

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

| CITY PLANNING CASE: | ENVIRONMENTAL DOCUMENT: | COUNCIL DISTRICT: |
|--|-------------------------|--|
| APCC-2020-537-ZC-CUB-1A | ENV-2014-3707-MND-REC2 | 13 – O'Farrell |
| PROJECT ADDRESS: | | |
| 1523-1541 North Wilcox Avenue | | |
| APPLICANT | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| 1541 Wilcox Hotel, LLC | | |
| <input type="checkbox"/> New/Changed | N/A | N/A |
| APPLICANT'S REPRESENTATIVE | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Alfred Fraijo, Jr. Sheppard Mullin Richter & Hampton, LLP | (213) 620-1780 | N/A |
| APPELLANT | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| David Carrera | N/A | N/A |
| APPELLANT'S REPRESENTATIVE | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| N/A | N/A | N/A |
| PLANNER CONTACT INFORMATION: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Oliver Netburn | (213) 978-1382 | oliver.netburn@lacity.org |
| ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION | | |
| ZC, CUB | | |

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

CUB

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☒ Ordinance
- ☒ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other

- ☐
- ☐
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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☒ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:☒ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☒ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning
- ☐ West LA Area Planning Commission

| | |
|--|--------------------------|
| PLANNING COMMISSION HEARING DATE: | COMMISSION VOTE: |
| December 8, 2020 | 5 – 0 |
| LAST DAY TO APPEAL: | APPEALED: |
| January 28, 2021 | January 25, 2021 |
| TRANSMITTED BY: | TRANSMITTAL DATE: |
| Etta Armstrong Commission Executive Assistant I | February 5, 2021 |



CENTRAL AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

Mailing Date: JAN 13 2021

CASE NO: APCC-2020-537-ZC-CUB
CEQA: ENV-2014-3707-MND-REC2
Plan Area: Hollywood

Council District: 13 – O'Farrell

Project Site: 1523 – 1541 North Wilcox Avenue

Applicant: 1541 Wilcox Hotel, LLC.
Representative: Alfred Fraijo, Jr., Sheppard Mullin Richter & Hampton, LLP.

At its meeting of **December 8, 2020**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Use and maintenance of a 190-room hotel with: 1) a 5,125 square-foot ground floor restaurant and 840 square-foot outdoor eating area; 2) 4,970 square-foot combined lobby and lobby bar; 3) 4,105 square-foot rooftop restaurant, bar, and lounge, and a 1,193 square-foot outdoor dining terrace; and 4) 3,406 square-foot combined pool bar, pool bar lounge, and pool deck. The ground floor restaurant and bar would have operating hours between 6:00 a.m. and 2:00 a.m. daily. The enclosed rooftop restaurant would have operating hours from 7:00 a.m. to 1:00 a.m. daily, and the outdoor rooftop areas would operate between 7:00 a.m. and 12:00 a.m. daily. Live entertainment (including disc jockeys) and amplified music within the lobby bar, and live acoustic (non-amplified) music with up to three musicians and ambient music to complement the dining, bar and/or lounge experience within the Project's ground floor restaurant and outdoor eating area. The Project would also include a maximum of 24 special events annually.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in Mitigated Negative Declaration, No. ENV-2014-3707-MND-REC-1 adopted on September 10, 2015; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the addendum dated October 2020 (ENV-2014-3707-MND-REC2), no major revisions are required to the Mitigated Negative Declaration; and no subsequent EIR or negative declaration is required for approval of the Project;
2. **Approved and recommended** that the City Council adopt Section 12.32 of the Los Angeles Municipal Code (LAMC), a Zone Change from (T)(Q)C4-2D to (Q)C2-2D;
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a 1) 5,125 square-foot ground floor restaurant and 840 square-foot outdoor eating area; 2) 4,970 square-foot combined lobby and lobby bar; 3) 4,105 square-foot rooftop restaurant, bar, and lounge, and a 1,193 square-foot outdoor dining terrace; 4) 3,406 square-foot combined pool bar, pool bar lounge, and pool deck; and 5) within controlled access cabinets in the guest rooms (mini bars). The ground floor restaurant and bar would have operating hours between 6:00 a.m. and 2:00 a.m. daily. The enclosed rooftop restaurant would have operating hours from 7:00 a.m. to 1:00 a.m. daily, and the outdoor rooftop areas would operate between 7:00 a.m. and 12:00 a.m. daily;
4. **Adopted** the attached modified Conditions of Approval; and
5. **Adopted** the attached amended Findings.

