



## APPLICATIONS:

# APPEAL APPLICATION

## Instructions and Checklist

**Related Code Section:** Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

**Purpose:** This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

### A. APPELLATE BODY/CASE INFORMATION

#### 1. APPELLATE BODY

- ☐ Area Planning Commission    ☐ City Planning Commission    ☐ City Council    ☐ Director of Planning  
☐ Zoning Administrator

Regarding Case Number: \_\_\_\_\_

Project Address: \_\_\_\_\_

Final Date to Appeal: \_\_\_\_\_

#### 2. APPELLANT

**Appellant Identity:**  
(check all that apply)

- ☐ Representative    ☐ Property Owner  
☐ Applicant    ☐ Operator of the Use/Site

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

- ☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative    ☐ Owner    ☐ Aggrieved Party  
☐ Applicant    ☐ Operator

#### 3. APPELLANT INFORMATION

Appellant's Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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

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

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

- ☐ Self    ☐ Other: \_\_\_\_\_

b. Is the appeal being filed to support the original applicant's position?    ☐ Yes    ☐ No

#### 4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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

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

#### 5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☐ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☐ Yes ☐ No

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

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

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

#### 6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: \_\_\_\_\_ Date: 9/18/2022

#### GENERAL APPEAL FILING REQUIREMENTS

#### B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

##### 1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)  
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☐ Appeal Application (form CP-7769)  
☐ Justification/Reason for Appeal  
☐ Copies of Original Determination Letter

##### b. Electronic Copy

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

##### c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.  
☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

##### d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC  
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

**SPECIFIC CASE TYPES - APPEAL FILING INFORMATION**

**C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**

**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

**NOTE:**

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

**D. WAIVER OF DEDICATION AND OR IMPROVEMENT**

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

**NOTE:**

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

**E. TENTATIVE TRACT/VESTING**

**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

**F. BUILDING AND SAFETY DETERMINATION**

- ☐ **1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

**b. Notice Requirement**

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

**a. Appeal Fee**

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

**b. Notice Requirement**

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

## G. NUISANCE ABATEMENT

### 1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

#### a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

### 2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

#### a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

## NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

**Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

Jordan R. Sisson  
801 South Grand Avenue, 11th Floor  
Los Angeles, California 90017  
Direct: (951) 542-2735  
Fax: (213) 623-7755  
E-mail: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)  
[www.gideonlaw.net](http://www.gideonlaw.net)

September 15, 2022

**RE: Appeal Justification for Two Interrelated Projects;  
El Sol Project (719-725 E. 5<sup>th</sup> St.) DCP Case Nos. ZA-2021-9890, ENV-2017-4735;  
Rendon Hotel Project (2053 E. 7<sup>th</sup> St.) DCP Case Nos. ZA-2017-4734, ENV-2017-4735**

On behalf of UNITE HERE Local 11 (“**Local 11**” or “**Appellant**”), this office concurrently submits two appeals (“**Appeals**”) to the City of Los Angeles (“**City**”) Department of City Planning (“**DCP**”) involving two interrelated developments:

- (1) **RENDON HOTEL**: the proposed 103-room hotel development located at 2053 East 7th Street consisting of a new 15-story hotel structure and alterations of an existing three-story building that would convert 41 single-room occupancy units (“**SRO(s)**”), which includes granting of various land use entitlements including a general plan amendment, zone change, height district change, conditional uses permits, zone variance, zoning administrator adjustment, and site plan review (“**Rendon Entitlements**”) under Department of City Planning (“**DCP**”) case No. CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR (collectively “**Rendon Project**”). The Rendon Entitlements were approved and/or recommended for approval by the City Planning Commission (“**CPC**”) via a Letter of Determination (“**LOD**”) mailed on August 30, 2022, which LOD states September 19, 2022 is the final date to appeal.<sup>1</sup>
- (2) **EL SOL HOTEL**: reestablish 42 SRO units at the existing three-story building located at 719 E. 5th Street that historically provided 58 units, which includes granting a zone variance (“**El Sol ZV**”) under DCP case no. ZA-2021-9890-ZV (collectively “**El Sol Project**”). The El Sol ZV was initially approved by the City’s Zoning Administrator (“**ZA**”),<sup>2</sup> which was subsequently appealed and upheld by CPC via a Corrected LOD mailed September 8, 2022, which states September 23, 2022 is the final date to appeal.<sup>3</sup>

The Rendon Project and El Sol Project (collectively “**Projects**”) are *interrelated because they both rely on the same Mitigated Negative Declaration* initially circulated in February 2021 (“**MND**”),<sup>4</sup> subsequently revised via a March 2022 Erratum, and processed under DCP Case No. ENV-2017-4735-MND. The El Sol Project (i.e., reestablishing 42 SRO units) is intended to serve as the Rendon Project’s (i.e., conversion of 42 SRO units) compliance with the City’s Residential Hotel Unit Conversion and Demolition Ordinance 179,868) (“**RHO**”), the Wiggins Settlement Agreement

---

<sup>1</sup> CPC LOD (8/30/22) DCP Case No. CPC-2017-4734, <https://planning.lacity.org/pdiscaseinfo/document/MjczMTA0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

<sup>2</sup> ZA LOD (3/17/22 DCP Case No. ZA-2021-9890, <https://planning.lacity.org/pdiscaseinfo/document/MTk0OTI0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

<sup>3</sup> CPC LOD (9/8/22) DCP Case No. ZA-2021-9890, <https://planning.lacity.org/pdiscaseinfo/document/MjgwMDE0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

<sup>4</sup> Inclusive of appendices (“**APP-##**”) retrieved from City website <https://planning.lacity.org/development-services/negative-declaration-public-notice> and Erratum (<https://www.dropbox.com/s/eoht7h7now0fj1/ENV-2017-4735-MND%20-%20Erratum.pdf?dl=0>).

(“**Settlement**”), and other guidelines and controls on residential hotel development within the redevelopment area (“**Development Guidelines**”). (See MND Erratum, cover & pp. 3, 20.<sup>5</sup>)

**REASON FOR THE APPEALS:** The Appellant hereby appeals all the Rendon Entitlements, the El Sol ZV, as well as the MND for both the Rendon and El Sol Projects. Based on the review of relevant documents, approval of the Projects in reliance of the MND violates the Los Angeles Municipal Code (“**LAMC**” or “**Code**”), the California Environmental Quality Act (“**CEQA**”),<sup>6</sup> as well as the one-for-one replacement requirement under the RHO, Settlement, and Development Guidelines. Appellant respectfully requests the City Council grant the Appeals and withhold all approvals for the Projects—which are stayed under the Code by the timely filing of the Appeals (see e.g., LAMC §§ 11.5.13.D, 11.5.14 5.D(g)(5), 12.27.M, 12.24.I.2)—until the issues raised herein and elsewhere in the Projects’ administrative record are adequately addressed.

**SPECIFIC POINTS IN ISSUE:** First, CPC’s approvals on the Projects fail to adequately address CEQA compliance concerns, including the MND’s failure to properly analyze and mitigate the Projects’ environmental impacts (e.g., vehicle miles traveled, greenhouse gas emissions, noise, housing, land use inconsistency, etc.) that were raised by Appellant and others, including multiple experts (e.g., SWAPE, Menlo Scientific Acoustics, Smith Engineering),<sup>7</sup> which are reiterated and fully incorporated into the Appeals.

Second, CPC’s LODs for both Projects fail to address Local 11’s concern with the City’s refusal to apply the one-for-one replacement requirement to the El Sol Hotel units, as raised in Local 11’s comment letter dated April 28, 2022 (attached hereto as Exhibit A). As fully explained therein, the SRO rules do in fact apply to the El Sol Hotel, which DCP staff claimed was not a residential hotel leading up to and during the CPC hearing.<sup>8</sup> The CPC LODs now admit the El Sol Hotel was a residential apartment hotel use<sup>9</sup> but fail to explain why it is not subject to the one-for-one SRO replacement requirement.

Appellant reserves the right to supplement these comments and specific appeal points in the future. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during the EIR comment period].)

---

<sup>5</sup> See also Ordinance ([https://clkrep.lacity.org/online/docs/2008/08-0644\\_ord\\_179868.pdf](https://clkrep.lacity.org/online/docs/2008/08-0644_ord_179868.pdf)); Settlement (<https://www.dropbox.com/s/rm6tds3okl4m8m8/Wiggins%20Settlement%20Agreement%20executed%20-%20Full.pdf?dl=0>); SRO Hotel Guidelines ([https://www.dropbox.com/s/80pock2g5bywkzt/D4D\\_CI\\_CT\\_%20RESIDENTAL\\_HOTELS.pdf?dl=0](https://www.dropbox.com/s/80pock2g5bywkzt/D4D_CI_CT_%20RESIDENTAL_HOTELS.pdf?dl=0)).

<sup>6</sup> Pub. Res. Code § 21000 et seq. and 14 Cal. Code Regs. (“**CEQA Guidelines**”) § 15000 et seq.

<sup>7</sup> See e.g., DCP (4/28/22) CPC Appeal Report, PDF pp. 59-232, [https://planning.lacity.org/plndoc/Staff\\_Reports/2022/04-19-2022/ZA\\_2021\\_9890.pdf](https://planning.lacity.org/plndoc/Staff_Reports/2022/04-19-2022/ZA_2021_9890.pdf).

<sup>8</sup> See e.g., DCP (4/25/22) Technical Modifications, PDF p. 1, [https://drive.google.com/drive/folders/1mGccHzSz6T\\_cqzzRI-A8m-i33rFHnSvC](https://drive.google.com/drive/folders/1mGccHzSz6T_cqzzRI-A8m-i33rFHnSvC); DCP (4/28/22) Presentation, Slide 5 (“Not a Residential Hotel”), Slide 22 (“Not subject to the RHO No Guest Rooms or Efficiency Units”), <https://drive.google.com/drive/folders/1LAy9lnOfsbCSvWbzIzxxZAsc4WYZNY-i>; CPC (4/28/22) Item 12/13 minutes, hh:mm:ss 00:07:00 – 00:08:15, 00:16:00 – 00:17:45, [https://planning.lacity.org/plndoc/Audio/CPC/2022/04-28-2022/12\\_ZA\\_2021\\_9890.mp3](https://planning.lacity.org/plndoc/Audio/CPC/2022/04-28-2022/12_ZA_2021_9890.mp3).

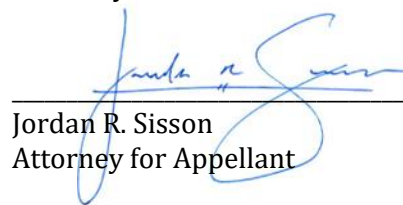
<sup>9</sup> See CPC LOD, supra fn. 2, pp. F-23 (“The historic building permit record shows that the [El Sol Hotel] property and building were used as a residential hotel use until approximately 2018.”); see also CPC LOD, supra fn. 3, pp. F-1 – F-3 (passim).

