ENV-2017-713-MND).

Comments on Housing

The UniteHere! Local 11 letter states that the MND ignores the need for housing at the site. The letter claims that a large portion of the site is zoned for residential use, though it is approximately 1/3 of the site, just 7,500 square feet, that is zoned residential. Though zoned residential, the area in question is currently used as surface parking and associated support functions of the commercial uses on the other portion of the site. This area of the site is not truly a part of the available housing stock for the City as the parcel is linked to the commercial parcels that make up the balance of the site and is currently utilized to support the existing commercial uses. As such, it is misleading of the letter to claim that the Project decreases the housing stock or would have any effect on market rent.

Furthermore, though the letter claims that an EIR should be prepared to address affordable housing, affordable housing is not an identified CEQA topic of evaluation. CEQA focuses on physical changes in the environment and "Economic or social effects of a project shall not be treated as significant effects on the environment." (CEQA Guidelines 15131 (a))

Comments on Land Use

The letter references Commercial Objective 2 and Policy 4 of the Westlake Community Plan. CEQA focuses on adverse physical changes to the environment and not on social or economic changes (See CEQA Guidelines 15064 (e)). Nonetheless, an examination of these Objectives and Policies shows the Project is not in substantial conflict.

Objective 2 states that the City shall provide a range of commercial facilities within the neighborhood that would provide shopping and employment opportunities. The Project would replace some existing commercial with a new commercial use. The surrounding area would still contain other commercial uses that meet the shopping needs of residents and the Project would increase employment opportunities within the community.

Policy 4 states that neighborhood-serving commercial uses be retained throughout the community. Though the Project would remove the commercial uses currently on the site, the general vicinity includes a range of neighborhood-serving commercial uses such that the Project would not result in a general loss of availability of such establishments within walking distance of residents.

The letter claims that the six-story proposed height would be out of scale with the surroundings. It is true that many of the surrounding properties are developed with one- and two-story structures. However, the site is within an area designated in the City's General Plan as a Regional Center, within which higher density uses are considered appropriate. The Project would also be within the existing permitted residential density, though it would exceed the existing permitted commercial density, and thus is seeking approval of a height change. No specific environmental effects have been identified in the MND or by the appellant due to the proposed height of the building.

Comments on Air Quality

The letter critiques the MND for only evaluating the potential impacts of the project on the closest sensitive receptor. The MND stated that potential impacts to the closest receptor would be less than significant. As a result, sensitive receptors located at a further distance were not evaluated since an increase in distance would decrease exposure to emissions. As such, there is no need to provide an inventory all sensitive receptors beyond that closest once it is determined that impacts to the closest would be less than significant.

The letter critiques the MND for failing to include a Health Risk Assessment (HRA). The City follows SCAQMD guidance for air quality analysis. SCAQMD's Health Risk Assessment (HRA) procedures call for evaluating risk from extended exposures as measured across several years and not for short term construction exposures. SCAQMD uses HRAs for compliance with AB2588, SCAQMD Rule 1401 and Rule 1402, which regulate stationary emission sources. SCAQMD has also adopted guidance on the use of Health Risk Assessments for analyzing mobile source emissions. However, this guidance refers to emissions associated with facilities such as truck stops and distribution centers that feature frequent, long-term presence of emission sources. Thus, the HRA methodology is not relevant for this Project.

In addition, the letter references SCAQMD Rule 1401.1. This rule refers to facilities that emit toxic air contaminants and are required to obtain permits to construct or permits to operate from SCAQMD. The Project is not a facility of this nature. Therefore, this point made in the appeal letter is irrelevant.

QES

I N C O R P O R A T E D

Rec'd
1/22/18

January 17, 2019

Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Subject: Council File No. 18-1242
Comments to Appeal of CPC-2017-712-GPA-VZC-HD-VCU-SPR

On September 13, 2018, The City Planning Commission found, pursuant to CEQA Guidelines Section 15074(b), that with the mitigation measures imposed the project will not have a significant effect on the environment. The City Planning Commission approved the MND and recommended the adoption of a General Plan Amendment, including "add areas", changing the land use designation from Highway Oriented Commercial to Community Commercial and approved; recommended a Vesting Zone Change from R4-1 and C2-1 to (T)(Q)C2-2D to allow a Floor Area Ratio of 2.99 to 1; approved a Conditional Use to allow a hotel within 500 feet of residentially zoned property, approved a Site Plan Review; adopted the recommended conditions from City Planning Staff and adopted the Findings necessary to support the approvals.

The Appellant's comments regarding Housing, Land Use and Air Quality are addressed in the letter dated January 17, 2019 from Meridian Consultants and attached herewith. The Appellant states that the project as proposed cannot comply with the required findings regarding necessity, public interest or the general welfare, but fails to state how the project is not in compliance.

The City Planning Commission's action is supported by clear Legislative, General Plan and Charter Findings noted in the Letter of Determination Dated November 20, 2018.

