

FINDINGS

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

ZONE VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **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 strict application of the provisions of the zoning ordinance would result in unnecessary hardships inconsistent with the general provisions and intent of the zoning regulations. The subject property was originally developed in 1906 as a residential hotel and was located amongst a cluster of single-room occupancy hotels in an area identified by SurveyLA as the "Fifth Street Single-Room Occupancy Hotel Historic District." The zoning of the subject property and those around it has since changed to M2 as the surrounding area took on an industrial character over the course of the 20th Century.

While the zoning changed, the use of the property never did, rendering the El Sol Hotel an existing non-conforming use, in that hotels are not permitted in the M2 zone. While M2 zoning regulations seek to establish and preserve job-providing industrial uses in the City, the subject property has never served an industrial use, as evidenced by the historic building permit record and other research. Moreover, since the discontinuance of the hotel use, around 2018, there has been no change of use permit filed with or issued by the Department of Building and Safety. As such, the most recent, permitted use on the site is a hotel use; any other use would not only need a change of use which would require conformity to the current zoning regulations, some of which may not be possible due to the existing conditions, but also significant alterations to the building's interior layout to accommodate the new use. Without such a change of use, the building would be vacant and unused.

Therefore, as the building's use has always been a hotel use which only lost its non-conforming status due to a discontinuance of use (not a change of use), 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 in that it would either 1) necessitate a change of use which would require conformity to the current zoning regulations (which may not be possible) and substantial alterations to the building's interior layout, or 2) require the building to lay vacant.

2. **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.**

There are special circumstances applicable to the subject property that do not apply

generally to other property in the same zone and vicinity. Specifically, unlike many other properties nearby that fall under the same zoning classification of M2 – Light Industrial, the subject property was originally developed as a residential hotel use, it has never been used as a manufacturing or industrial property and the original residential hotel use has never been changed. Some of the residential hotels that were part of the “Fifth Street Single-Room Occupancy Hotel Historic District,” such as the adjacent Edward Hotel building to west have been in continual operation since their development. However, many others were demolished and redeveloped with light manufacturing and industrial uses consistent with the character and zoning of the area. The El Sol Hotel was continually operated as a residential hotel, most recently by Salvation Army, who owned and managed the building until approximately 2010. The property is well-suited to serve as a residential hotel again as the building is in good condition with only interior tenant improvements needed to establish the 42 residential hotel units. The proposed plan maintains the building’s interior circulation pattern and upgrades its existing shared bathroom and shower facilities while adding four rooms on the groundfloor to provide the required 42 units. The exterior of the historic building would remain unaltered, maintaining the historic building’s window pattern while providing light and air to the newly demised units.

Therefore, as the subject property (unlike most others in the vicinity) was originally developed as a residential hotel, was continually used as such until the 2010s and is well-suited to continue functioning in the manner it was originally intended, there are special circumstances applicable to the subject property that do not apply generally to other property in the same zone and vicinity.

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

The requested variance to re-establish the existing non-conforming apartment hotel use to provide 42 units of affordable housing where currently none exist is necessary only because the longstanding historic residential hotel use was discontinued. The property is zoned M2 – Light Industrial but has never formally served as an industrial use nor has its residential apartment hotel use changed through City permitting. Without the approval of the requested variance, the owner loses their substantial property right of re-establishing the property’s original longstanding use. In light of the City’s urgent need to develop affordable housing, unnecessary hardships to bring new units online such as the property’s zoning should be removed through the issuance of the variance. This is further warranted by the fact that the owner and developer would not face substantial practical difficulties in conducting tenant improvements to re-establish the residential hotel units at the property given the building’s excellent condition, existing bathroom and shower facilities and the fact that no exterior work is necessary.

4. **The granting of such 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.**

The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the same zone or in the vicinity of the subject property. Approval of the requested variance would allow the new owner of the property to re-establish its existing residential apartment hotel use, which is non-conforming due to the property's M2 zoning designation. The project will introduce 42 affordable units where currently there are none, representing a benefit to the city, as opposed to a detriment. The subject property had operated as a residential hotel providing affordable housing throughout the 20th century until the early 2010's. Despite not being used for residential for years, the historic building is in excellent condition with only interior tenant improvements needed to re-establish the original use. The original use of the building continues to be compatible with the neighborhood in which it is located and is consistent with the area's zoning. The property adjacent to the El Sol Hotel is also a residential hotel and has been approved to be redeveloped with permanent supportive housing. The DTLA 2040 Community Plan Update that is almost through the City's review process at the time of this writing allows housing where current zoning (such as M2) does not allow. The soon-to-be-approved plan identifies the area in which the subject is property located as the 1XL zone, where deed-restricted affordable housing would be permitted by right. The proposed project and requested zone variance would result in exactly the type of development the new zoning calls for while also establishing the original use. For all of these reasons, it can be concluded that the project will be beneficial, rather than detrimental to the public welfare.

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

The granting of this variance will not compromise or adversely affect any element of the General. Rather, the proposed project to re-establish the original historic hotel use to provide deed-restricted affordable housing units in the heart of Skid Row in a building where currently none exist supports the goals and policies of the general plan and Central City Community Plan. The current 2013-2021 Housing Element sets goal to increase housing production and preservation in order to ensure neighborhood livability and work to end homelessness. The 2021 to 2029 Housing Element update, currently under review by the City doubles down on these goals to work to add hundreds of thousands of new residential units with an emphasis on deed-restricted affordable housing, an integral tool in the fight against homelessness. As noted in finding 4 above, approval of the requested Zone Variance would directly support the goals of the DTLA 2040 Community Plan Update by creating new deed-restricted affordable housing in an area where the future zoning (IX1) specifically encourages the by-right development of affordable housing. The proposed project also supports the goals and policies of the current Central City Community Plan as follows:

Objective 1-3: To foster residential development which can accommodate a full range of incomes.

Policy 1-3.1: Encourage a cluster neighborhood design comprised of housing and services.

Objective 1-5: To preserve the existing low-income housing stock, including single room occupancy (SRO) units.

Policy 1-5.1: Monitor the supply of low-income housing stock to guard against loss of units through demolition, conversion, and deterioration of units.

Additionally, the project has a historic preservation benefit as it will re-establish the existing historic use of the property without negative impacts to the building's historic facades, while allowing the building to be used as originally intended and to its full potential to provide much-needed affordable housing.

Lastly, the project has been conditioned to require that all new rooms be subject to the provision of the Rent Stabilization Ordinance.

FLOOD HAZARD FINDING

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, an area of minimal flooding.