**HOW ARE YOU AGGRIEVED BY THE DECISION:** Local 11's members live and/or work in the vicinity of the Project sites, breathe the air, suffer traffic congestion, and suffer other environmental impacts of the Projects unless they are properly analyzed and mitigated. Additionally, Local 11 is committed to ensuring responsible development in Los Angeles, that local land-use rules/regulations are followed, and informed decision-making by public officials regarding projects that may significantly impact the environment and affordable housing in the City of Los Angeles. Hence, granting this Appeal will confer a substantial benefit to Local 11 and the public, including citizens, residents, businesses, and taxpayers affected by the Projects, and result in enforcing important public rights.

**HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** CPC abused its discretion because it improperly granted the two Projects' entitlements and approved the MND in violation of the RSO and Code, and relied on an inadequate CEQA review – as explained above, Exhibit A attached hereto, and in prior comments already in the administrative record,<sup>10</sup> which by this reference are incorporated in their entirety into the Appeals.

Finally, on behalf of the Appellant, this office requests, to the extent not already on the notice list, for all notices of CEQA actions, hearings on the Appeals and any approvals for the Projects, CEQA determinations, or public hearings to be held on the Projects under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F.) Please send notice by electronic and regular mail at the address provided on page one of this letter.

Sincerely,



---

Jordan R. Sisson  
Attorney for Appellant

**ATTACHMENTS:**

Exhibit A: Local 11 Comment Letter (4/28/2022)

---

<sup>10</sup> Supra fn. 7.

## **EXHIBIT A**



April 28, 2022

**VIA EMAIL:**

City Planning Commission ([cpc@lacity.org](mailto:cpc@lacity.org))  
c/o Oliver Netburn, City Planner ([oliver.netburn@lacity.org](mailto:oliver.netburn@lacity.org))  
City Planning Department, City of Los Angeles

**RE: Item 12 (El Sol Hotel) & Item 13 (Rendon Hotel), CPC Hearing Scheduled 4/28/2022;  
Appeal of El Sol Project (719 E. 5<sup>th</sup> St.) (DCP Case Nos. ZA-2021-9890, ENV-2017-4734);  
Rendon Hotel Project (2053 E 7<sup>th</sup> St.) (DCP Case Nos. CPC-2017-4734, ENV-2017-4734);**

Dear City Planning Commission (“CPC”) and Department of City Planning (“DCP”):

On behalf of UNITE HERE Local 11 (“**Local 11**” or “**Appellant**”), this office respectfully provides the following comments to the City of Los Angeles (“**City**”) regarding the above-referenced “**Appeal**” of the El Sol Hotel project (i.e., reestablish single-room occupancy (“**SRO**”)) involving the inter-related Rendon Hotel project (i.e., 103-room hotel) (collectively “**Projects**”). In addition to its environmental concerns, Local 11 is seriously concerned with the Projects’ compliance with the City’s SRO rules—namely the one-for-one replacement requirements under: (i) the “**Development Guidelines**” and Controls for Residential Hotels in the Central Industrial “**Redevelopment Plan**” Project Area; (ii) the City’s Residential Hotel Unit Conversion and Demolition “**Ordinance**” 179868 codified under the Los Angeles Municipal “**Code**” or “**LAMC**” § 47.70 *et seq.*; and (iii) the Wiggins “**Settlement Agreement**.”<sup>1</sup> For example, Section VI (B) (3) of the Development Guidelines state:

"Replacement may mean new construction or rehabilitation of existing units. However, rehabilitated units may only qualify as Replacement Units if the units are not included on Attachment A to these Development Guidelines." (Emphasis added.)

The El Sol is included in Attachment A and, thus, the 33 historic SRO units at the El Sol Hotel must be replaced in addition to the Rendon Hotel’s 42 units—totaling 75 units subject to the City’s one-for-one replacement requirement. DCP disagrees, arguing the SRO rules do not apply to the El Sol Hotel because: (i) the site was erroneously included in the Wiggins Settlement Agreement; (ii) the site has no guest rooms or efficiency units and is not a residential hotel; (iii) the prior owner “initiated Ellis proceedings” in September 2018; and (iv) the hotel “lost its non-conforming rights” to operate in the M zone.<sup>2</sup> Respectfully, the City’s arguments are irrelevant under the plain language/purpose of the City’s SRO rules.

First, not only is it unexplained why the El Sol Hotel was “erroneously” included in the Settlement Agreement, but DCP fails to recognize that the City’s SRO rules under the Development Guidelines and Ordinance are independent of the private Wiggins settlement between the City and Legal Aid Foundation. The El Sol Hotel is listed in the attachment to the City’s Development Guidelines, and compliance is required for consistency with the applicable Redevelopment Plan. Furthermore, the Development Guidelines and Ordinance clearly indicate that compliance with one does not excuse compliance with the other.<sup>3</sup> Thus, even if compliant with the Settlement Agreement, the Projects must still comply with the one-for-one replacement requirement independently enforceable both under the Development Guidelines and Ordinance.

<sup>1</sup> See [Development Guidelines](#) (Jun. 2006); [Ordinance](#) (May 2008); [Settlement Agreement](#) (Aug. 2006).

<sup>2</sup> See [Staff Report](#), pp. A-16 – A-17 (response to appeal point 15); [Staff Presentation](#), slides 4, 5, 22.

<sup>3</sup> See LAMC § 47.89; see also Development Guidelines § XI.

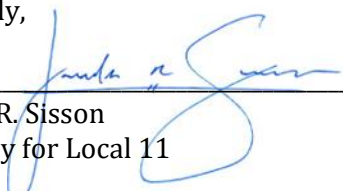
Second, staff repeatedly acknowledges the site's recent use as a residential hotel, it is listed on ZIMAS as subject to the Ordinance and Development Guidelines,<sup>4</sup> and this is further substantiated by the site's previous owner under DCP case no. ZA-2015-2843 (withdrawn in October 2016).<sup>5</sup> The site falls squarely within the definition of "Residential Hotel" under the Development Guidelines and the Ordinance, which includes a strong presumption for SROs operating in 2005.<sup>6</sup> There is no evidence that the site was not used as a primary residence in 2005. On the contrary, the LA Housing Department record seems to show "RSO" / "SCEP" payments were "paid" in 2008,<sup>7</sup> and that the Salvation Army was providing supportive service in combination with residential housing<sup>8</sup> which can be a form of relative long-term/primary housing under the Code.<sup>9</sup> Thus, the evidence and presumptions favor finding the El Sol units subject to the Development Guidelines and Ordinance.

Third, there is no evidence that the El Sol falls within the narrow exemptions from the SRO rules,<sup>10</sup> such as submitting a "notice of intent to withdraw all of the building's accommodations from rent or lease" before October 11, 2005. (LAMC § 47.74.B.3.) Neither initiating Ellis Act proceedings in 2018 nor losing non-conforming rights qualifies for an exemption from the Development Guidelines or Ordinance, which apply to even vacant units.<sup>11</sup> DCP cannot expand these narrow exemptions.

In sum, the El Sol falls within the plain language of the Development Guidelines and Ordinance. There is no evidence that any of the specific exemptions apply. Neither the staff report's three-sentence response nor the presentation's conclusory claims address this issue, which is central to Local 11's Appeal. At stake is preserving 33 additional SRO units, which warrants CPC continuing this item until DCP confirms strict compliance with the City's SRO zoning rules.

We appreciate your consideration.

Sincerely,

  
Jordan R. Sisson  
Attorney for Local 11

<sup>4</sup> See e.g., Staff Presentation, slides 2 & 5 ("reuse of existing Residential Hotel" ... "33 Light Housekeeping Rooms (a hotel use from 1906 to 2016)"); Staff Report, PDF pp. 4, 45 (building used "as a residential hotel use until approximately 2018 ... continually operated as a residential hotel, most recently by Salvation Army, who owned and managed the building until approximately 2010"); Supplemental Documents, PDF p. 7 ("... building has long been used for residential purposes (Hotel/Rooming House)"); ZIMAS (listing "ZI-2353 Residential Hotel Unit Conversion Demolition Ordinance" and "ZI-2487 City Center/Central Ind. Dev. Guidelines & Controls for Residential Hotels").

<sup>5</sup> Master Land Use Permit Application (8/3/15) PDF p. 1 ("light housekeeping over retail ... Micro Live/Work units over retail"); Environmental Assessment Form (11/10/15) PDF pp. 16, 19 ("...subject to the CRA Development Guidelines ... El Sol Hotel, appears as #27 on Attachment A, a list of affected sites ... entitled for 33 units of light housekeeping per its CFO ... Single-bedroom units ....").

<sup>6</sup> See Development Guidelines, pp. 5-6 (includes SRO units, guest rooms or efficiency units used as primary residence including those meeting definition "within one year prior to the adoption of the Development Guidelines [i.e., Jun. 2005] are considered to a be Residential Hotel/SRO ... inventory of Residential Hotels meeting this definition is attached hereto" [i.e., listing El Sol]); see also Ordinance, p. 4-5 (Residential Unit includes units occupied on October 11, 2005 and article "presumes that 100 percent of the units of any building that is a Residential Hotel are used for residential purposes and constitutes Residential Units").

<sup>7</sup> Supplemental Documents, PDF p. 25.

<sup>8</sup> Proposed ZAA Findings (undated) PDF p. 2 (Salvation Army "operated the Harbor Light/Safe Harbor Programs here. When Salvation Army left the site in 2009 ...."); LA Weekly (10/5/09) (then media manager of communications "said the Salvation Army was currently preparing to move the current remaining residents of Harbor Light to other regional residential facilities ....").

<sup>9</sup> LAMC § 12.03 ("Supportive Housing" defined as "housing with no limit on length of stay[.]" "Supportive Services" includes inter alia "permanent housing" and other services necessary to obtain/maintain housing, and "Transitional Housing" is linked to supportive services offered "usually for a period of up to 24 months.

<sup>10</sup> See e.g., Development Guidelines §§ IX, X; LAMC §§ 47.74, 47.75.C, 47.76.

<sup>11</sup> See e.g., Development Guidelines §§ IV.B.6, IV.B.8, VI.B.1, VI.C.



# LOS ANGELES CITY PLANNING COMMISSION

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

## LETTER OF DETERMINATION

MAILING DATE: **AUG 30 2022**

**Case No. CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZAA-ZV-RDP-SPR**

CEQA: ENV-2017-4735-MND

Council District: 14 – de León

Plan Area: Central City North

Related Case: ZA-2021-9890-ZV-1A

**Project Site:** 2053 – 2059 East 7th Street

**Applicant:** Ralph Ziman, 1711 Lincoln, LLC.  
Representative: Elizabeth Peterson, Elizabeth Peterson Group, Inc.

At its meeting of **April 28, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

One-story addition to an existing, 14,910 square-foot, three-story hotel, and the construction, use, and maintenance of an attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five inches and a total floor area of 67,615 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2nd, 3rd, 4th, 13th, 14th, 15th and rooftop levels. The existing hotel building would remain and would undergo structural alterations, tenant improvements, and a one-story addition.