The Proposed Land Use Designation is Appropriate

The site and "Add Area" are located within the Westlake Community Plan and are in an area that supports bus and rail transit and includes retail, office, clinics and cafés that serve the neighborhood and is convenient to pedestrian activity. The General Plan Amendment changing the Land Use Designation to Community Commercial is appropriate and necessary in order to accommodate the changing and evolving transit infrastructure.

The Proposed Land Use Designation supports the Goals, Policies and Objectives of the City Wide General Plan Framework

The Subject site and "Add Area" are located within walkable transit oriented commercial corridors providing neighborhood serving uses. The General Plan encourages uses such as the proposed hotel and will support transit use, reduce vehicle dependency and

improve air quality. Changing the land use designation to Community Commercial supports the objective of encouraging local job growth and development of cultural and entertainment facilities, hotels and professional offices.

Public Necessity, Convenience and General Welfare demand Approval of the Zone Change

Rezoning the site as proposed will increase construction and permanent job opportunities for the local population. The proposed hotel use will provide needed short stay accommodations for tourism and business traveler in a community where there is a shortage of such services. Convenience is served by locating a hotel near transit thereby reducing reliance on cars. Increased pedestrian activity further stimulates the local economy and boosts business to local business. The general welfare of the community is served by meeting local job needs, creating amenities around transit and bringing private investment to the community.

Bulk and Scale of the Development are Compatible with Existing Zoning and Future Development

The proposed Height District will provide the Floor Area needed to ensure the construction of the hotel project is consistent with the public necessity, general welfare and good zoning practice. To keep the development at an appropriate scale, the FAR is limited to 3:1 thereby ensuring the bulk and scale is compatible with existing and future development in the surrounding area.

The Proposed Project will Enhance the Built Environment and serve an Important Function

The proposed project will replace an underutilized site being improved with an older commercial shopping center with a newly constructed 100-room hotel designed in compliance with the Citywide Design Guidelines. The hotel use is in high demand and will serve the shortage of moderately proceed hotels in and around the area of the Convention Center.

The Surrounding Neighborhood, Public Health, Welfare and Safety are Protected

The current request for Height District Change will permit a 3:1 Floor Area Ratio consistent with the surrounding R3 and R5 zoned lots. The 9-foot setback along the northern boundary together with the "U" Shaped configuration of the building design reduces the massing and creates a buffer between the hotel and the existing apartment uses.

The Project Conforms with the Purpose and Intent of the General Plan and Community Plan

The proposed zone is consistent with the zones permitted in the Community Commercial land use designation. The demolition of the existing shopping center and construction of the hotel use will support the tourism industry and create local construction and permanent jobs. The hotel use is defined as a hybrid residential use and therefore creates a transitional use between commercial and residential. Code required parking is substantially located in basement garages ensuring that the ground floor is primarily used for pedestrian oriented activity.

The redevelopment of underutilized land is encouraged by the Westlake Recovery and Redevelopment Project Plan. By locating new development near public transit, it will help to revitalize the neighborhood, accommodate tourism and enhance business development.

The Arrangement of the Proposed building will be Compatible with Existing and Future Development

The project is located along a commercial corridor with the bulk of the building oriented to the street sides. The north side (rear) of the building is shaped like a "U" thereby reducing the building mass and opening the building elevation to make it more compatible with the multi-family uses to the north.

The height of the proposed building is compatible with the surrounding urban neighborhood by providing a transition from the two to four story multi family surrounding the site to the six story hotel along the commercial corridor. All required yard setbacks are met or exceeded with emphasis on the 9 foot ground floor setback on the northerly property line.

For the reasons outlined about, it is easily concluded that the proposed project and the requested General Plan Amendment, Zone and Height District Change, Site Plan Review, CUP and CEQA Compliance are consistent and compatible the intent and objectives of the General Plan.

We respectfully request that the Planning and Land Use Management Committee deny the appeal and sustain the recommendation and decision of the City Planning Commission.

Thank you for your time and consideration.


Eric Lieberman
QES, Inc.

QES
I N C O R P O R A T E D

*Rec'd
10/31/19*

October 25, 2019

Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Subject: Council File No. 18-1242
Comments to October 14, 2019 Local 11 letter

On September 13, 2018, The City Planning Commission found, pursuant to CEQA Guidelines Section 15074(b), that with the mitigation measures imposed the project will not have a significant effect on the environment. The City Planning Commission approved the MND and recommended the adoption of a General Plan Amendment, including "add areas", changing the land use designation from Highway Oriented Commercial to Community Commercial and approved; recommended a Vesting Zone Change from R4-1 and C2-1 to (T)(Q)C2-2D to allow a Building Floor Area Ratio of 2.99 to 1; approved a Conditional Use to allow a hotel within 500 feet of residentially zoned property, approved a Site Plan Review; adopted the recommended conditions from City Planning Staff and adopted the Findings necessary to support the approvals.

The Appellant's comments regarding Housing, Land Use and Air Quality are addressed in the letter dated January 17, 2019 from Meridian Consultants and previously submitted to the record

The Appellant states that the project as proposed cannot comply with the required findings regarding necessity, public interest or the general welfare, but fails to state how the project is not in compliance.