This action was taken by the following vote:

Moved: DelGado
Second: Chung-Kim
Ayes: Gold, Lawrence, Lindgren

Vote: 5 – 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
Central Los Angeles Area Planning Commission

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

Effective Date/Appeals: The decision of the Central Los Angeles Planning Commission as it relates to the Zone Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the Central Los Angeles Area Planning Commission, regarding the remaining approval, is appealable to the City Council within **15 days** of the mailing date of this letter. An appeal not filed within the **15-day period** shall not be considered by the City Council. Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

JAN 28 2021

FINAL APPEAL DATE: _____

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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

Attachments: Zone Change Ordinance, Map, Modified Conditions of Approval, Amended Findings,
Interim Appeal Filing Procedures

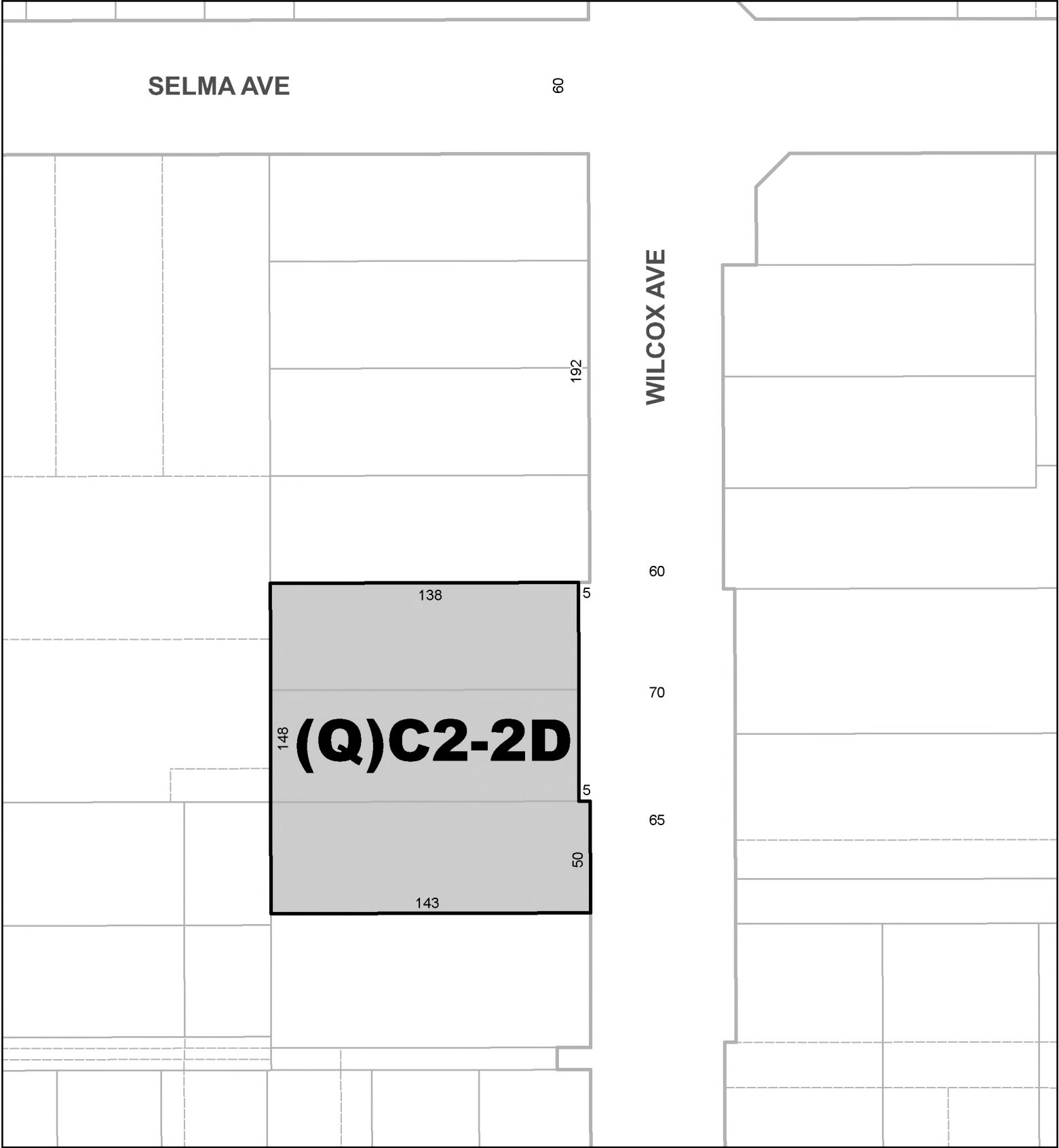
c: Heather Bleemers, Senior City Planner
Oliver Netburn, City Planner