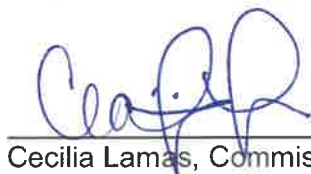
1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration (Case No. ENV-2017-4735-MND), as circulated on February 11, 2021, and the subsequent Erratum to the MND ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; **Found** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **Found** the mitigation measures have been made enforceable conditions on the Project; and **Adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Approved and Recommended**, that the Mayor and the City Council **adopt**, pursuant to Charter Sections 555, 556, and 558 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to the Central City North Community Plan to change the Community Plan land use designation from Heavy Manufacturing to Regional Center Commercial for the subject property;
3. **Approved and Recommended**, that the City Council adopt, pursuant to LAMC Sections 12.32 D and 12.32 Q, a Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO Zone;
4. **Approved**, pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit to allow the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with in-room mini-bars, the ground floor lobby, art studio/gallery and bar, 2nd-3rd floor art gallery, 4th floor art gallery, café and bar, and the 13th and 15th floor restaurant and bar all with daily operating hours from 7:00 a.m. to 2:00 a.m. indoors and 7:00 a.m. to 11:00 p.m. outdoors and occasional live entertainment;

5. **Approved**, pursuant to LAMC Section 12.24 W.18, a Conditional Use Permit to permit public dancing in conjunction with the operation of restaurants and/or bars in the C2 Zone;
6. **Approved**, pursuant to LAMC Section 12.27, a Variance from LAMC Section 12.21 A.4 to allow zero on-site parking spaces in lieu of 56 required parking spaces;
7. **Approved**, pursuant to LAMC Section 12.28 A, a Zoning Administrator's Adjustment to maintain an existing non-conforming four-foot western side yard setback for the 2nd and 3rd floors of the existing building; to allow a three-foot rear yard setback, in lieu of a 20-foot rear yard setback, for the hotel addition; and allow an 11-foot western side yard setback, in lieu of a 16-foot side yard setback for the new hotel addition on the 5th through 15th floors;
8. **Approved**, pursuant to LAMC Section 11.5.14, a Redevelopment Plan Project Compliance Review for development activity involving a Residential Hotel/Single Room Occupancy Hotel (SRO);
9. **Approved**, pursuant to LAMC Section 16.50, a Site Plan Review for a proposed hotel containing more than 50 guest rooms;
10. **Adopted** the attached Modified Conditions of Approval; and
11. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Millman  
Second: Lopez-Ledesma  
Ayes: Campbell, Leung, Mack  
Absent: Choe, Hornstock, Perlman, Dake Wilson

**Vote: 5 – 0**



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

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

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission as it relates to the General Plan Amendment is final. The Zone and Height District Change is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: SEP 19 2022**

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, Maps, Modified Conditions of Approval, Findings, Resolution, Interim Appeal Filing Procedures

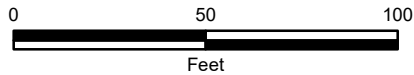
c: Heather Bleemers, Senior City Planner  
Oliver Netburn, City Planner

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 Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:

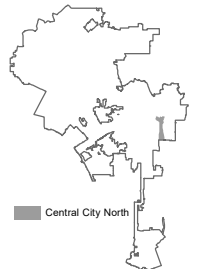


CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR-RDP

AAI Cf

062222

City of Los Angeles



## (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 the commercial uses as permitted in the M3 Zone as defined in LAMC Section 12.20, except as modified by the conditions herein or subsequent action.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. **Residential Hotel Unit Conversion and Demolition Ordinance.** Prior to the issuance of any permits relative to the conversion of any guest room to light housekeeping room, an Application for Clearance must be approved by the Los Angeles Housing and Community Investment Department pursuant to Article 7.1 of Chapter IV of the Los Angeles Municipal Code, otherwise known as the "Residential Hotel Unit Conversion and Demolition Ordinance."
4. **River Improvement Overlay.** The applicant shall record a covenant that the project shall comply with the requirements of the River Improvement Overlay District.



## **“D” DEVELOPMENT 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. **Floor Area.** The total floor area permitted on the subject property shall not exceed a Floor Area Ratio of 6:1.
2. **Height.** The project shall be limited to 15 stories and 172 feet, five (5) inches (172'-5"). Roof structures and equipment found in LAMC Section 12.21.1-B,3 may exceed the height limit by not more than 20 feet.

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

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

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

### Responsibilities/Guarantees.

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

a. **Dedication Required:**

Santa Fe Avenue (Avenue II) - None

7<sup>th</sup> Street (Avenue II) – None

b. **Improvements Required:**

Santa Fe Avenue - Construct new concrete sidewalk, integral concrete curb and 2-foot gutter along the property frontage. Upgrade the access ramp at the intersection with 7<sup>th</sup> Street and all driveways to comply with ADA requirements.

7<sup>th</sup> Street - Construct new concrete sidewalk, integral concrete curb and 2-foot gutter along the property frontage.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services (213) 847-3077.

- c. Sewer lines exist in 7<sup>th</sup> Street and Santa Fe Avenue. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
- d. Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk connected to the catch basins.

- e. Submit shoring and lateral support plans to the Excavation Counter of the Bureau of Engineering for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
- f. Submit parking area and driveway plan to the Department of Transportation and the Central District Office for review and approval.

**3. Bureau of Street Lighting.**

- a. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.
- b. Construct new street light: one (1) on Santa Fe Avenue. If street widening per BOE improvement conditions, relocate and upgrade street light; one (1) on 7<sup>th</sup> Street.

**4. Department of Housing.** The following improvements shall be either constructed or that the construction shall be suitably guaranteed prior to effectuation of the (T)(Q)C2-2D-RIO Zone:

The construction of 42 units at the property at 721 East 5<sup>th</sup> Street (El Sol Hotel), subject to the terms and conditions established in the Rendon Hotel Housing Replacement Plan (2053 East 7<sup>th</sup> Street), as approved by the Los Angeles Housing Department.

## **CONDITIONS OF APPROVAL**

(As modified by the City Planning Commission at its meeting on April 28, 2022)

Pursuant to Sections 12.24, 12.27, 12.28 and 16.05 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated June 8, 2017, 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 Director of City Planning to impose additional corrective Conditions, if, in the Director'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. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
6. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site.
7. 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.

### **Conditional Use Conditions**

8. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the use and operation of a of 103-room hotel from the effective date of this grant, subject to the following limitations:
  - a. Minibars shall be permitted within each of the 103 hotel guest rooms.
  - b. The floor area, exclusive of the hotel guest rooms, shall be limited to 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels.
  - c. The hours of operation shall be limited to 6:00 a.m. to 2:00 a.m. daily.
9. Authorized herein is patron dancing at the 4<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> floor levels, subject to the following limitations:
  - a. The 4<sup>th</sup> floor shall be permitted a maximum of two (2) dance floors, with each dance floor not to exceed 200 square feet in size.

- b. The 13<sup>th</sup> floor shall be permitted a maximum of one (1) dance floor, not to exceed 200 square feet in size.
  - c. The 15<sup>th</sup> floor shall be permitted a maximum of two (2) dance floors, with each dance floor not to exceed 200 square feet in size.
10. No after hours are permitted except for routine clean up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits from the City.
11. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
12. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days.
13. **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.
14. **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 completing of such training, the applicant shall request the Police Department or Department of Alcohol and 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.
15. 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 adjoining residents, property owners, and businesses.
16. 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.
- a. 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 no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism, and truancy occur.

17. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris or litter.
18. 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.
19. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
20. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of any outdoor dining/entrance and at any other utilized by the public.
21. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
22. 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.
23. Any music, sound or noise which is under control of the applicant shall not constitute a violation of 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.
24. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
25. The establishment shall be maintained as a bona fide eating place (restaurant) 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.
26. All deliveries shall be made in the parking area.
27. 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.

28. The outside disposal of glass bottles and containers shall only occur between the hours of 11:00 a.m. and 10:00 p.m.
29. **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 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations 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.
30. 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.
31. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

### **Zone Variance Conditions**

#### **32. Parking Lease.**

- a. A minimum of 56 parking spaces shall be provided 24-hours a day, daily at an off-site parking lot located at 2030-2042 East 7<sup>th</sup> Street.

- b. The off-site parking agreement between the applicant and the owner of the off-site parking lot shall be provided to the Director of Planning. The parking agreement shall include the number of parking spaces provided at the off-site parking lot and the hours, during which the off-site parking spaces are available for the subject hotel.
- c. The required off-site parking spaces shall be maintained for the life of the grant. If the parking agreement is cancelled, then another shall take its place and meet the requirements above. The replacement off-site parking shall be provided within 750 feet from the project location.

33. **Bicycle Parking.** The project shall provide a minimum of 36 bicycle parking spaces.

#### **Site Plan Review Conditions**

34. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan, to be attached to Exhibit A, prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

35. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.

36. **Maintenance.** The subject property (including all trash storage areas, associated parking facilities, sidewalks, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

37. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.

38. **Solar Energy Panels.** The project shall comply with Section 99.05.211.1 of the LAMC.

#### **Redevelopment Plan Conditions**

39. **Utilities.** The project shall locate all new utilities underground.

40. **Residential Hotel Unit Conversion and Demolition Ordinance.** Prior to the issuance of any permits relative to the conversion of any guest room to light housekeeping room, an Application for Clearance must be approved by the Los Angeles Housing and Community Investment Department pursuant to Article 7.1 of Chapter IV of the Los Angeles Municipal Code, otherwise known as the "Residential Hotel Unit Conversion and Demolition Ordinance."

#### **Environmental Mitigation Measures**

41. **Cultural Resources.** In the unlikely event that archaeological resources are discovered during excavation, grading, or construction activities, contractors would be directed to cease all earthwork activities in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. Personnel of the Proposed Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project Site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.



**42. Paleontological Resources.** If paleontological resources are discovered during excavation, grading, or construction, the City of Los Angeles Department of Building and Safety shall be notified immediately, and all work shall cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontological deposits would be treated in accordance with federal, State, and local guidelines.