The City Planning Commission's action is supported by clear Legislative, General Plan and Charter Findings noted in the Letter of Determination Dated November 20, 2018.

The Proposed Land Use Designation is Appropriate

The site and "Add Area" are located within the Westlake Community Plan and are in an area that supports bus and rail transit and includes retail, office, clinics and cafés that serve the neighborhood and is convenient to pedestrian activity. The General Plan Amendment changing the Land Use Designation to Community Commercial is appropriate and necessary in order to accommodate the changing and evolving transit infrastructure.

The General Plan Amendment does not change residential capacity, it simply reclassifies the permitted potential zones allowed in the new Land Use Designation. Each individual property owner within the add areas would be required to apply for

changes of zone, which would be JJJ compliant for residential dwelling unit densities, if the current densities are not desirable.

The Proposed Land Use Designation supports the Goals, Policies and Objectives of the City Wide General Plan Framework

The Subject site and "Add Area" are located within walkable transit oriented commercial corridors providing neighborhood serving uses. The General Plan encourages uses such as the proposed hotel and will support transit use, reduce vehicle dependency and improve air quality. Changing the land use designation to Community Commercial supports the objective of encouraging local job growth and development of cultural and entertainment facilities, hotels and professional offices.

Public Necessity, Convenience and General Welfare demand Approval of the Zone Change

Rezoning the site as proposed will increase construction and permanent job opportunities for the local population. The proposed hotel use will provide needed short stay accommodations for tourism and business traveler in a community where there is a shortage of such services. Convenience is served by locating a hotel near transit thereby reducing reliance on cars. Increased pedestrian activity further stimulates the local economy and boosts business to local business. The general welfare of the community is served by meeting local job needs, creating amenities around transit and bringing private investment to the community.

Bulk and Scale of the Development are Compatible with Existing Zoning and Future Development

The proposed Height District will provide the Building Floor Area needed to ensure the construction of the hotel project is consistent with the public necessity, general welfare and good zoning practice. To keep the development at an appropriate scale, the FAR is limited to 3:1 thereby ensuring the bulk and scale is compatible with existing and future development in the surrounding area.

The Proposed Project will Enhance the Built Environment and serve an Important Function

The proposed project will replace an underutilized site being improved with an older commercial shopping center with a newly constructed 100-room hotel designed in compliance with the Citywide Design Guidelines. The hotel use is in high demand and will serve the shortage of moderately priced hotels in and around the area of the Convention Center.

The Surrounding Neighborhood, Public Health, Welfare and Safety are Protected

The current request for Height District Change will permit a 3:1 Building Floor Area Ratio consistent with the surrounding R3 and R5 zoned lots. The 9-foot setback along the northern boundary together with the "U" Shaped configuration of the building design reduces the massing and creates a buffer between the hotel and the existing apartment uses. The proposed 5-story apartment building adjacent to the proposed hotel site will be

The Project Conforms with the Purpose and Intent of the General Plan and Community Plan

The proposed zone is consistent with the zones permitted in the Community Commercial land use designation. The demolition of the existing shopping center and construction of the hotel use will support the tourism industry and create local construction and permanent jobs. The hotel use is defined as a hybrid residential use and therefore creates a transitional use between commercial and residential. Code required parking is substantially located in basement garages ensuring that the ground floor is primarily used for pedestrian oriented activity.

The redevelopment of underutilized land is encouraged by the Westlake Recovery and Redevelopment Project Plan. By locating new development near public transit, it will help to revitalize the neighborhood, accommodate tourism and enhance business development.

The Arrangement of the Proposed building will be Compatible with Existing and Future Development

The project is located along a commercial corridor with the bulk of the building oriented to the street sides. The north side (rear) of the building is shaped like a "U" thereby reducing the building mass and opening the building elevation to make it more compatible with the multi-family uses to the north.

The height of the proposed building is compatible with the surrounding urban neighborhood by providing a transition from the two to four story multi family to adjacent 5 story surrounding the site to the six story hotel along the commercial corridor. All required yard setbacks are met or exceeded with emphasis on the 9 foot ground floor setback on the northerly property line.

For the reasons outlined about, it is easily concluded that the proposed project and the requested General Plan Amendment, Zone and Height District Change, Site Plan Review, CUP and CEQA Compliance are consistent and compatible the intent and objectives of the General Plan.

The appellant asserts that the proposed hotel will have a negative impact on surrounding residential development. It is important to point out that TOC development in the R4 zoning around the project site has already begun with the adjacent property to the north. The adjacent property is proposed for demolition of 17 existing units and construction of a 79 unit 7 story (5 story apartment building over a two story parking podium) apartment complex. This is an indication of future development and speaks to the fact that the proposed hotel is compatible with adjacent and future uses in the area.

We respectfully request that the Planning and Land Use Management Committee deny the appeal and sustain the recommendation and decision of the City Planning Commission.

Thank you for your time and consideration.



Eric Lieberman
QES, Inc.