ORDINANCE NO. _____

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

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

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



(Q) QUALIFIED CLASSIFICATIONS

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. **Use.** The use and area regulations for the new development on-site shall be developed for commercial and residential uses as permitted in the C2 Zone as defined in LAMC Section 12.14, except as modified by the conditions herein or subsequent action.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. Authorized herein is the operation of a 190-room hotel and associated restaurant and amenities, subject to the following limitations:
 - a. A 5,125 square-foot ground floor restaurant and 840 square-foot outdoor eating area.
 - b. A 4,970 square-foot combined lobby and lobby bar.
 - c. A 4,105 square-foot rooftop restaurant, bar, and lounge, and a 1,193 square-foot outdoor dining terrace.
 - d. A 3,406 square-foot combined pool bar, pool bar lounge, and pool deck.

CONDITIONS OF APPROVAL

(As modified by the Central Area Planning Commission on December 8, 2020)

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

Development Conditions

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator (as delegated by the Central Area Planning Commission) to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 190-room hotel and associated restaurant and amenities, subject to the following limitations:
 - a. Within controlled access cabinets in the hotel guest rooms (mini bars) where the hotel operating hours are 24 hours per day, 7 days per week;
 - b. A 5,125 square-foot ground floor restaurant and 840 square-foot outdoor eating area with a maximum of 201 seats and hours of operation between 6:00 a.m. and 2:00 a.m., daily. The restaurant will operate as a bona-fide restaurant with the sale of alcoholic beverages anticipated to be incidental to food service.
 - c. A 4,970 square-foot combined lobby and lobby bar with a maximum of 68 seats and hours of operation between 6:00 a.m. and 2:00 a.m., daily.

- d. A 4,105 square-foot rooftop restaurant, bar, and lounge, and a 1,193 square-foot outdoor dining terrace with a maximum of 138 seats, including eight (8) outdoor seats, and hours of operation between 7:00 a.m. to 1:00 a.m., daily for the interior restaurant space and between 7:00 a.m. to 12:00 a.m., daily for the outdoor restaurant space. The restaurant will operate as a bona-fide restaurant with the sale of alcoholic beverages anticipated to be incidental to food service.
 - e. A 3,406 square-foot combined pool bar, pool bar lounge, and pool deck with a maximum of 83 seats and hours of operation between 7:00 a.m. to 12:00 a.m., daily.
8. After hour use shall be prohibited, except routine clean-up. This excludes special events, as defined herein, and any activities which are issued film permits by the City.
9. Applicant shall install and maintain security cameras and a three-month video library that covers all common areas of the subject premises, high-risk areas, sidewalk areas, and entrances or exits. The videotapes or digital recordings shall be made available to the Los Angeles Police Department upon request. The exterior windows and glass doors of the subject premises shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by police and private security.
10. Applicant shall be required to provide the Police Department with a security plan that satisfactorily conforms to Police Department and City Planning standards. The security plan shall include a delineation of the video surveillance arrangements for both the subject premises and the adjoining areas developed or otherwise used by the applicant. The security plan shall also include a delineation of the security personnel scheme including specifications pertaining to staffing, structure, and arrangement of security guards for both the subject premises and the adjoining areas developed or used by the applicant. A written/stamped Police Department approved copy of the applicant security plan will be submitted to the Zoning Administrator prior to the exercise of this grant. If the membership of the Hollywood Vice Office becomes aware that the concerned security plan is ineffective or that the agreed upon plan has otherwise been proven to be inadequate as it pertains to the enhancement of safety for both the patrons, residents, and/or the employees of the subject premises, the Hollywood Vice Office reserves the capability to revise the existing security plan and modify the parameters of it to maximize safety while reducing nuisance and criminal activity.
11. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
- a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

12. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying

which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.

13. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
14. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
15. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
16. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
17. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
18. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
19. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
20. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
21. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
22. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

23. The applicant shall file a Plan Approval application no sooner than 18 months but within 24 months from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Department of City Planning. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
24. Applicant and/or the business operators of the restaurants, bars, and lounges shall be required to employ a minimum of one (1) security guard at each facility, from 8:00 p.m. until thirty (30) minutes following the closure of the facilities, from Sunday to Thursday, weekly. The applicant(s) and/or the business operators of the restaurants, bars, and lounges shall be required to employ a minimum of two (2) security guards at each facility, from 8:00 p.m. until thirty (30) minutes following the closure of the facilities, on Fridays and Saturdays, weekly. The security guards fulfilling the security staffing requirements shall not have any other activities other than those that are security related. Security personnel shall be licensed in accordance with State Law and Police Commission standards and maintain valid Bureau of Security and Investigative Services Guard Credentials along with active first-aid credentials. Security personnel shall be dressed in such a manner as to be readily identifiable as facility security guards to patrons and law enforcement personnel.
25. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
26. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
27. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
28. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
29. The ground floor and rooftop restaurants shall be maintained as a bona fide eating place with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.

30. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
31. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
32. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
33. Live entertainment (including disc jockeys) and amplified music shall be permitted within the lobby bar. Live acoustic (non-amplified) music with up to three musicians and ambient music to complement the dining, bar and/or lounge experience within the ground floor restaurant and outdoor eating area.
34. There shall be no amplified sound permitted round the pool deck area.
35. No employee or agent of any of the hotel, restaurant, bar, and lounge uses shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the subject premises, nor shall the applicant or business operators provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
36. At no time shall any form of membership card or compensation be a pre-requisite for admission to the subject premises at large, or to any sub-portion of the building.
37. The applicant and/or individual business operators shall at times maintain the abutting public access ways free of obstruction.
38. Line-queuing arrangements for restaurant, bar, and lounge patrons within the abutting public right-of-way is strictly prohibited.
39. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday.
40. The applicant / operator shall obtain permits from the Los Angeles Police Permit Processing Section, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning **within 30 days of their issuance** for inclusion in the case file.
41. **Special Events.** The number of special events permitted on the property shall be limited to a maximum of 24 events per year. A special event is any event which is held weekly, monthly, or annually or that includes outside advertisement demonstrating a change in the mode and character of the normal hotel operations, including but not limited to hours of operation, or any significant live entertainment features that would stipulate an ABC one-day permit application or some other special endorsement. Operational occurrences or arrangements wherein the applicant demands or requests an admission fee from hotel patrons will be considered special events as will any events that involve the exclusion of the general public from gaining admission to the hotel premises or public portion thereof. The applicant shall seek approval from the Hollywood Vice Unit for all special events 14 days in advance of the date of each special event, in writing. LAPD shall respond to request for special events in writing. Outside advertisement as it pertains to this provision shall include any promotional material or notification commissioned by any entity that is not directly associated with the operation or

under the direct employ of the applicant. The applicant shall at all times remain in operational control of the subject premises.

42. The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
43. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. **Prior to the utilization of this grant**, the applicant shall provide a copy of its standard contract related to private parties or events to the Department of City Planning for inclusion in the case file.

The total number of guests shall not exceed the maximum occupancy determined by the Fire Department. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. APCC-2020-537-ZC-CUB, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.