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

- a. Construction and demolition shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
- b. The project contractor(s) shall employ state-of-the-art noise minimization strategies when using mechanized construction equipment. To the maximum extent practical, demolition and construction activities shall be scheduled and coordinated so as to avoid operating several pieces of equipment simultaneously, which cause high noise levels. Construction equipment shall not idle when not in use. The contractor shall place noise construction equipment as far from the Project Site edges as practicable.
- c. The project contractor shall use power construction equipment with noise shielding and muffling devices. The noise mufflers shall be consistent with manufacturers' standards and be equipped with all construction equipment, fixed or mobile.
- d. The project contractor shall erect a temporary noise-attenuating sound barrier along the perimeter of the Project Site. The sound wall shall be a minimum of 8 feet in height to block the line-of-site of construction equipment and off site receptors at the ground level. The sound barrier shall include  $\frac{3}{4}$  inch plywood or other sound absorbing material capable of achieving a 10-dBA reduction in sound level.
- e. An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.
- f. The Applicant shall provide a courtesy notice of the project's construction related activities to adjacent business owners and residences a minimum of two weeks prior to commencement of construction.

**44. Temporary Groundborne Vibration Impacts.**

- a. All new construction work shall be performed so as not to adversely affect the structural integrity of the buildings surrounding the Project Site. Prior to commencement of construction, a qualified structural engineer shall survey the existing foundations and structures of the Amp Lofts, located 695 S. Santa Fe Avenue, and provide a plan to protect them from potential damage. The structural monitoring program shall be implemented and recorded during construction.
- b. The performance standards of the structure monitoring plan shall including the following:
  - The qualified structural engineer shall monitor vibration during vibration-causing construction activities to ensure that the established impact threshold and shoring design is not exceeded. If feasible, alternative means of setting piles such as predrilled holes or hydraulic pile driving shall be employed to avoid exceeding the impact

threshold established. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-on letter describing damage, if any, to immediately adjacent buildings and recommendations for any repair.

- The monitoring program shall survey for vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, or noticeable structural damage becomes evident to the Project contractor, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to adjacent buildings.

**45. Construction Staging and Traffic Management Plan.** A detailed Construction Staging and Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans, would be prepared and submitted to LADOT for review and approval. The Construction Staging and Traffic Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Staging and Traffic Management Plan shall be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and should include the following elements as appropriate:

- Advance, bilingual notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation.
- Prohibition of construction worker or equipment parking on adjacent streets.
- Temporary pedestrian, bicycle, and vehicular traffic controls (i.e., flag persons) during all construction activities adjacent to public rights-of-way to ensure traffic safety on public roadways. These controls shall include, but not be limited to, flag people trained in pedestrian and bicycle safety.
- Temporary traffic control during all construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag persons).
- Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets.
- Potential sequencing of construction activity to reduce the amount of construction-related traffic on arterial streets.
- Containment of construction activity within the Project Site boundaries.
- Prohibition of construction-related vehicles/equipment parking on surrounding public streets.
- Coordination with Metro to address any construction near the rail right-of-way.
- Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers shall be implemented as appropriate.
- Scheduling of construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible.

**46. Transportation Demand Management (TDM) Strategies.** The Proposed Project shall integrate the following additional TDM strategies:

- **Reduced Parking Supply** - The LAMC, without consideration of parking reduction mechanisms, would require a total of 195 parking spaces. The Project proposes to provide zero on-site parking spaces, which is below the amount of vehicle parking required by direct application of the LAMC.
- **Transit Subsidies** - The Project will subsidize transit fares for employees of the Project site. The subsidies will be offered to each employee at least once annually for a minimum of five years. Per the options provided in the VMT Calculator, the Project will provide subsidies equivalent to a monthly Metro pass per employee, with 100 percent of employees eligible as part of the subsidy program.

- Implement/Improve On-Street Bicycle Facility - The Project proposes to install short-term bicycle parking along Santa Fe Avenue. Since 7<sup>th</sup> Street is identified as part of the Bicycle Network in the Mobility Plan 2035, the Project will improve bicycle infrastructure adjacent to this route by providing secure locations for visitors to secure their bicycles while they patronize the Project and nearby uses. This will help to reinforce that the Project and the surrounding area is a bicycle-friendly environment.
- Provide access to bike share - Metro's Bike Share program is able to provide discount codes as part of their Bike Friendly Business program. The best way to use this would be for the hotel to provide access for any guests (in other words do the legwork to secure renting the bike) that want to use it. Making it as easy and as accessible for the guests as possible.
- The project should consider to follow the new TDM Ordinance (LAMC 12.26 J) that is currently being updated. The updated ordinance will:
  - Expand the reach and application of TDM strategies to more land uses and neighborhoods,
  - Rely on a broader range of strategies that can be updated to keep pace with technology, and
  - Provide flexibility for developments and communities to choose strategies that work best for their neighborhood context.

#### **47. Tribal Cultural Resources.**

Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by a tribal representative of the Gabrieleño Band of Mission Indians – Kizh Nation; however, after good faith effort to retain a tribal monitor, if the Tribe is unable to provide an on-site monitor at the time of any demolition, grading or excavation activities, the Applicant may proceed with construction). Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources ("OHR").

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be Tribal Cultural Resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, 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 Applicant, or its successor, shall immediately stop all ground disturbance activities in the vicinity of the find 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 OHR.
- b. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, 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 Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.
- d. In addition to any recommendations from the tribal representative, a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
- e. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
- f. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.

- g. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 4 above.
- h. 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 and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
- i. Notwithstanding paragraph h above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

### **Administrative Conditions**

- 48. 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.
- 49. 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.
- 50. 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 ("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.
- 51. **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.
- 52. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
- 53. **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.
- 54. **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.

55. **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.
56. **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.
57. **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.
58. **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.
59. **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.
60. **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.
61. **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

### General Plan Amendment, Zone and Height District Change Findings

- 1. The General Plan may be amended in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic, or physical identity. (Charter Section 555)**

The subject property is located within the Central City North Community Plan which was updated by the City Council on September 7, 2016. The Plan Map designates the entire property for Heavy Manufacturing with corresponding M3 Zone. The property is zoned M3-1-RIO.

The subject property is located two (2) blocks south of the Artists-in-Residence District also known as the established Arts District neighborhood within the Central City North Community Plan area.

As stated in the Central City North Community Plan, the Artists-in-Residence District is bounded by 1<sup>st</sup> Street, the Los Angeles River, 6<sup>th</sup> Street, and Alameda Street. This area located just outside Little Tokyo boundaries, is primarily made up of old warehouses now converted to artists' lofts and studios. The Central City North Community plan encourages the continued and expanded development of a thriving artists-in-residence community in the plan and proposed redevelopment areas.

The surrounding area consists of a variety of commercial, live/work residential, industrial, and mixed-use developments. The Arts District neighborhood is known as a commercial neighborhood in the City of Los Angeles. A variety of uses surround the subject property within a half mile radius, including but not limited to; art studios, film studios, bars, breweries, restaurants, creative office spaces, retail uses, large produce and food markets, hotel uses, fitness facilities, public facilities, and mixed-use live/work uses.

Immediately adjacent to the subject property are diverse uses consisting of a new, 320-unit, mixed-use development to the north and west, a 39-unit development to the east, across Santa Fe Avenue, and a recently converted, five-story manufacturing building to creative office building; and along both 7<sup>th</sup> Street and Santa Fe Avenue are numerous restaurants and retail stores.

Furthermore, in recent years there has been an influx of newly constructed and proposed development in the immediate surrounding area. Within ¼-mile of the subject site are the following: 1) to the north is a 296,178 square-foot commercial office development with a 14-story building, and a 30-story mixed-use development consisting of 308 residential units, 236 hotel guest rooms, retail, and office space; 2) to the south is a 347-unit mixed-use development with 209,232 square feet of commercial floor area; and 3) to the west is a 122-unit mixed-use development, a 475-unit mixed-use development with 61,200 square feet of commercial floor area, and a 344-unit mixed-use development with 28,816 square feet of commercial floor area.

In addition, since 2017, within ¼-mile of the subject property, the City has amended to the Central City North Community Plan at five (5) different locations, amending the land use designation in the same manner herein.

In adopting the General Plan Amendment from Heavy Manufacturing to Regional Center Commercial, the city finds that based on the above facts, the subject property is a part of the



significant physical identity expressed by the development, uses, and land designations in the immediate area and that the building and project site contribute to the physical identity of the ever-expanding Arts District. The General Plan Amendment to Regional Center Commercial enables the project to redevelop the subject site by renovating the existing hotel in conjunction with constructing a new, attached 15-story hotel.

Therefore, the proposed General Plan Amendment to Regional Center Commercial is consistent with City Charter Section 555 as the subject property and proposed project are located within an area, the Arts District, that has significant physical identity.

**2. The action is in substantial conformance with the purposes, intent, and provisions of the General Plan. (Charter Section 556 & LAMC Section 12.32-C)**

The elements of the General Plan establish policies that provide for the regulatory environment in managing the city and for addressing concerns and issues. The Land Use element of the city's General Plan divides the city into 35 Community Plans. The subject site is located within the Central City North Community Plan with a land use designation Heavy Manufacturing. The subject property is zoned M3-1-RIO.

The General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, and the concurrent Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2D-RIO are in substantial conformance with the purposes, intent, and provisions of the General Plan, as follows:

Central City North Community Plan

The Community Plan text includes the following relevant land use Goal, Objectives and Policies:

Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policy 2-1.3: Insure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

Policy 2-1.4: Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

Objective 2-2: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Policy 2-2.2: New development needs to add to and enhance the existing pedestrian street activity

Objective 2-4: To enhance the appearance of commercial districts.

Policy 2-4.2: Preserve community character, scale, and architectural diversity.

The General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District change from M3-1-RIO to (T)(Q)C2-2D-RIO will facilitate a strong and competitive commercial sector through the construction of a new, 103-room hotel, offering short-term, overnight accommodations to visitors of the area, thereby supporting the viability of existing neighborhood stores and businesses with an increased economic base.

The project proposes the renovation and remodel of the existing hotel building at the corner of the 7<sup>th</sup> Street and Santa Fe Avenue, activating the ground floor a café and art gallery. The ground floor of the new hotel building includes the hotel lobby. The project does not include any driveways or curb cuts.

The project's new building height, at 15 stories and 172 feet, five (5) inches (172'-5"), is consistent with proposed and newly constructed development within the area. Nevertheless, the project has been designed to respect the present community character by preserving the existing, 1915 hotel, integrating it into the new, modern, 15-story hotel addition.

Therefore, the project is consistent with the Central City North Community Plan in that the project will implement the abovementioned goals, objectives and policies of the Plan.

#### The Framework Element

The Framework Element of 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.