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

- There shall be no service, sales, or possession of an alcoholic beverage on any sidewalk area with the exception of the approved outdoor dining areas. There shall not be off-site sales of alcoholic beverages.
- Bottle and/or table service involving the distribution of distilled spirits shall be prohibited. "Buckets" of beer are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be no sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- "Happy Hour" is permitted between the hours of 4:00 pm and 8:00 pm, daily. There may be no more than a fifty percent discount on alcoholic beverages.
- No signs are permitted on the outside of the building or patio enclosure or directed from inside to the outside which display or advertise the availability of alcoholic beverages.

Administrative Conditions

44. **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.
45. **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.

46. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
47. **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 that are awaiting issuance of a building permit by the Department of Building and Safety 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.
48. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
49. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
50. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E,3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
51. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of

the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.

52. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
53. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
54. **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.
55. **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.
56. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
57. **Indemnification and Reimbursement of Litigation Costs**

Applicant shall do all of the following:

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

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

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

FINDINGS

(As amended by the Central Area Planning Commission on December 8, 2020)

General Plan/Character Findings

1. General Plan.

- a. **General Plan Land Use Designation.** The subject property is located within the area Hollywood Community Plan, adopted by the City Council on December 13, 1988. The plan map designates the subject property as Regional Center Commercial with corresponding zones of C2, C4, RAS3, RAS4, P and PB. The proposed Zone Change to the (Q)C2-2D Zone is consistent with the current Regional Center Commercial land use designation. The Framework Element characterizes Regional Centers as areas that contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, and major entertainment and cultural facilities where the development of sites is encouraged with complementary services and amenities. Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.

- b. **Land Use Element.**

Hollywood Community Plan. The Community Plan text includes the following relevant land use objectives and policies:

Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4: To promote economic well-being and public convenience through: a) allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

Policy: The focal point of the Community is the Hollywood Center located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street... This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.

The C2 Zone allows for the operation of a large parcel of land within Hollywood Center with the proposed residential (a hotel) and commercial (a restaurant) uses and will result in a demand for local workers and local goods and services. The project also promotes economic well-being and public convenience by providing short-term, overnight accommodations within proximity to many of Hollywood's entertainment-based tourist attractions as well as the Metro Red Line with access to North Hollywood, Universal Studios, Downtown Los Angeles and beyond.

- c. The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic

development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: 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 healthful living environment, and achievement of the vision for a more liveable city.

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

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1 (Land Use Standards and Typical Development Characteristics).

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.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

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.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The project will contribute toward and facilitate the City's long-term fiscal and economic viability by permitting the hotel with outdoor dining areas within Hollywood's commercial and entertainment core for visitors and tourists. The project's proximity to the Metro Red Line, the Metro Rapid 704 Line and other transit connections will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its location within an existing, high-intensity commercial district and on a Modified Avenue III will enable the city to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts.

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

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

Policy 3.10.1: Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 (Land Use Standards and Typical Development Characteristics) and 3-6 (Land Use Designation and Corresponding Zones). Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

Policy 3.10.3: Promote the development of high-activity areas in appropriate locations that are designed to induce pedestrian activity, in accordance with Pedestrian-Oriented District Policies, and provide adequate transitions with adjacent residential uses at the edges of the centers.

The project is a hotel and restaurant with outdoor dining that will provide jobs within Hollywood's commercial and entertainment core for visitors and tourists. The project's design, including ground floor treatment will encourage pedestrian activity and its location, toward the southern boundary of the Hollywood Center, will provide an appropriate buffer between the more intense uses within the Hollywood Center and the residential neighborhood south of Sunset Boulevard.

Goal 5A: A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Policy 5.2.2: Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime. Additionally, develop these areas so that they are compatible with surrounding neighborhoods.

The project will support Hollywood's commercial and entertainment core for residents by providing additional dining opportunities, as well as enhance the urban environment, encouraging daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design. Furthermore, the project's proximity to the Metro Red Line, the Metro Rapid 704 Line and other transit connections enable it to function at both the local and region scale.