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 General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District change from M3-1-RIO to (T)(Q)C2-2D-RIO will contribute toward and facilitate the City's long-term fiscal and economic viability by adding 103 short-term, overnight hotel rooms with ancillary commercial and restaurant spaces within the Arts District for visitors, workers, and residents. The project is located within a High-Quality Transit Area (HQTa) which is generally defined as a walkable corridor within ½-mile of well-served (high frequency) transit, in this case Metro 18, 60, and 62 Lines. As such, the project will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution. The project's location within a rapidly growing mixed-use district, and on an Avenue II 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 General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District change from M3-1-RIO to (T)(Q)C2-2D-RIO enable the development of a 103-room hotel with 15,907 square feet of commercial floor area which will provide jobs within Arts District and enhance urban lifestyle for residents and visitors. The project proposes the renovation and remodel of the existing hotel building at the corner of the 7<sup>th</sup> Street and Santa Fe Avenue, activating the ground floor a café and art gallery. The ground floor of the new hotel building includes the hotel lobby. The project does not include any driveways or curb cuts.

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 General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District change from M3-1-RIO to (T)(Q)C2-2D-RIO allows the development of the subject property in a manner that builds on the uniqueness of the Arts District as an artist community, but also recognizes the Arts District as a rapidly growing commercial center and the need for additional services and amenities, such as hotels. The project, which includes 15,907 square feet of new café/restaurant/bar/art gallery floor area will support the Arts District's visitors and 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 is located within an HQTAs and served by Metro 18, 60, and 62 Lines enabling it to function at both the local and region scale.

Therefore, the General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District change from M3-1-RIO to (T)(Q)C2-2D-RIO are consistent with the goals, objectives and policies of the General Plan Framework Element.

#### Air Quality

The Air Quality Element of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the city in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the city's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, project shall provide solar-ready consistent with the Los Angeles Municipal Code.

Therefore, the General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District change from M3-1-RIO to (T)(Q)C2-2D-RIO are consistent with the goals and objectives of the Air Quality Element.

#### Mobility Element

The Mobility Element of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Along 7<sup>th</sup> Street, adjoining the property to the south, is designated as an Avenue II, dedicated to a variable width of between 80 and 83 feet and is improved with roadway, curb, gutter, and sidewalks. Santa Fe Avenue, adjoining the property to the east, is designated as an Avenue II, dedicated to a variable width of between 50 and 68 feet and is improved with roadway, curb, gutter, and sidewalks.

7<sup>th</sup> Street is included in Mobility Plan 2035's "Enhanced" Networks as a Tier 2 Bicycle Lane, and Santa Fe Avenue is included in the Neighborhood Enhanced Network. The project as designed and conditioned 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.

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.

- 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 is located within an HQTa and served by Metro 18, 60, and 62 Lines which 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 multiple means to access the project.

Lastly, the Department of Transportation submitted a Traffic Impact Assessment of the proposed project, dated July, 9, 2020, and that determined that traffic impacts from the project would be significant, and imposed three (3) Transportation Demand Management mitigation measures, which have been incorporated into the conditions of approval.

Therefore, the General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District change from M3-1-RIO to (T)(Q)C2-2D-RIO are consistent with Mobility Plan 2035 goals, objectives and policies of the General Plan.

#### Sewerage Facilities Element

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.

3. **The initiated General Plan Amendment to the Central City North Community Plan will be in conformance with public necessity, convenience, general welfare, and good zoning practice, as described below. (Charter Section 558 & LAMC Section 12.32-C,3)**
  - a. Public Necessity: In 2013, the Chief Legislative Analyst reported (Council File No. 13-0991) that Downtown was one of several areas in the City with high demand for hotel

rooms. The CLA report found that that City has had about 0.9% compound annual growth in hotel room supply over the past 25 years, while nationally the hotel supply has grown at about 1.8% compounded annually for the same period. In 2015, Los Angeles Tourism and Convention Board (LATCB) reported that 6,400 new hotel rooms were built in New York City in 2014, while only 1,100 new hotel rooms were added in Los Angeles County. Granting the General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District Change to the (T)(Q)C2-2D-RIO Zone would allow the construction of a 103-room hotel on an under-developed site, increasing the number of hotels room in Downtown.

- b. Convenience: The Arts District, and the downtown area in general is the City's largest employment center and contains the highest concentration of jobs. Downtown is also 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, among another services. In the near future, additional services are planned for the Arts District. Nevertheless, the subject property is currently located within a High-Quality Transit Area (HQTa) which is generally defined as a walkable corridor within ½-mile of well-served (high frequency) transit, in this case Metro 18, 60, and 62 Lines. As such, granting the General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District Change to the (T)(Q)C2-2D-RIO would provide short-term, overnight accommodations for visitors and tourists to the downtown area.
- c. General Welfare: Granting the General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District Change to the (T)(Q)C2-2D-RIO would allow the redevelopment of the subject property within a rapidly growing mixed-use district and commercial 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 103-room hotel and restaurants will provide a significant number of jobs within approximately ½-mile of a variety of modes of public transit. The project will also include ground floor café/restaurant/art gallery spaces which would improve pedestrian safety, comfort, and well-being along the street during evening hours.
- d. Good Zoning Practices: The Arts District, and the downtown area in general is one of the City's fastest growing population centers. According data provided by the U.S. Census Bureau and the Southern California Association of Governments (SCAG), the City of Los Angeles had a population growth of approximately 4% between 2010 and 2017; at the same time, the downtown area saw a population growth of approximately 26%. By 2040, the population of the downtown area is anticipated to grow from 76,000 (2017) to 189,000, a 150% increase. With such an expected population growth, along with an already large employment base, the City's zoning must change to allow for the development of new services and accommodations in the Arts District. Granting the General Plan Amendment from the Heavy Manufacturing to Regional Center Commercial land use designation, along with the Zone and Height District Change to the (T)(Q)C2-2D-RIO would allow for the such services and accommodations through the development of the 103-room hotel.
- e. "T" and "Q" Classification and "D" Limitations Findings: Per Section 12.32-G, 1, 2 and 4 of the Municipal Code, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval and "D" development limitations. Such limitations 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 required actions. The conditions that limit the scale, design 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 the existing mixed-use development in the community, to secure an appropriate development in harmony with the General Plan as discussed in Findings Section 2, and to prevent or mitigate the potential adverse environmental effect of adding additional height or floor area to the established neighborhood.

Furthermore, in order ensure the development and provision of off-site housing for the public's needs and general welfare, as required under the Central Industrial Redevelopment Plan, the project is required to construct 42 Single-Room Occupancy unit at a nearby, off-site location, to the satisfaction of the Los Angeles Housing Department.

### **Conditional Use Findings**

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

4. **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 subject site consists of two-level parcels encompassing 11,287 square feet of lot area. The property is currently developed with a vacant three-story hotel and parking lot. The applicant proposes to develop one additional story to the existing hotel, and the construction, use, and maintenance of a new attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five (5) inches (172'-5") and a total floor area of 70,543 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels. The existing hotel building would remain and would undergo structural alterations, tenant improvements, and a one-story addition.

The subject grant is for a conditional use to permit the sale and dispensing of a full-line of alcoholic beverages for on-site consumption throughout the hotel; including a ground-floor restaurant and lobby, rooftop pool deck, and in hotel room minibar cabinets. The proposed project also includes a request for public dancing and live entertainment in conjunction with the proposed restaurants and bar. The proposed hours of operation are from 6:00 a.m. to 2:00 a.m., daily.

The subject property is located within the established Arts District neighborhood within the Central City North Community Plan area. The surrounding area consists of a variety of commercial, live/work residential, industrial, and mixed-use developments. The Arts District neighborhood is known as a commercial neighborhood in the City of Los Angeles. The renovation and expansion of an existing building and the construction of a new hotel would enhance the built environment by bringing new compatible development to the area, and alcohol service with live entertainment and public dancing would improve the viability and desirability of the proposed restaurant, bar, and other hotel amenities. In addition to hotel guests, the new restaurant, bar, and pool deck with the availability of alcoholic beverages will also provide a beneficial service for the residents and employees to the area, as the availability of alcohol sales is a desirable amenity that is typical of many restaurants and hotels. Further, as conditioned, the sale of alcoholic beverage will occur within a controlled environment within the store by trained employees, subject to security measures, limited hours of operation, STAR training, inspections, and evaluations of any nuisance complaints and the appropriateness of the use. Therefore, as conditioned, the project will enhance the built



environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city or region.

5. **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 applicant proposes to develop one additional story to the existing hotel, and the construction, use, and maintenance of an attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five (5) inches (172'-5") and a total floor area of 70,543 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels. Alcohol service will occur within the hotel room minibars, restaurant, bar, and art gallery. Live entertainment and dancing will occur at the 4<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> floors.

The request for on-site sales and dispensing of a full line of alcoholic beverages at the hotel and within its amenities having live entertainment and dancing will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety as there are similar uses in proximity to the subject site. Adjacent uses include a mix of hotel, commercial, mixed-use residential development, office, manufacturing, and industrial uses.

No evidence was presented at the hearing or in writing that the sale of alcohol will be materially detrimental to the immediate neighborhood. The project has been designed in a manner to enhance the public realm and improve the aesthetics and safety of the surrounding area. The inclusion of alcohol sales with public dancing and live music within the hotel, which has become common for hotel operations, will allow for an added amenity to the neighborhood. The alcohol service at the hotel will be carefully controlled and monitored, while being compatible with immediately surrounding uses that are commercial, office, industrial and/or mixed-use buildings. The proposed project will provide a place for residents and visitors to eat, drink, and socialize; as such, the sale of alcoholic beverages, along with live entertainment and dancing, is a normal part of a hotel's operation and is an expected amenity.

As proposed and conditioned herein, 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. Furthermore, this grant also includes conditions of approval intended to address alcohol-related issues to safeguard public welfare and enhance public convenience, such as proper employee training. The project would provide a service that would be beneficial to the community.

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

The elements of the General Plan establish policies that provide for the regulatory roadmap for future growth and development throughout the City. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use element of the city's General Plan divides the city into 35 Community Plan areas. The subject site is located within the Central City North Community Plan with a land use designation Heavy Manufacturing. The community plan text is silent with regards to the sale and dispensing of alcoholic beverages. In such cases, the City Planning Commission

must interpret the intent of the Plan. The Central City North Community Plan serves to address a number of issues and opportunities present in the area and recognizes the importance of retaining a viable and vibrant commercial sector. The hotel and ancillary uses are consistent with the initiated zone and land use designation. Additionally, the project is consistent with the following objectives and policies of the Community Plan:

Goal 2: A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policy 2-1.1: Protect commercially planned/zoned areas from encroachment by residential only development.

Objective 2-2: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Objective 2-4: To enhance the appearance of commercial districts.

Policy 2-4.2: Preserve community character, scale, and architectural diversity.

Objective 3-2: Encourage the continued development and maintenance of the artists-in-residence community in industrial areas of the proposed redevelopment plan areas and of the plan, as appropriate.