- d. The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Wilcox Avenue is a Modified Avenue III in the Mobility Element of the General Plan and dedicated to a variable width of between 60 and 70 feet and improved with asphalt roadway and concrete curb, gutters and a sidewalk.

Wilcox Avenue is not included in any of Mobility Plan 2035's "Enhanced" Networks (i.e. the Bicycle Enhanced Network, the Transit Enhanced Network, the Neighborhood Enhanced Network and the Vehicle Enhanced Network). Nevertheless, the project as designed meets the following goals and objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

The project's design, including ground floor treatment will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design. Furthermore, the project provides a 3-foot sidewalk easement to run with the land in order to achieve the 13-foot standard sidewalk required by the Mobility Plan 2035.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.4: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The project's proximity to the Metro Red Line, the Metro Rapid 704 Line and other transit connections will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its ground floor treatment will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design.

In addition, the project will provide Code required bicycle parking supporting "first-mile, last-mile solutions", enabling workers, hotel guests and patrons of the restaurants' improved access to the project.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

A minimum of twenty percent of the parking spaces will be installed with electronic vehicle-ready conduits.

Lastly, the Department of Transportation submitted a Traffic Impact Assessment, dated May 9, 2014, of the originally approved project, that determined the impact of the trips generated from the project will be less than significant. The project has subsequently been reduced from 200 rooms to 190 rooms.

- e. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Entitlement Findings

2. Pursuant to Section 12.32-C of the Municipal Code, the zone change is in conformance with the public necessity, convenience, general welfare and good zoning practice.

- a. Public Necessity: In 2013, the Chief Legislative Analyst reported (Council File No. 13-0991) that Hollywood was one of several areas in the City with high demand for hotel rooms, stating that it had approximately 3,000 hotel rooms and that between 2009 and 2014, there was a projected growth in the occupancy rate of over 10% (from 70.1% in 2009 to a projected occupancy rate of 82.9% in 2014). Granting the Zone Change to the (Q)C2-2D Zone would allow the completion of a 190-room hotel with outdoor dining/eating above the ground floor.
- b. Convenience: Hollywood is one of the City's largest tourist attractions where hundreds of thousands of people from around the world visit throughout the year. Hollywood is also one of the most transit-rich areas within the City, serviced by the Los Angeles County Metropolitan Transportation Authority bus system, the Metro Rail Red Line and the City of Los Angeles Department of Transportation DASH service. Two (2) Metro Red Line Rail stations, at Hollywood Boulevard and Highland Avenue and at Hollywood Boulevard and Vine Street, and local and regional bus lines along Sunset Boulevard, Hollywood Boulevard, Vine Street and Highland Avenue are all approximately one-half mile from the project site. Granting the Zone Change to the (Q)C2-2D Zone would allow the employees and patrons of the hotel and restaurant access and convenience to a variety of modes of transportation.
- c. General Welfare: Granting the Zone Change to the (Q)C2-2D Zone would allow the continued development of the site within a Regional Center. The Framework Element defines Regional Centers as areas intended to "provide a significant number of jobs and many non-work destinations" and therefore require access to bus and rail transit and good quality street, area, and pedestrian lighting... to generating feelings of safety, comfort, and well being necessary for ensuring public nighttime use of transit facilities." The proposed 190-room hotel and restaurant will provide a significant number of jobs within approximately one half mile of a variety of modes of public transit. The project will also include a ground floor restaurant with approximately 800 square feet open to the sidewalk which would improve pedestrian safety, comfort, and well-being along the street during evening hours.
- d. Good Zoning Practices: Granting the Zone Change to the (Q)C2-2D Zone with the outdoor dining/eating areas is consistent with the type of development anticipated within a Regional Center. Regional Centers are intended to contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health

facilities, major entertainment and cultural facilities and supporting service and the development of sites and structures integrating housing with commercial uses is encouraged. The proposed 190-room hotel will provide short-term, overnight accommodations for visitors and tourists to the entertainment and cultural facilities in the Hollywood area and the proposed restaurant and rooftop dining/bar areas will further support workers, residents and visitors to the Hollywood area with additional dining options.