The project revitalizes a vacant hotel and will result in additional new hotel uses that have ancillary amenities such as a hotel room minibars, restaurant, bar, and art gallery in an area containing a mix of commercial uses that would attract a variety of consumers and tenants, actively promoting the area as a key economic center of the community. The project maintains a desirable commercial service within an area that allows for such uses. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which is a walkable and accessible through public transit which includes a variety of commercial uses. The conditional authorization for the sale of alcoholic beverages with public dancing and live entertainment is allowed through the approval of the City Planning Commission subject to certain findings. The required findings in support of the Central City North Community Plan have been made herein. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The approval of the conditional use to allow for the sale and dispensing of a full line of alcoholic beverages within the hotel, having public dancing and live entertainment at the 4<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> floors will not adversely affect the welfare of the community. With oversight from the California Department of Alcoholic Beverage Control, which regulates alcohol sales, and through the incorporation of the conditions of approval within this grant, the project will be compatible with the surrounding area as it will revitalize a vacant parcel with new hotel, dining, gallery, and bar uses in a neighborhood surrounded by such uses.

Surrounding properties are developed with a mix of office, commercial retail/restaurant, mixed-use housing, and commercial office uses. Properties to the north of the subject site are zoned M3-1-RIO with a land use designation of Heavy Manufacturing and are developed with a mixed-use residential units and commercial development. Properties to the east are zoned M3-1-RIO with land use designations of Heavy Manufacturing and are developed with live-work residential units and the Pacific Railroad tracks. Properties to the south, across East 7<sup>th</sup> Street, are zoned M3-1-RIO with a land use designation of Heavy Manufacturing and are developed with commercial developments. Properties to the west are zoned M3-1-RIO with a land use designation of Heavy Manufacturing and are developed with residential and commercial developments.

Diversity amongst uses is common in the immediate area surrounding the project site and while there are live-work/residential uses nearby, the proposed establishments open the public that will serve alcoholic beverages with live entertainment and public dancing will be part of a controlled and monitored operation. In addition, numerous conditions have been imposed to integrate the use into the community as well as protect community members from adverse potential impacts.

Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other conditions imposed will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, the granting of the request will not adversely impact the welfare of the pertinent community.

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, three licenses, two on-site and one off-site, are allocated to the subject Census Tract No. 2060.51. There are currently 65 licenses within this Census Tract, including 34 on-site, nine off-site and 22 other licenses.

Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Over 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.

According to statistics provided by the Los Angeles Police Department's Central Los Angeles Division Unit, within the Crime Reporting District. 159, which has jurisdiction over the subject property, a total of 334 crimes and arrests were reported in 2021, including 293 for Part I Crimes and 41 Part for II Arrests, compared to the citywide average of 149 crimes and arrests, and compared to the High Crimes average of 179 crimes for the same reporting period. It is not uncommon to have increased concentrations of crimes in a dense, urban area that is a regional and internationally known center and destination.

Alcohol-related Part II crimes reported by LAPD include, Narcotic Drug Laws (6), Liquor Laws

(0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (1), and Driving Under the Influence (5).

Given the project's location within a dense employment and residential center, the census tract's crime statistics related to alcohol are minimal and the issuance of an additional license to serve alcohol on-site is not anticipated to create a law enforcement problem. Furthermore, the requested entitlement for alcohol sales that are incidental to hotel patronage is not anticipated to adversely affect crime rates, given the nature of the use which will primarily involve alcohol being consumed by patrons of the restaurant, bar, and by hotel guests. The service of a full line of alcoholic beverages within a ground-floor restaurant and lobby, rooftop pool deck, and in hotel room minibar cabinets having live entertainment and public dancing, will both provide a unique service to workers, visitors, and residents. The project will also continue to enhance the physical environment and, as conditioned, will not negatively impact the area. The City Planning Commission has also incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Therefore, the granting of the request herein will not result in undue concentration.

9. **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 project site is zoned for commercial uses and will continue to be utilized as such with the market store use. The following sensitive uses are located within a 1,000-foot radius of the site:

#### **Sensitive Uses**

Live/work residential	
City Light Church	801 East 4 <sup>th</sup> Place
Saint Francis Xavier Church	222 South Hewitt Street
Japanese Catholic Center	
Zanshuji Soto Mission	123 South Hewitt Street
Centenary United Methodist Church	300 South Central Avenue
Motion City Church	400 Alameda Street
Grace Life LA	948 East 2 <sup>nd</sup> Street
Southern California Institute of Architecture	960 East 3 <sup>rd</sup> Street

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which would protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Furthermore, the proposed use will not detrimentally affect nearby residential properties and other sensitive uses because the urban environment mostly contains mixed-use buildings which already include residential and commercial uses.

This project will contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

**Zone Variance Findings****10. That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The subject site consists of two-level parcels encompassing 11,287 square feet of lot area. The property is currently developed with a vacant three-story hotel and parking lot. The applicant proposes to develop one additional story to the existing hotel, and the construction, use, and maintenance of an attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five (5) inches (172'-5") and a total floor area of 70,543 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels. The existing hotel building would remain and would undergo structural alterations, tenant improvements, and a one-story addition. The vacant site is not large enough to allow for the development of a subterranean parking garage as the space is not able to accommodate the necessary ramping needed.

As such, the project requires a zone variance to waive all parking requirements otherwise required per LAMC Section 12.21-A.4. The applicant has stated they will leasing the number of parking spaces that would otherwise be required from the owner of the Ford Factory, located directly across from the project site, and the hotel operator will solely offer valet services for guests.

The proposed project is required 56 parking spaces. LAMC Section 12.21 A.4, allows for a 15 percent parking reduction in exchange for attended bicycle parking. By using a bicycle parking reduction, the project is only required to provide 47 vehicle parking spaces, reduced from 56 spaces. The Code requires a total of 26 bicycle parking spaces including 13 short-term spaces and 13 long-term spaces. The applicant will locate all required bicycle parking spaces on-site and provide the Code-required automobile parking spaces off-site via a lease in lieu of a covenant.

The general intent of LAMC Section 12.21-A.4 is to ensure there are adequate parking spaces to accommodate business in proximity to the site so that guests are not forced to park on local streets or intrude into residential neighborhoods where parking may be limited. Because the hotel would cater to and promote the Arts District, it is likely that many guests will travel to/from the site from nearby studio and office buildings. Thus, it is reasonable that a portion of these trips will be by foot, bike, scooter, or rideshare, reducing the demand for parking.

Code-required parking will be provided across the street from the project site at the Ford Factory studios, approximately 150 feet south of the projects site. The number of Code required spaces would be leased in lieu of a covenant. Hotel guests and patrons would utilize the valet service.

Strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the parking regulations. The site includes physical constraints which make it not possible to provide the required parking on-site in a practical or feasible manner. With the existing hotel building being retained, the property has 70 feet of frontage along Santa Fe Avenue. In order to provide legally required access to a parking garage on-site, much of the frontage would be occupied by driveway. Beyond that, once onto the property, given the narrow width and short depth of the lot, the property could not accommodate ramping to parking levels either above or below grade in a manner that would be practical or feasible. Additionally, automated parking would

require automobile queuing on-site which, given the limited ground floor space, would not be practical or feasible. In response to these challenges, the project will be designed with valet stations located along the Santa Fe frontage.

While parking cannot be provided on the project site, off-site parking can accommodate the needs of the operation and reduce potential impacts to the surrounding street network. Valets will be provided to accommodate for these restrictions parking needs. Therefore, strict application of the parking provisions would result in practical difficulties when the request meets the intent of the parking regulations.

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

The subject property is comprised of two lots located on an 11,000 square-foot parcel containing an existing hotel that will be maintained and renovated, along with the development of a new hotel on the project site. The existing hotel was built in 1915, prior to current parking requirements.

LAMC Section 12.21 A.4(g) allows the project to provide Code-required parking on another lot within 750 feet pursuant to a covenant. However, property owners may not be willing to encumber their property with a covenant for many reasons, including liability issues. Other lots within 750 feet of the project site are largely developed with other uses and may not be available for lease. However, there are lots available in proximity to the site that can accommodate the number of Code-required parking spaces and, as discussed above, meet the project's parking demand while better managing traffic flow to and from the project. In order to ensure the project applicant is not violating any LAMC regulations, the applicant is waived from all parking requirements on site but will lease parking across the street at the Ford Factory and will provide a valet service for guests and patrons. A condition of approval has been established herein and a recorded parking covenant would be an encumbrance that would run with the land and restrict future use and development of property for an unlimited duration. Therefore, it is impractical for the applicant to obtain a covenant from other property owners, particularly in this neighborhood.

Given that the project involves the preservation and reuse of an existing, vacant hotel with limited space for additional parking, the site contains constraints from providing the required number of spaces on-site. The existing lot layout prohibits the provision of required parking. Therefore, there is a special circumstance, which is applicable to the subject property, its existing build out, which does not apply generally to other property in the same zone and vicinity.

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

The applicant proposes to eliminate all existing on-site parking in order to retain the existing hotel while developing a new hotel on the abutting vacant and size constrained lot. As allowed by the Zoning Code, the number of Code-required parking spaces will be located off-site. A condition of approval has been established herein and a recorded parking covenant would be an encumbrance that would run with the land and restrict future use and development of property for an unlimited duration. As such, the project will provide parking via lease in lieu of covenant.

Granting the zero (0) parking requirement preserves the applicant's enjoyment of the substantial property right to modernize an existing hotel building while introducing a newly constructed hotel containing ancillary uses on a constrained site. The hotel will utilize a valet-only parking policy that will allow for guests and patrons to easily visit the site while also significantly reducing the potential for queuing into the right-of-way, resulting in practical difficulties and unnecessary hardships. The variance is necessary to develop a use that meets the purpose and intent of the initiated C2 Zone, similar to the property rights generally possessed by other C2-zoned properties in the vicinity.

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

Granting the requested variance will not be material detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. The existing hotel was developed in the 1930s, along with many of the existing development surrounding the project site, prior to zoning regulations such as parking requirements. The Arts District is quickly becoming a job center for the City with new art and film studios and corporate headquarters coming into the area thereby increasing the need for hotel rooms to serve these uses.

The project site is located in an area zoned for heavy manufacturing uses but that is developed with a variety of uses, including; hotel, office, restaurant and commercial, and live-work developments. The initiated Zone Change for the site to go from the M3 to the C2 Zone is in-line with previous requests in the area. The hotel operator plans to lease the Code required parking spaces from the Ford Factory, located directly across the street from the project site.

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

The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements that act as the City's roadmap for future growth and development by establishing goals, policies, purposes, and programs. The majority of the policies derived from these elements are implemented in the Zoning Code. However, Chapter 3 (Land Use) of the Framework Element establishes broad goals, objectives, and policies for Regional Center Commercial land.