Conditional Use Findings

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

The applicant is requesting a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages in conjunction within a 190-room hotel and associated restaurant and amenities within the hotel. The proposed ground floor restaurant/lobby/bar area would have a total 269 seats, the rooftop restaurant would have a total 138 seats and the rooftop pool bar, terrace, and deck would have a total of 83 seats. Alcohol sales and consumption is proposed within the guest rooms with “mini-bars”.

The site is located one (1) block north of Sunset Boulevard and one (1) and half blocks south of Hollywood Boulevard. The hotel is located within a dense, urban environment, and generally within the Hollywood Boulevard Entertainment District. The surrounding areas are developed with residential uses, hotels, restaurants, and various retail and commercial uses. The hotel and restaurants would provide an alternative service amenity in an area which is not only a vibrant international destination, but is developed with a number of businesses and residences. The restaurants are anticipated to operate as a bona-fide restaurant with the sale of alcoholic beverages anticipated to be incidental to food service. The hotel will serve to provide temporary residency for tourist and business travelers within close proximity to commercial and employment centers, as well as regional servicing public transit. The request to sell alcoholic beverages within “mini-bars” is intended to serve as an amenity for hotel guest, accessory to the operations of the hotel. The ground floor restaurant/lobby/bar area, the rooftop restaurant, and the rooftop pool bar, terrace, and deck would serve hotel guests, as well as the general public. The sale and dispensing of alcoholic beverages is anticipated to be an incidental amenity for patrons of the operations. The operations of the ground floor restaurant/lobby/bar area, the rooftop restaurant, the rooftop pool bar, terrace, and deck, and the in-room “mini-bars” will provide an additional amenity for those who are employed or visiting the Hollywood area.

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

The subject property is located within the Hollywood Community Plan and generally within the Hollywood Entertainment District. The site is currently under construction with a new, 10-story, 190-room hotel with associated restaurant and amenities. The project is required to provide 89 parking spaces, however, as proposed, includes 122 parking spaces within three (3) subterranean parking levels. In addition, as the site is located within close proximity to the Metro Red Line and other forms of public transit, it is anticipated that some patrons and guests of the project would utilize public transit or other forms of ride-share services that would not require the parking of vehicles on site.

The 190-room hotel would include approximately 10,935 square feet of restaurant/lobby/bar at the ground floor, 5,298 square feet of a bona-fide restaurant on the rooftop, and 3,406 square feet of outdoor pool bar, terrace, and deck on the rooftop. As designed and conditioned, a minimum six-foot high glass wall would be installed along the perimeter of the rooftop area. The proposed restaurant and hotel will be located within close proximity to Hollywood and Sunset Boulevards, which are developed with commercial and entertainment uses. However, there are existing multi-family developments within the area as well. The proposed operations of the rooftop and outdoor operations have been conditioned to limit live entertainment and amplified music, as well as the hours of operations of the outdoor areas. The conditions related to live entertainment, amplified and ambient music, and hours of operation are intended to prevent late night noise, ensuring that its operations will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The subject property is located within the Hollywood Community Plan with a land use designation of Regional Center Commercial. The site is currently under construction with a new, 10-story, 190-room hotel with associated restaurant and amenities. The 190-room hotel would include approximately 10,935 square feet of restaurant/lobby/bar at the ground floor, 5,298 square feet of a bona-fide restaurant on the rooftop, and 3,406 square feet of outdoor pool bar, terrace, and deck on the rooftop. As discussed in Finding No. 2, the project would be compatible with the existing development in the surrounding area and would be in conformance with the objectives and policies of the Community Plan. The sale of a full line of alcoholic beverages in conjunction with the operations of the proposed hotel and associated restaurant and amenities, would be an added amenity for guests and patrons of the project.

Additionally, the project will support Hollywood's commercial and entertainment core for residents by providing additional dining opportunities, as well as enhance the urban environment, encouraging daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design. Furthermore, the project's proximity to the Metro Red Line, the Metro Rapid 704 Line and other transit connections enable it to function at both the local and region scale. As such, the project is in substantial conformance with the General Plan and the Community Plan.