Goal 3.F states "Mixed-use centers that provide jobs, entertainment, culture, and serve the region". The corresponding objective (3.10) is to "reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles". The primary purpose of the hotel is to provide lodging amenities to visitors to the area but the use would also result in the creation of new job opportunities for the City's residents and contribute to the City's fiscal viability via transient occupancy tax payments. As such, the project conforms with the Framework Element of the General Plan because it provides services that cater to the nearby entertainment and artist industry especially prevalent in the Arts District.

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Project Site is located in the Central City North Community Plan area which designates the property for Heavy Manufacturing land uses with a corresponding zone of M3-1-RIO and Height District No. 1. The initiated General Plan Amendment, Zone Change and Height District Change would re-classify the site to Regional Center Commercial corresponding to the C2-2D Zone. The "C2" Zone permits a range of uses and is generally intended to promote commercial and job-related uses while providing a reasonable range of other uses. The hotel

and ancillary uses are allowed in the C2 Zone and allowing for zero parking to be provided on the project site is consistent with the ability provide a to broad range of uses that serve the region, and are developed to enhance urban lifestyles.

The Central City North Community Plan establishes objectives to help guide growth in the plan area. Objective 2-1 is applicable to the Project. It states: "To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services." As discussed above, the Project will result in the rehabilitation of an existing hotel use and the development of a new hotel having ancillary uses on a narrow site that would otherwise be difficult to accommodate the required parking while also creating additional dining and entertainment opportunities in addition to providing guest rooms and jobs in a way that is compatible with the surrounding industrial neighborhood and without adversely impacting other nearby uses. The variance will support the rehabilitation of a longstanding hotel use and will promote a newly constructed hotel having many neighborhood-serving amenities. The Community Plan text does not specifically address parking; however, the LAMC establishes standards related thereto and grants the Zoning Administrator authority to approve deviations from these standards pursuant to Section 12.27.

As shown above, the request meets the findings required per LAMC Section 12.27. For these reasons, the granting of the variance request will not adversely affect any element of the General Plan.

### **Zoning Administrator's Adjustment Findings**

**15. That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The subject site consists of two-level parcels encompassing 11,287 square feet of lot area. The property is currently developed with a vacant three-story hotel and parking lot. The applicant proposes to develop one additional story to the existing hotel, and the construction, use, and maintenance of an attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five (5) inches (172'-5") and a total floor area of 70,543 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels.

The initiated Zone Change would re-zone the project site from M3-1-RIO to C2-2D-RIO Zone. While the C2 Zone does not require setbacks for non-residential developments, the zone does impose setbacks on residential and hotel uses. Per Code, the newly developed hotel would be required to provide a 20-foot rear yard setback, side yards of 16 feet, and a front yard of 15 feet. The existing hotel adheres to a four-foot side yard.

The request is to maintain an existing non-conforming four-foot (4'-0") western side yard setback for the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the existing building; to allow a three-foot (3'-0") rear yard setback, in lieu of a 20-foot (20'-0") rear yard setback, for the hotel addition; and allow an 11-foot (11'-0") western side yard setback, in lieu of a 16-foot (16'-0") side yard setback for the hotel addition on the 5<sup>th</sup> through 15<sup>th</sup> floors.

The intent of yard setback requirements is to ensure that hotel guests have privacy, access to light and air, and open space. In addition, the lot is on the corner thereby allowing for increase light and air along the 7<sup>th</sup> Street frontage and along the Santa Fe Avenue frontage. As such, both the existing and the newly constructed hotel would meet the intent of the Zoning Code to provide proper access to light and air for the hotel guest rooms.



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

The project site is bounded by a mixed-used development to the north and west, Santa Fe Avenue to the east, 7<sup>th</sup> Street to the south. The project includes the rehabilitation and preservation of an existing vacant hotel building and the construction of a new hotel addition on the northern portion of the site. The applicant proposes to develop one additional story to the existing hotel, and the construction, use, and maintenance of an attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five (5) inches (172'-5") and a total floor area of 70,543 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels.

Properties surrounding the project site are developed with office, commercial, industrial, warehousing, and include residential/live-work units that are existing or are under construction. The Arts District has seen an influx of new development and investment in the area and numerous projects are within proximity to the project site. They include; the Ford Factory, a five-story commercial development to the south of the project site, that consists of 243,583 square feet of office space and 40,000 square feet of commercial space, Amp Lofts, directly north of the project site, a seven-story live-work development consisting of 320 units and 20,000 square feet of retail/restaurant space, District Centre, a 12-story mixed-use development consisting of 185 live-work units, 4,000 square feet of office space, and 24,000 square feet of commercial and restaurant space. The project's mitigated negative declaration and addendum evaluated all sensitive uses in the area and imposed mitigation measures to reduce impacts on the surrounding area. In addition, there are numerous live-work and mixed-use developments proposed on surrounding sites. As such, the proposed four-story renovated hotel and 15-story newly developed hotel containing retail and restaurant uses and observing reduced or no setbacks would be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- 17. That the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

The Project Site is located in the Central City North Community Plan area which designates the property for Heavy Manufacturing land uses with a corresponding zone of M3-1-RIO and Height District No. 1. The initiated General Plan Amendment, Zone Change and Height District Change would re-classify the site to Regional Center Commercial corresponding to the C2-2D Zone. The project site is located within the Arts District, which is a neighborhood originally planned and zoned for industrial uses but that is now rapidly transforming to include new office, live-work, commercial, and mixed-use developments within converted industrial space. A variety of uses surround the subject site within a half mile radius, including but not limited to; art and film studios, restaurants and creative office spaces, retail uses, large produce and food markets, hotel uses, fitness facilities, public facilities, and mixed-use live-work uses.

The applicant proposes to develop one additional story to the existing hotel, and the construction, use, and maintenance of an attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five (5) inches (172'-5") and a total floor area of 70,543 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels.

The existing hotel building would remain and would undergo structural alterations, tenant improvements, and a one-story addition.

If the proposed project was a commercial development, there would be no setback requirements. The requested reduced and zero-foot setbacks are consistent with the operation of the hotel as a commercial use despite technically being considered a residential use.

### **SITE PLAN REVIEW FINDINGS**

- 18. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

As discussed in Finding No. 2 above, the project is in substantial conformance with the general plan and applicable community plan policies and does not conflict with any applicable standards, regulations, or specific plans. The findings from Finding No. 2 are incorporated by reference here.

- 19. That 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 neighboring properties.**

The arrangement of the proposed development is consistent and compatible with existing development in the surrounding area, but also in a manner that builds on the uniqueness of the Arts District. The subject site is located within the Central City North Community Plan along Santa Fe Avenue and 7<sup>th</sup> Street. The immediate surrounding properties consist of single- and multi-story residential, commercial and industrial uses.

The proposed project is a one-story addition to an existing, 14,910 square-foot, three-story hotel, and the construction, use, and maintenance of an attached, 15-story hotel with 103 guest rooms, resulting in a maximum height of 172 feet, five (5) inches (172'-5") and a total floor area of 70,543 square feet, including 15,907 square feet of commercial floor area, including gallery, café, restaurant, and bar areas at the ground, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and rooftop levels. The existing hotel building would remain and would undergo structural alterations, tenant improvements, and a one-story addition.

Additionally, the Arts District neighborhood is a part of the Downtown Los Angeles Community Plan (DTLA 2040) update. The City Planning Commission recommended approval of the plan on September 9, 2021. The DTLA2040 plan will redesignate the subject site from Heavy Manufacturing to Hybrid Industrial. Hybrid Industrial areas are intended to, "preserve productive activity and prioritize employment uses, but may accommodate live/work uses or limited residential uses. The building form ranges from Low-Rise to Mid-Rise. Uses include light industrial, commercial, and office, with selective live/work uses. The residential density generally is limited by floor area. In the Downtown Plan this land use designation has a max FAR range of 3.0-6.0. (DTLA2040)."

### **Height, Bulk and Setbacks**

The proposed project has been designed to maintain visual compatibility with the existing and future development in the area. The project site is located in Height District 1, which allows for unlimited height with a maximum FAR of up to 1.5:1. The change to Height District 2 would allow the development of the site with uses that are reflective of and complimentary to the

ongoing redevelopment of the Arts District. The proposed building is 15 stories tall with a height of 172 feet, five (5) inches (172'-5") feet is compatible with other existing and proposed buildings in the vicinity. (See Table 1 below)

**Table 1**

Address	Height (stories/ft)	FAR
656-660 South Alameda Street & 1525-1549 East Industrial Street	7/85	2.98
668 South Alameda Street & 1516-1570 East Industrial Street & 675 South Mill Street	7/85	3.55
671-695 South Santa Fe Avenue; 2029-2051 East 7 <sup>th</sup> Street & 672-692 South Imperial Street	7/85	2.99
2117-2147 East Violet Street & 2118-2142 East 7 <sup>th</sup> Place	36/425	6
2110-2130 East Bay Street & 2141 East Sacramento Street	11/139	3.9
1800-1810 East 7th Street & 712 South Decatur Street	7/85	4.7
635-657 South Mesquit Street, 1585 East Jesse Street & 632-648 South Santa Fe Avenue	14/195	4.3

The project will maintain the current setbacks for the existing hotel, however will provide reduced setbacks for the new hotel 15-story addition. Nevertheless, the new hotel addition has minimal adjacency to abutting properties, as such, the reduced setbacks will have limited effect on the adjacent properties.

As proposed, the height, bulk, and setbacks of the building will be compatible with the existing and future developments in the neighborhood

#### Off-Street Parking Facilities/Loading Areas

The proposed project is required 56 automobile parking spaces, however, due to existing conditions applicable to the site, has been granted relief from parking any on-site parking. Additionally, all of the project's loading areas will be conducted within the public right-of-way along Santa Fe Avenue. As such, the project will not introduce any new conflict with the pedestrian right-of-way. All automobile parking will be located within an existing parking facility, across 7<sup>th</sup> Street.

The project is required 26 bicycle parking spaces, however, in recognition of the elimination of on-site parking and the existing and planned transit services in the area, the project has been conditioned to provide 36 bicycle parking. This would effectively reduce the project's required automobile parking by 15%, from 56 spaces to 47.

#### Lighting

Lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent properties, the public right-of-way, nor from above, and as required under the River Improvement Overlay District. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

#### On-Site Landscaping.

The project will provide landscaping at the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> floor levels. The 1<sup>st</sup> floor landscaping will be integrated into the hotel lobby. The 2<sup>nd</sup> floor level will be at the center of

the three-level courtyard space within the existing hotel building. The 4<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> floor levels include landscaping which has been integrated into the restaurant/café spaces. All landscaping will be consistent with the requirements of the River Improvement Overlay District.

#### Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the LAMC. Compliance with these regulations will allow the project to be compatible with existing and future development. Additionally, all trash and recycling areas are conditioned to be enclosed and not visible to the public. The trash room is not visible from the public right-of-way. Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

As described above, 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 will be compatible with existing and future development on adjacent and neighboring properties.

#### **20. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.**

The proposed project is for the construction, use, and maintenance of a hotel development; therefore, it is not required to provide recreational and service amenities.

Nevertheless, the proposed hotel includes outdoor seating for the restaurants/café at the ground floor along 7<sup>th</sup> Street, and at the 13<sup>th</sup> and 15<sup>th</sup> floors. These on-site amenities enable the hotel to provide desired services to the hotel guest and will help to minimize impacts on neighboring properties.

#### **Redevelopment Project Area Findings**

#### **21. Substantially complies with the relevant Redevelopment Regulations, findings, standards and provisions of the Redevelopment Plan.**

##### Section 504.2 - Public Street Layout, Right-of-Way & Easement.

The proposed project does not alter the existing street layout configuration.

##### Section 504.3 - Other Open Space, Public & Quasi-Public Uses.

The proposed project does not alter any existing public open space.

##### Section 507 - New Construction & Rehabilitation of Properties.

The proposed project will rehabilitate the existing 1915 hotel building in a manner that will be safe and sound in all physical respects, and be attractive in appearance and not detrimental to the surrounding areas.

##### Section 509 - Limitation on Type, Size & Height of Building.

The proposed project is consistent with the provisions of the Design for Development Guidelines of the Central Industrial Plan Area.

Section 512.1 - Maximum Floor Area Ratio.

The proposed project seeks a General Plan Amendment to Regional Center Commercial and a Zone and Height District Change to (T)(Q)C2-2D-RIO, upon the approval of which, the project will be consistent with the maximum permitted FAR.

Section 513 - Open Space, Landscaping, Light, Air & Privacy.

The proposed project is for the construction, use, and maintenance of a hotel development; therefore, it is not required to provide recreational and service amenities.

Nevertheless, the proposed hotel includes outdoor seating for the restaurants/café at the ground floor along 7<sup>th</sup> Street, and at the 13<sup>th</sup> and 15<sup>th</sup> floors. These on-site amenities enable the hotel to provide desired services to the hotel guest and will help to minimize impacts on neighboring properties.

Furthermore, the project will provide landscaping at the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> floor levels. The 1<sup>st</sup> floor landscaping will be integrated into the hotel lobby. The 2<sup>nd</sup> floor level will be at the center of the three-level courtyard space within the existing hotel building. The 4<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> floor levels include landscaping which has been integrated into the restaurant/café spaces. All landscaping will be consistent with the requirements of the River Improvement Overlay District.

Section 515 - Utilities.

The project will place all utilities underground.

Section 516 - Parking & Loading Facilities.

The proposed project is required 56 automobile parking spaces, however, due to existing conditions applicable to the site, has been granted relief from parking any on-site parking. Additionally, all of the project's loading areas will be conducted within the public right-of-way along Santa Fe Avenue. As such, the project will not introduce any new conflict with the pedestrian right-of-way. All automobile parking will be located within an existing parking facility, across 7<sup>th</sup> Street.

The project is required 26 bicycle parking spaces, however, in recognition of the elimination of on-site parking and the existing and planned transit services in the area, the project has been conditioned to provide 36 bicycle parking. This would effectively reduce the project's required automobile parking by 15%, from 56 spaces to 47.

Section 517 - Setbacks.

The project will maintain the current setbacks for the existing hotel, however will provide reduced setbacks for the new hotel 15-story addition. Nevertheless, the new hotel addition has minimal adjacency to abutting properties, as such, the reduced setbacks will have limited effect on the adjacent properties.

**22. Is subject to all conditions required by the relevant Redevelopment Regulations.**

The approval herein includes Conditions to ensure compliance with the Redevelopment Regulations as discussed above in Finding No. 21.

**23. Complies with CEQA.**

Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration Case No. ENV-2017-4735-MND, including the Erratum, dated March 2022, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City. The mitigation measures have been made enforceable conditions on the project.

**24. Any other findings that are required in the relevant Redevelopment Plan.**

The existing hotel building is subject to the Residential Hotel Unit Conversion and Demolition Ordinance (Ord. No. 179,868), the City's the CRA Guidelines and Controls for Residential Hotels in the Central Industrial Redevelopment Project Area, and the Wiggins Settlement Agreement. However, for purposes of compliance with these regulations and agreement, approval of the project is conditioned on the provision of 42 Single-Room Occupancy (SRO) replacement housing units. The overarching goal for both the Agreement and the Guidelines is to preserve existing affordable housing in SROs and ensure that any SRO proposed for conversion or demolition guarantees a one-for-one replacement units, at similar bedroom count and affordability levels. While the Rendon Hotel Site is currently vacant and does not contain any residential or SRO units, the site was historically used for SRO housing. As such, the replacement SRO units are required as part of the Proposed Project.

To satisfy this condition, the applicant has procured the vacant El Sol hotel property, located at 719-725 East 5<sup>th</sup> Street, and is proposing to rehabilitate the existing vacant building to provide 42 single-room occupancy (SRO) units. The El Sol Hotel Project Site is within one mile of the Rendon Project Site.

The El Sol Hotel Project Site consists of two (2) parcels with a lot area of 5,494 square feet, located at the northwest corner of 5<sup>th</sup> Street and Stanford Avenue and is currently developed with a three-story apartment hotel building. Constructed in 1906 and originally known as the Ruth Hotel, the property is located in the "Fifth Street Single-Room Occupancy Hotel Historic District" as identified by SurveyLA. The historic building permit record shows that the property and building were used as a residential hotel use until approximately 2018. While the use of the building was never changed, it is currently unoccupied and has sat vacant for several years.

The existing units would be replaced on a one-to-one basis and would involve interior renovations and tenant improvements of the El Sol Hotel building. Construction would be limited to interior renovations and rehabilitation; no exterior changes or alterations to the El Sol Hotel building are proposed. The total floor area of the relocated units would be 17,887 square feet.

The project has been conditioned to obtain approval of an Application for Clearance by the Los Angeles Housing and Community Investment Department pursuant to Article 7.1 of Chapter IV of the Los Angeles Municipal Code, otherwise known as the "Residential Hotel Unit Conversion and Demolition Ordinance."

**ADDITIONAL MANDATORY FINDINGS**

25. Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration Case No. ENV-2017-4735-MND, including the Erratum, dated March 2022, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. The Mitigated

Negative Declaration reflects the independent judgment and analysis of the City. The mitigation measures have been made enforceable conditions on the project.

26. The National Flood Insurance Program rate maps, which are 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 a 500-year Flood Zone.

## **RESOLUTION**

**WHEREAS**, the subject project is located within the area covered by the Central City North Community Plan which was updated by the City Council on December 15, 2000; and

**WHEREAS**, the City Planning Commission recommended approval of a General Plan Amendment to amend the land use designation for the subject property from Heavy Manufacturing to Regional Center Commercial; and recommended approval of a Zone Change and Height District Change from M3-1-RIO to (T)(Q)C2-2D-RIO; and

**WHEREAS**, the approved project is for the construction of a one-story addition to an existing, three-story hotel, and the construction, use, and maintenance of a new attached, 15-story hotel with 103 guest rooms; and

**WHEREAS**, the City Planning Commission at its meeting on April 28, 2022 approved the General Plan Amendment and recommended approval by the City Council and the Mayor of a General Plan Amendment; and

**WHEREAS**, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

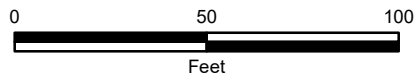
**WHEREAS**, the requested General Plan Amendment is consistent with the intent and purpose of the adopted Central City North Community Plan to designate land use in an orderly and unified manner; and

**WHEREAS**, the Regional Center Commercial land use designation and the (T)(Q)C2-2D-RIO Zone will allow the project as described above which is consistent with the Plan and Zone; and

**WHEREAS**, the subject proposal was assessed in Mitigated Negative Declaration No. ENV-2017-4735-MND, including the Erratum, dated March 2022, as adopted on April 28, 2022, ("Mitigated Negative Declaration"), and no subsequent EIR, negative declaration, or addendum is required for approval of the project;

**NOW, THEREFORE, BE IT RESOLVED** that the Central City Community Plan be amended as shown on the attached General Plan Amendment map.





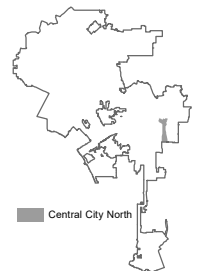
CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR-RDP

AAI *cf*

CENTRAL CITY NORTH

062222

City of Los Angeles



# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 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.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). 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. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: 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.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

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

**Applicant Copy**  
Office: Van Nuys  
Application Invoice No: 83096

City of Los Angeles  
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



## City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

**Receipt Number: 19092202D-465537D7-0F10-4C20-8A11-FF9C83C49FE1, Amount: \$194.34, Paid Date: 09/19/2022**

Applicant: UNITE HERE LOCAL 11 - HERE LOCAL, UNITE ( 818-6353034 )
Representative:
Project Address: 2053 E 7TH ST, 90021

### NOTES:

CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR-RDP-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant *	\$158.00	100%	\$158.00
<b>Case Total</b>			<b>\$158.00</b>

Item	Charged Fee
*Fees Subject to Surcharges	\$158.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$158.00</b>
<b>Expediting Fee</b>	<b>\$0.00</b>
<b>Development Services Center Surcharge (3%)</b>	<b>\$4.74</b>
<b>City Planning Systems Development Surcharge (6%)</b>	<b>\$9.48</b>
<b>Operating Surcharge (7%)</b>	<b>\$11.06</b>
<b>General Plan Maintenance Surcharge (7%)</b>	<b>\$11.06</b>
<b>Grand Total</b>	<b>\$194.34</b>
<b>Total Invoice</b>	<b>\$194.34</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$194.34</b>

Council District: 14  
Plan Area: Central City North  
Processed by NGUYEN, DANG on 09/19/2022

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



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



## City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number: 19092202D-465537D7-0F10-4C20-8A11-FF9C83C49FE1, Amount: \$194.34, Paid Date: 09/19/2022

Applicant: UNITE HERE LOCAL 11 - HERE LOCAL, UNITE ( 818-6353034 )
Representative:
Project Address: 2053 E 7TH ST, 90021

NOTES:
--------

CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR-RDP-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant *	\$158.00	100%	\$158.00
Case Total			\$158.00

Item	Charged Fee
*Fees Subject to Surcharges	\$158.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$158.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$4.74
City Planning Systems Development Surcharge (6%)	\$9.48
Operating Surcharge (7%)	\$11.06
General Plan Maintenance Surcharge (7%)	\$11.06
Grand Total	\$194.34
Total Invoice	\$194.34
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$194.34

Council District: 14  
Plan Area: Central City North  
Processed by NGUYEN, DANG on 09/19/2022

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