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

The proposed project is a new, 10-story, 190-room hotel with associated restaurants and amenities. The 190-room hotel would include approximately 10,935 square feet of restaurant/lobby/bar at the ground floor, 5,298 square feet of a bona-fide restaurant on the rooftop, and 3,406 square feet of outdoor pool bar, terrace, and deck on the rooftop. The restaurants are anticipated to operate as bona-fide restaurants and the sale and dispensing of alcoholic beverages incidental to food service is a common amenity found with the operations of a restaurant. The proposed hotel would include rooftop amenities including a bar and lounge area. The request to serve alcoholic beverages within the guest rooms and as an incidental service within the lobby bar and rooftop bar and lounge is a common amenity that is found with the operations of a hotel. The subject property is located within close proximity of Sunset and Hollywood Boulevards, which are commercially developed entertainment districts. The restaurants and hotel will be compatible with the range of commercial uses such as restaurants, nightclubs, theaters, retail, and other hotels. As conditioned, the hotel with associated restaurant and amenities as it relates to the sale and dispensing of alcoholic beverages have been conditioned as to not adversely affect the welfare of the pertinent community.

7. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control licensing criteria, there are three (3) on-site and two (2) off-site licenses allocated to the subject Census Tract Number 1907.00. Within the census tract, there are currently 92 on-site and two (2) off-site licenses.

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

According to statistics provided by the Los Angeles Police Department's Hollywood Vice Unit, within Crime Reporting District No. 646 which has jurisdiction over the subject property, a total of 1,388 crimes were reported in 2017 (636 Part I and 752 Part II crimes), compared to the Citywide Average of 170 crimes for the and the High Crime Reporting District Average of 204 crimes. Alcohol related Part II Crimes reported include Narcotics (72), Liquor Laws (43), Public Drunkenness (14), Disturbing the Peace (1), Disorderly Conduct (10), and DUI related (31). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Although the site is located within a crime reporting district where the crime rate is higher than the area wide average, no evidence or communications, including from the Los Angeles Police Department, were received indicating that the location of the proposed the hotel and associated restaurants and amenities has been the subject of criminal or nuisance activity.

With the operating conditions included herein, the approval of the request is not anticipated to result in late night nuisance activity or contribute to the area's crime rate.

The subject grant has been conditioned to require a Plan Approval not less 18 months and not later than 24 months after the operation begins as well as anytime throughout the operation to allow the Zoning Administrator to evaluate the operations of the project if documentation is submitted showing that the project is not in compliance with the approved conditions. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not grant a conditional use and thus avoid the need to proceed with prolonged nuisance abatement proceedings. The project has been conditioned to prevent negative impacts and integrate the use into the community as well as protect community members from adverse potential impacts. As such, the proposed the hotel and associated restaurants and amenities with the sale of a full line of alcoholic beverages will be compatible with the surrounding development and will not adversely affect the welfare of the surrounding community.

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

The following sensitive uses are located within 1000 feet of the project site:

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

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

Environmental Findings

9. Based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2014-3707-MND-REC1, adopted on February 3, 2016; and pursuant to CEQA Guidelines 15162 and 15164, as supported by the Addendum dated October 2020 (ENV-2014-3707-MND-REC2), no major revisions are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the project.
10. **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 outside of a flood zone.

COVID-19 UPDATE

Interim Appeal Filing Procedures

April 17, 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are three options for filing appeals, described below.

OPTION 1: NON-APPLICANT ONLINE APPEAL PORTAL

(planning.lacity.org/development-services/appeal-application-online)

Non-applicant appeals of entitlements can now be submitted online and payment can be made by credit card. The online appeal portal allows non-applicants to fill out and submit the appeal application directly to the Development Services Center. Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. *Note: a 2.7% credit card processing service fee will be charged. CEQA appeals, Building and Safety appeals (LAMC Section 12.26K), and Applicant appeals can only be filed using Option 2 or 3 below.*

OPTION 2: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email planning.figcounter@lacity.org with the subject line: **"Request to File Appeal."** In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles (\$109.47 for an aggrieved party, not the Project Applicant.)
- **Mail the appeal application to:**
Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. **Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.**

OPTION 3: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/ Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment