



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### WEST LOS ANGELES AREA PLANNING COMMISSION

**Date:** July 18, 2007  
**Time:** after 4:30 p.m.\*  
**Place:** Henry Medina West Los Angeles Parking  
Enforcement Facility  
11214 W. Exposition Boulevard  
2<sup>nd</sup> Floor Roll Call Room  
Los Angeles, CA. 90064  
**Public Hearing:** June 11, 2007  
**Appealable Status:** City Council  
**Expiration Date:** July 18, 2007

**CASE NO.:** APCW 2006-9483-SPE-CDP-  
CU-SPP-SPR-MEL  
**CEQA No.:** ENV-2006-9485-MND  
**Related Case:** None  
**Council No.:** 11  
**Plan Area:** Venice  
**Specific Plan:** Venice Coastal Zone  
**Certified NC:** Grass Roots Venice  
**GPLU:** Community Commercial  
**Zone:** C2-1-CA  
**Applicant:** The Ambrose Group,  
Deirdre Wallace  
**Representative:** Steve Catalano

**PROJECT LOCATION:** 901 South Abbot Kinney Boulevard

**PROPOSED PROJECT:** Demolition of two and a portion of a third building and construction of a five story (55 feet in height) building consisting of a 57 room hotel, approximately 1,165 square feet of ground floor retail, approximately 3,950 square foot restaurant, and approximately 2,750 square foot health spa. The project will provide 88 parking spaces in a two level subterranean parking garage, and provide for roof top amenities on a 23,307 square foot site classified in the C2-1-CA zone.

#### REQUESTED ACTIONS:

1. Pursuant to Section 11.5.7 F of the Municipal Code, an **Exception** from the following sections of the Venice Coastal Zone Specific Plan (Ordinance no. 175,693):
  - a. Section 9.B to permit clear but solid roof railings that are 42 inches in height in lieu of open design roof railings that do not exceed 36 inches in height as specified in the Specific Plan.
  - b. Section 9.C.1.d to permit four roof access structures to exceed 100 square feet.
  - c. Section 10F.3.A and Section 9.C.2 to permit a project with height varying from 40 feet 6 inches to a maximum of 55 feet in lieu of a maximum height of 30 feet for projects with flat roofs, and to permit roof access structures not exceeding 10 feet above the requested project height and building essentials not exceeding 5 feet above the requested project height.
  - d. Section 11.B.1.A to permit a project having an open landscaped irregularly-shaped courtyard with a depth of approximately 77 feet from Abbot Kinney and a depth of approximately 55 feet from Hampton Drive in lieu of the maximum dept of 15 feet that is otherwise permitted by the Specific Plan
  - e. Section 11.B.3 to permit a Floor Area Ratio (FAR) of 2.06:1 in lieu of the maximum 1.5:1
2. Pursuant to Section 12.24 W 1 of the LAMC, a **Conditional Use** to (1) permit the sale and consumption of a full line of alcohol in conjunction with the restaurant use which includes an outdoor patio area, (2) permit the sale and consumption of a full line of alcohol in conjunction with the hotel including the lobby bar, meeting rooms, various lounge areas, and the roof pool deck with bar area, (3) to permit a full line of alcoholic beverages to be provided in liquor cabinets to be located with the hotel guest rooms, and (4) to permit the sale of a full line of alcoholic beverages by way of room service.
3. Pursuant to section 12.24 W 24 of the Municipal Code, a **Conditional Use** to permit a Hotel located within 500 feet of an R(residential) zone
4. Pursuant to section 12.20.2 of the LAMC, a **Coastal Development Permit**.
5. Pursuant to Section 16.05 of the LAMC, a **Site Plan Review** Approval for a project which creates 50 or more guest rooms.

6. Pursuant to Section 11.5.7 of the Municipal Code, a **Project Permit Compliance** determination with the Venice Coastal Zone Specific Plan.
7. Pursuant to Government Code Sections 65590 and 65590.1 a **Mello Act Compliance** Review for projects in the Coastal Zone. (The Mello Act is a statewide law, which requires local governments to comply with certain requirements designed to preserve and increase the supply of affordable housing in the Coastal Zone.

**RECOMMENDED ACTIONS:**

1. **Disapprove** Specific Plan Exceptions for the following:
  - a. a project with a varying height from 40 feet 6 inches to a maximum of 55 feet;
  - b. to permit four roof access structures to exceed 100 square feet;
  - c. to permit a Floor Area Ratio (FAR) of 2.06:1.
2. **Approve** Specific Plan Exceptions for the following:
  - a. a project with a maximum height of 40-feet 6-inches for guest room floors, and 45-feet for the roof top pool deck;
  - b. clear roof railings that are 42 inches in height;
  - c. an open landscaped courtyard with a depth of approximately 77 feet from Abbot Kinney and a depth of approximately 55 feet from Hampton Drive.
3. **Approve** a Conditional Use to (1) permit the sale and consumption of a full line of alcohol in conjunction with the restaurant use which includes an outdoor patio area, (2) permit the sale and consumption of a full line of alcohol in conjunction with the hotel including the lobby bar, meeting rooms, and lounge areas (3) to permit a full line of alcoholic beverages to be provided in liquor cabinets to be located with the hotel guest rooms, and (4) to permit the sale of a full line of alcoholic beverages by way of room service, subject to Conditions of Approval, subject to Conditions of Approval.
4. **Approve** Conditional Use to permit a hotel located within 500 feet of an residential zone, subject to Conditions of Approval.
5. **Approve** Coastal Development Permit.
6. **Approve** Project Permit Compliance, as Conditioned, with the Venice Coastal Specific Plan.
7. **Approve** Mello Act Compliance Review.
8. **Approve** Site Plan Review.
9. **Adopt** Mitigated Negative Declaration No. ENV 2006-9485-MND.
10. **Adopt** the attached Findings.
11. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
12. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG, AICP  
Director of Planning

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Betsy Weisman, Principal City Planner

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Jim Tokunaga, Hearing Officer (213)978-1309

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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## PROJECT ANALYSIS

### Project Summary

The subject property consists of a flat, irregularly-shaped, approximately 23,307 square foot parcel of land zoned C2-1-CA located at 901 South Abbot Kinney Boulevard in the North Venice Subarea of the Venice Coastal Zone Specific Plan Area at the northeast corner of Abbot Kinney and Hampton Drive. The site is currently improved with three structures: a one-story, approximately 10,170 square foot building, 25 feet in height, currently used as offices and light industrial uses; a two-story, 1,948 square foot, 22 feet in height building used as offices; and a one-story, 654 square feet, 12 feet in height building being used for storage. The two existing structures are proposed to be demolished and a portion of the northerly building, the storage facility, will be incorporated into the new hotel project as shown on the submitted plans.

The proposed hotel consists of a five-story mixed use, 57-room spa hotel above two levels of subterranean parking containing 88 parking spaces within approximately 1,165 square feet of ground floor retail; a single restaurant consisting of 3,950 square feet and approximately 60 seats and approximately 350 square feet, approximately 30-seat patio dining area associated with the restaurant facing Abbot Kinney Boulevard. An approximately 2,750 square foot health spa; three standard floors of hotel guest rooms, and two penthouse units constituting the fifth story; roof-top sun deck, lap pool, Jacuzzi tubs and brunch area.

### Historic Eames Office

The existing storage building on site was once a part of the office/studio complex of Charles and Ray Eames, the husband and wife couple made famous for their modern furniture designs while working at the Herman Miller Furniture Company (then 901 Washington Boulevard). The couple worked out of these offices from 1944 to 1988 (Charles Eames died in 1978). After Ray Eames' death in 1988, the interior of the building was gutted for seismic retrofit and all of the original Eames design elements were destroyed. The existing building is not included on the National Register of Historic Places, the California State Historic Landmarks, the California Register of Historical Resources, the California Historical Resources Inventory, or the City of Los Angeles Historical - Cultural Monument. However, the building warrants evaluation as an historic resource because of the well established significance of Charles and Ray Eames in the history of Modern design.

### LEED Certification

Another major factor in shaping the hotel are its "green" or sustainable features which will be combined to achieve Silver rating for the Leadership in Energy and Environmental Design (LEED) certification process. Some of the key features include landscaped open areas, solar panels, use of reclaimed rain and ocean water, heat exchange systems, and usage of on and off site recycled materials.

**Previous Relevant Cases.** There have been no Planning Department cases considered on the subject site.

### Surrounding Land Use and Zoning

Surrounding properties are zoned C2-1-CA with the exception of the property located at 920 S. Abbot Kinney Blvd., which is partially zoned R1-1 accommodating an historic residential structure currently being used as professional offices; and a public elementary school

(Westminster Elementary School) located at 1010S. Abbot Kinney Blvd. Which is zoned [Q]PF-1XL.

### **Issues**

The most significant issues brought out during the public hearing and in letters are:

- excessive height, density, and building massing that is too intense
- existing parking and traffic conditions will be exacerbated
- degradation of the Venice Coastal Specific Plan with the Projects' non-compliance
- the applicant is pushing the limits of the project with no real hardship
- bar and inappropriate uses on roof top
- no community input

Those supporting the project point to the projects innovative design with LEED certification and preservation of portions of the storage building used as offices of Charles and Ray Eames. Supporters also believe the hotel is a needed use on Abbot Kinney Boulevard and a better alternative to purely residential uses that have appeared on the street.

### **Conclusion**

The proposed project has become a point of contention in the Venice community galvanizing a major letter writing campaign that has flooded this Hearing Officer's e-mail. Most of the issues presented have been addressed in the findings as part of this report. The applicants' did meet with the some members of the community prior to the public hearing through the Grass Roots Venice Neighborhood Council and other private meetings. Although these pre-public hearing meetings are not required as part of the City Planning process, they are often very important in gauging local reaction and resolving issues before proceeding to the Planning Commission. It is apparent that not everyone was involved in this process nevertheless many were able to respond through the Planning Department proceedings.

Although the issue of traffic and parking were consistently on the list of those opposed, the hotel is providing the required number of parking spaces based on the Venice Coastal Specific Plan. The proposed 88 space parking requirement is based on the number of guest rooms, the restaurant space, and the retail space. A letter from the Los Angeles Department of Transportation concludes that while the project will generate 757 net new daily trips with 30 net new trips in the AM peak hour and 57 net new trips in the PM peak hour, this addition does not constitute a significant impact. Those who live in the area offer a different opinion based on their own observations on a daily basis. Venice neighborhoods in general are parking impacted because many of the existing residential and commercial uses were built prior to the current parking standards. As these older land uses are replaced with newer uses, the current parking requirements are instituted. In order to discourage additional patronage of the hotel by non-hotel guests, conditions have been placed to limit the use of the roof top to hotel guests, no food or beverage service on the roof top, and use of the hotel meeting room and health spa for hotel guests only.

Overall a hotel use on Abbot Kinney Boulevard is appropriate due to the tourist nature of the community and the current lack of hotel guest rooms. Visitor serving uses are consistent with Coastal policies. Many of those opposed to the requests are not necessarily opposed to a hotel on this site. The proposed hotel is not a part of a national chain or a auto oriented motel but a locally owned hotel developer with another hotel in Santa Monica. The Planning Department has recommended that the height be limited to 40-feet 6-inches instead of the requested 55

feet. The only advantage of the additional height to 55 feet is it allows two additional very large penthouse units on the roof top. By removing these penthouse units, the need for additional square footage on the roof top access structures, and an increase in overall floor area of the hotel can also be eliminated.

## CONDITIONS OF APPROVAL

### A. Entitlement Conditions

1. **Use.** The conditional use of the property shall be limited to the construction, use, and maintenance of a hotel and associated facilities in the C2-1-CA Zone. The project as approved is for the construction of a new maximum 57 room hotel with ground floor retail, one ground floor restaurant with patio dining, and hotel guest health spa. The following limitations shall apply to hotel facilities:
  - a. Roof top pool deck is for the exclusive use of hotel guests only as a passive recreational amenity. There shall be no special events, parties, or gatherings open to the public or by lease. Food and beverage service including the serving of alcoholic beverages shall be prohibited on the roof. Hotel guests may bring personal food and drinks to the pool area or may order hotel room service to the roof area (exception is alcoholic beverages which are prohibited on the roof area).
  - b. Hotel meeting room and health spa are for the exclusive use of hotel guests only. Leasing or renting of meeting rooms or viewing rooms for non hotel functions shall be prohibited.
  - c. Eames lobby art display shall not be advertised or marketed as a separate art gallery. Art on display by local artists on a continuing basis shall be for interior decoration of the hotel only (name and contact information of the artist shall be permitted).
2. **Site Plan.** The development of the subject property shall be in substantial compliance with the site plan, floor plans, and landscape plans labeled "Exhibit A" dated August 1, 2007, and attached to the subject case file, except as modified by this action for height. Prior to the issuance of any permits for the subject project, detailed development plans shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions.
3. **Height.** The project shall comply with the following height requirements:
  - a. The height of the hotel building which shall be defined as the ground floor and the guest room floors shall be permitted to a maximum height of 40-feet 6-inches as measured from the centerline of the street adjacent to the front lot line and measured from the projection of the midpoint of the lot frontage, except where more than one building is being constructed, height for each building shall be measured from the projection of the midpoint for each building.
  - b. A roof top pool deck shall be permitted to extend beyond the 40-feet 6-inches to a maximum height of 45-feet however roof access structures shall not be permitted on the pool deck.
  - c. Roof access structures shall comply with LAMC Section 12.21.1.B.3, measured from a height of 40-feet 6-inches. Roof access structures cannot be habitable and shall not exceed 100 square feet as measured from the outside walls.
4. **Dedication(s) and Improvement(s).** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject

property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary).

**5. LEED Certification.** Prior to the issuance of a building permit, the applicant shall submit documentation and plans verifying application for the Leadership in Energy and Environmental Design (LEED) rating system, with a minimum level of “LEED Certified” (Reference: [www.usgbc.org/](http://www.usgbc.org/)), to the satisfaction of the Department of City Planning. The project plans shall address the development’s sensitivity to the environment, resources and energy consumption, the impact on people (quality and health of work environment), and financial impact (cost-effectiveness/savings in comparison to standard development practices). The program must include the following description of building materials and development techniques which shall be incorporated within the development project:

- a. Recycled content products (i.e. Building materials, exterior deck material, lawn furniture, playground equipment, landscape edging and the like).
- b. Utilize materials from renewable sources (Use rapidly renewable floor projects such as bamboo or linoleum to help reduce the amount of land and resources dedicated to producing construction materials).
- c. Roof systems (white roof/cool roof)
- d. Efficient modes of transportation
- e. Energy efficient equipment and appliances (Energy Star certified appliances, photovoltaic applications, etc...)
- f. Water conserving devices (i.e. low flush toilets, shower heads, electronic plumbing sensors, waterless urinals, drip irrigation systems, landscape irrigation timers).
- g. Landscaping plant materials (i.e. Native trees, shrubs and ground cover).
- h. Use low Volatile Organic Compounds (VOC) emitting materials.

#### **B. Venice Coastal Specific Plan**

**6. Subterranean Parking.** All subterranean parking shall be fully below natural grade and shall not be visible from the street.

**7. Building Articulation.** As shown on the exterior elevation plans labeled as “Exhibit A” and stamp dated August 1, 2007, attached to the subject case file, the buildings shall be designed with visual breaks or architectural features, including balconies or terraces, with a change of material or a break in the plane for every 20 feet in horizontal length and every 15 vertical feet. The project facade shall incorporate block walls, glass walls, wood slats, and balconies and railings to articulate the facade.

**8. Roof Access Structures.** The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet as measured from the outside walls.

**9. Signs.** Billboards and roof top signs shall be prohibited.

#### **10. Ground Floor Commercial.**

- a. At the ground floor, continuous and unarticulated glass curtain walls shall not be permitted. Facades of buildings shall be divided into individual store fronts.

- b. Large expanses of glass shall be subdivided into units not larger than six feet wide separated by mullions.
  - c. No store front windows shall be lower than 12 inches above sidewalk grade. The windows shall have a solid base surfaced with high quality materials such as ceramic tile, marble, granite, limestone, slate, brick, wood or similar materials approved by the Planning Director. The top of the window shall not extend to the ceiling height, and shall be capped with an architectural feature.
11. **Floor Area.** Total floor area, as defined by Section 12.03 of the LAMC, shall not exceed 1.5 times the buildable area of the lot (maximum FAR equals 1.5:1).
  12. **Building Separation.** A minimum of five feet shall be provided between commercial and residential buildings, except for mixed-use projects.
  13. **Driveway Access.** New and existing curb cuts shall be minimized in order to protect and maximize public on-street parking opportunities.
  14. **Landscaping.** Any open portion of the lot not used for buildings, parkways, driveways, or other access features, shall be landscaped. A landscape development plan prepared by a State licensed landscape architect, or landscape contractor shall be submitted to the Director of Planning for review and approval. This plan shall include the location of a permanent underground sprinkler system designed to insure complete coverage of all plant materials.
  15. **Lighting.** Lighting from the project shall be directed away from residential areas and environmentally sensitive habitat areas.
  16. **Trash.** The project shall provide trash enclosures for regular and recyclable trash.
  17. **Parking.** Parking shall comply with Section 13.D of the Venice Coastal Specific Plan.

### **C. Environmental Conditions**

18. **Aesthetics (Landscaping).** All open areas not used for buildings, driveways, parking areas, shall be maintained in accordance with a landscape plan, including automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
19. **Aesthetics (Lighting).** Outdoor lighting shall be designed and installed with shielding so that the light source cannot be seen from adjacent properties.
20. **Air Quality (Construction Emission of Pollutants).** The project developer shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel powered equipment operating at the project site throughout the construction phase. The developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:
  - Keep all construction equipment in proper tune in accordance with manufacturer's specifications.
  - Use late model heavy-duty diesel powered equipment at the project site to the extent

- that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported from another air basin and that the procurement of the equipment would not cause delay in construction activities of more than two weeks).
- Use low emission diesel fuel for all heavy duty diesel powered equipment operating and refueling at the project site to the extent that it is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment). (This measure does not apply to diesel powered trucks traveling to and from the site).
  - Utilize alternative fuel construction equipment (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment).
  - Limit truck and equipment idling time to five minutes or less.
  - Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.

**21. Air Quality (Construction Fugitive Dust Control).** The project developer shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The project developer shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:

- Use watering to control dust generation during demolition of structures or break up of pavement.
- Water active grading/excavation sites and unpaved surface at least three times daily.
- Cover stockpiles with tarps or apply non-toxic chemical soil binders.
- Sweep daily (with water sweepers) all paved parking areas and staging areas.
- Provide daily clean-up of mud and dirt carried onto paved streets from the site.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks at the windward sides of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more.
- 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 fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.

**22. Biological Resources (Trees).** The project developer shall replace all mature trees at the project site which are removed for the project. The specific implementation program are as follows:

- a. Prior to the issuance of a grading permit, a plot plan prepared by a tree expert as defined by the City of Los Angeles Ordinance Nos. 170,978 and 177,404, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning and the Street Tree

Division of the bureau of Street Services.

- b. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Street Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per current Street Tree Division standards.
- c. The genus or genera of the tree(s) shall provide a minimum crown of 30-50 feet. Refer to City of Los Angeles Landscape Ordinance (Ord. No. 170,978), Guidelines K - Vehicular Use Access.
- d. The project applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the Planning Department guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated whichever is longer. Any change in ownership shall require that the new owner post a new tree bond to the satisfaction of Bureau of Engineering. Subsequently, the original owner's tree bond may be exonerated.

The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence to the City Engineer and the Urban Forestry Division that the trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

**23. Cultural Resources (Historical).** The project developer shall incorporate the following features in the hotel design to preserve the association with Charles and Ray Eames:

- a. The hotel shall adaptively reuse the front portion of the existing Eames warehouse building into the lobby of the hotel, back to a depth of approximately one-third of the length of the building, and incorporate it into the hotel. This area includes the location of the original three Eames offices before they were removed in 1989.
- b. Features that have been lost since 1989 shall be restored during the conceptual design stage to help recreate the association with the Eames. Prior to the issuance of a building permit, the applicant shall submit plans to the Planning Department that depicts the restored features. These features are:
  - 1). Preserve a portion of the original concrete floor that still remains in the front portion of the building, and where the original three offices, library, and some support rooms once stood.
  - 2). The lower portion of the facade on Hampton Drive will be retained or rebuilt and simplified to retain the original character of the warehouse.
  - 3). One third of the original warehouse exterior walls shall be restored.
  - 4). One third of the roof trusses shall be restored, repositioned, and exposed.

- 5). The roof trusses in the respective area shall be retained, but be slightly lowered and a portion of the roof will be exposed and glassed-in to allow natural light to penetrate into the lobby/gallery.
  - h. The lobby gallery shall be dedicated to Eames culture. The lobby gallery shall act as a gallery and showroom to display local artists as well as Eames furniture and paraphernalia.
  - i. The 901 sign painted by Ray Eames on the southwest corner of the building shall be retained.
  - j. As shown on the exterior elevation plans labeled as "Exhibit A" and stamp dated August 1, 2007, attached to the subject case file, the facade of the new construction on the third and fourth levels of the hotel shall incorporate bent/laminated, recycled wood product slats, a technique largely pioneered by the Eames into the design of the hotel.
  - k. Patterns designed by Ray Eames shall be incorporated into the interior design scheme throughout the hotel. In addition, some of these will be both blown up and scaled down, reflecting the mathematical concept in the Eames produced educational film "Powers of 10".
- 24. Cultural Resources (Archaeological).** If any archaeological materials are encountered during the course of project development, the project shall be temporarily halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - California State University Fullerton, or a member of the Society of Professional Archaeologists (SOPA) or a SOPA qualified archaeologist to assess the resources and evaluate the impact. Copies of the archaeological survey, study, or report shall be submitted to the UCLA Archaeological Information Center.
- 25. Cultural Resources (Paleontology).** If any paleontological materials are encountered during the course of the project development, construction activities in these areas shall be temporarily halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology, which can be found at the following universities: USC, UCLA, California State University Los Angeles, California State University at Long Beach, or the County Museum, to assess the resources and evaluate the impact. Copies of the paleontological survey, study, or report shall be submitted to the Los Angeles County Natural History Museum.
- If human remains are discovered at the project site during construction, work at the specific construction site at which the remains were uncovered shall be suspended and the City of Los Angeles Public Works Department and County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains
- 26. Geology and Soils (Seismic Safety).** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
- 27. Geology and Soils (Soil Erosion).**

- a. The project shall comply with Chapters 29 and 70 of the California Building Code (CBC) and Chapter IX, Division 70 of the Los Angeles Municipal Code to ensure that uncovered or uncompacted soils are managed to prevent movement.
- b. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet South Coast Air Quality Management District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- c. The owner or general contractor shall keep the construction area sufficiently damp to control dust caused by construction, hauling, and at all times provide reasonable control of dust caused by wind.
- d. All materials transported off-site shall either be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage.
- e. All clearing, earthmoving, or excavation activities shall be discontinued during periods of high winds (i.e. greater than 15 mph), so as to prevent excessive amounts of fugitive dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

## **28. Hazards and Hazardous Materials.**

- a. The project shall be required to include a passive vent system, a trench dam for utilities, and conduit and cable seal fittings.
- b. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas detection system which shall be installed in the basements or the lowest floor level on grade, and within under floor space of buildings with raised foundations. The gas detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
- c. Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing material (ACM) are present in the building. If ACM's are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as other State and Federal rules and regulations.

## **29. Hydrology and Water Quality.**

- a. Appropriate erosion control and drainage devices such as interceptor terraces, berms, vee-channels, and inlet and outlet structures as specified by Section 91.7103 of the Building Code shall be incorporated to the satisfaction of the Department of Building and Safety.
- b. The applicant shall prepare and execute a covenant and agreement satisfactory to the Planning Department binding the owners to incorporate structural Best

- Management Practices (BMP's) during the construction of the project in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.
- c. All waste shall be disposed properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water based paints, vehicle fluids, broken asphalt, concrete, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
  - d. Leaks, drips, and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
  - e. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
  - f. Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarp or plastic sheeting.
  - g. Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
  - h. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
  - i. The applicant shall implement stormwater BMP's to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMP's shall be in accordance with the Development Best Management Practices Handbook, Part B - Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMP's meet this numerical threshold standard is required.
  - j. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
  - k. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
  - l. Install roof runoff systems where site suitable for installation. Runoff from rooftops can be used for groundwater recharge and reduce excessive runoff into storm drains.
  - m. Paint messages that prohibit dumping of improper materials into the storm drain system adjacent to storm water drain inlets. Prefabricated stencils can be obtained from the Department of Public Works, Stormwater Management Division.
  - n. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language such as "NO DUMPING - DRAINS TO OCEAN" and/or graphical icons to discourage illegal dumping.
  - o. Legibility of stencils and signs shall be maintained.

- p. Materials with the potential to contaminate stormwater shall be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- q. The storage area shall be paved and sufficiently impervious to contain leaks and spills.
- r. The storage area shall have a roof awning to minimize collection of stormwater within the secondary containment area.
- s. An efficient irrigation system shall be designed to minimize runoff, including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.

### **30. Noise and Vibration.**

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. 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 Saturdays.
- c. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. Power construction equipment with state of the art noise shielding and muffling devices shall be used.
- e. All construction truck traffic shall be restricted to truck routes, approved by the City of Los Angeles Department of Building and Safety, which avoid residential areas and other sensitive receptors to the extent feasible.
- f. 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.
- g. The project shall comply with the Noise Insulation Standards of Title 24 of the California Code or Regulations, which insure an acceptable interior noise environment. Specifically, the project sponsor shall submit an acoustical report prior to the issuance of building permits that demonstrates that the proposed building materials would ensure that interior noise levels attributable to exterior sources are no greater than 45 dBA CNEL.
- h. Concrete, not metal, shall be used for construction of parking ramps.
- i. The interior ramps shall be textured to prevent tire squeal at turning areas.
- j. Parking lots located adjacent to residential buildings shall have a solid decorative wall

adjacent to the residential property.

**31. Public Services (Fire).** The project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan. In addition the following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans which includes the submittal of plot plans for approval by the Fire Department either prior to the approval of a building permit.

- Fire lanes, where required, shall be a minimum of 20-feet in width.
- All structures must be within 300 feet of an approved fire hydrant and entrances to any guest room shall not be more than 150 feet in horizontal distance from the edge of the roadway of an improved street or approved fire lane.

**32. Public Services (Police).** Upon completion of the project, the applicant shall provide the Los Angeles Police Department (Pacific Community Area Commanding Officer) with a diagram of each portion of the property. The diagram shall include access routes and any additional information that facilitates police response. The building plans shall incorporate design guidelines relative to security, semi-public and private spaces (which may include but not be limited to access control to building), secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities and building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Refer to *Design out Crime Guidelines: Crime Prevention Through Environmental Design* published by the Los Angeles Police Department's Crime Prevention Section. These measures shall be approved by the Police Department prior to the issuance of building permits.

**33. School Safety.**

a. School Bus Access

- Prior to construction, contact LAUSD Transportation Branch at (323) 342-1400 regarding potential impacts to school bus routes.
- Maintain unrestricted access for school buses during construction.
- Comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.

b. School Pedestrian/Traffic Safety Access

- The project shall not endanger passenger safety or delay student drop-off or pickup due to changes in traffic patterns, lane adjustment, altered bus stops, or traffic lights.
- Maintain safe and convenient pedestrian routes to LAUSD schools (LAUSD will provide School Pedestrian Route Maps upon request).
- Maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
- Install appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.
- No hauling past affected school sites, except when school is not in session. If unfeasible, no hauling during school arrival and dismissal times.

- No staging or parking of construction related vehicles, including worker-transport vehicles, adjacent to school sites.
- Provide crossing guards when safety of students may be compromised by construction related activities at impacted school crossings.
- Install barriers and/or fencing to secure construction equipment and site to prevent trespassing, vandalism, and attractive nuisances.
- Provide security patrols to minimize trespassing, vandalism, and short-cut attractions.

#### **34. Traffic and Circulation.**

- a. Pursuant to Section 5.B of the Coastal Transportation Corridor Specific Plan, the owner(s) shall record a Covenant and Agreement prior to the issuance of a building permit, acknowledging the contents and limitations of the Specific Plan.
- b. The applicant shall contact the Bureau of Engineering, Department of Public Works to determine if there are any dedication and widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-Permit process of the Bureau of Engineering. All improvements shall be completed prior to the issuance of a certificate of occupancy for the development to the satisfaction of the Department of Transportation and the Bureau of Engineering.
- c. The applicant shall consult with the Department of Transportation for driveway locations and specifications prior to the commencement of architectural plans as they may affect building design. Final Department of Transportation approval shall be obtained prior to issuance of any building permits.
- d. Submit detailed site, parking layout, and driveway plans at a scale of at least 1-inch equals 40-feet to the Department of Transportation, West Los Angeles Coastal Development Review Section (7166 W. Manchester Avenue) prior to submittal of building plans for plan check by the Department of Building and Safety.

#### **D. Conditional Use for Alcoholic Beverages.**

- 35. Conditional Use Permit (CUB)** to permit the on-site sale and consumption of a full line of alcohol in conjunction with a hotel including; (1) to permit the sale and consumption of a full line of alcohol in conjunction with the restaurant use which includes an outdoor patio area, (2) permit the sale and consumption of a full line of alcohol in conjunction with the hotel lobby bar, meeting rooms, and various lounge areas (3) to permit a full line of alcoholic beverages to be provided in liquor cabinets to be located with the hotel guest rooms, and (4) to permit the sale of a full line of alcoholic beverages by way of room service. The following conditions shall apply to the serving of alcoholic beverages:

- a. 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 maybe revised as a result of this action.
- b. The quarterly sales of alcoholic beverages shall not exceed the gross sales of food for the same period in the restaurant facility. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department of

- City Planning and Los Angeles Police Department upon reasonable notice.
- c. The alcoholic beverage license for the restaurant shall not be exchanged for "public premises" licenses unless approved through a new conditional use authorization. "Public Premises" is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.
  - d. Conditional Use grants that are not activated within a five year period from the date of Certificate of Occupancy of the Hotel use, shall become null and void and shall be vacated.
  - e. The sale of on-site alcoholic beverages shall be limited to the hours between 11:00 AM and 2:00 AM for the restaurant, lounge, and room service. Mini-bars located within hotel guest rooms shall not be limited in the hours of alcohol service.
  - f. The owners, operators, managers, and all employees serving alcohol to patrons shall enroll in and complete a certified training program is recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.
  - g. All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
  - h. 24-hour telephone hot line shall be provided to residents and local neighborhood associations for reporting of any complaints. The hotline shall be answered promptly at all times to receive and resolve complaints regarding the operation of the center, including any of its establishments, or violations of the permit.
  - i. A phone number to a responsible representative of the owner shall be posted at each establishment for the purposes of allowing residents to report an emergency or a complaint about the method of operation of any facility serving alcoholic beverages.
  - j. The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew loitering laws concerning all minors within the grounds of the project site without a parent or adult guardian.
  - k. A "Designated Driver Program" shall be operated to provide an alternative driver for restaurant patrons unable to safely operate a motor vehicle.
  - l. Amplified music (dancing, live entertainment) shall be prohibited except that ambient background music shall be permitted within the restaurant and lobby area of the hotel provided it is not audible outside the premises.
  - m. The hotel staff shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.

- n. Petitioner(s) shall install and maintain security cameras and a one-month video library that covers all common areas of the business, high-risk areas and entrances or exits. The videotapes shall be made available to police upon request.
- o. All personnel acting in the capacity of a manager of the premises and all personnel who serve alcoholic beverages shall attend the Standardized Training for Alcohol Retailers (STAR) sponsored by the Los Angeles Police Department at the session immediately following the opening of the food market. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months.
- p. At least one security personnel, with a minimum of one security officer for each Alcohol Use Approval), under the control of the respective property owner(s) or operator(s) of the establishment, shall be provided. The respective property owner(s) or operator(s) of the establishment shall file a security plan detailing implementation criteria prior to the issuance of any alcohol use approval. Each security officer shall complete a training program, developed in consultation with the LAPD. These security personnel shall monitor and patrol areas where establishments selling alcohol for on-site consumption are located. Security personnel shall be on duty during the hours of operation of the establishments and shall also be on duty thirty minutes prior to opening of the establishment and thirty minutes after closing of the establishment. The security personnel shall also patrol parking areas serving these establishments to prevent any unusual disturbances within the Project site and to assist and report, as necessary, to proper authorities any loitering, trespassing, or other criminal activities in the general vicinity of the Project site. The LAPD shall be notified of special events as far in advance as feasible.
- q. The project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; secured parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.
- r. The applicant and any future ABC Licensee shall ensure that no alcoholic beverages, which are purchased within any establishment, are consumed on any property adjacent to the licensed premises that is under the control of the Licensee.
- s. The in room liquor cabinet shall be locked and only available to those guests 21 years or older.
- t. Adult entertainment activities including, but not limited to "hostess" type activities, shall not be permitted anywhere within the proposed site.
- u. All public telephones shall be located within the interior of the establishment structure. No public phones shall be located on the exterior of the premises under the control of the establishment.
- v. The Grass Roots Venice Neighborhood Council shall be notified should there be an attempt to modify or add any conditions to the existing conditions for this project.

- w. Restaurants/Cafes. The following conditions shall apply to restaurants/cafes:
- These establishments may include a bar or lounge area, which is separate from the main food service area of the establishment.
  - Sales of alcoholic beverages shall only be made from behind a counter where an employee of the restaurant/café obtains the product. No self-service of alcoholic beverages shall be permitted.
  - Sales of alcoholic beverages from drive-up or walk-up windows is prohibited.
  - There shall be a full-service kitchen and a full menu.
- x. The serving of alcoholic beverages, including room service or personal alcoholic beverages, on the roof top shall be prohibited at all times.
- y. 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 Department to impose additional corrective conditions, if, it is determined by the City Planning Department that such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Department will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

#### **E. Other Conditions**

- 36. Graffiti.** The hotel shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of visible structures other than glass may be covered with clinging vines, screened by vegetation capable of covering or screening entire walls up to heights of at least 9-feet.
- 37. Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.
- 38. Construction Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractors shall be allowed to park on the surrounding streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners base of operations.
- 39. Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at

9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. If warranted, any truck haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation. Haul trucks and delivery trucks may not queue adjacent any residential or hotel use.

#### **F. Administrative Conditions**

- 40. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review 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.
- 41. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 42. 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 assigns. The agreement shall 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.
- 43. 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.
- 44. 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.
- 45. Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
- 46. Utilization of Entitlement.** The applicant/owner shall have a period of two years from the effective date of the subject grant to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the privileges, the applicant files a written request and is granted an extension to the termination period for up to one additional year pursuant to Section 11.5.7.C.4(e) of the Municipal Code. Thereafter, the entitlement shall be deemed terminated and the property owner shall be required to secure a new authorization for the use.
- 47. Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building

and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.

- 48. 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 proper.
- 49. Idemnification.** The applicant shall defend, idemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, idemnify, or hold harmless the City.

## FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the Venice Community Plan area, which was adopted by the City Council on September 29, 2000 (pursuant to Council File 2000-1505 and CPC-97-0047-CPU). The Plan Map designates the subject property for Community Commercial land use with corresponding zones of CR, C2, C4, RAS3, and RAS4. The subject site is zoned C2-1-CA and consistent with the land use designation. Hotel uses are permitted in the Community Commercial designation and the C2 Zone however conditional use approval is necessary when located within 500-feet of a residential zone. Footnote No. 12 on the Community Plan Map identifies the CA (commercial and artcraft district) overlay designation along Abbot Kinney Boulevard.
2. **General Plan Text.** Chapter III of the Venice Community Plan contains the following Goal, Objectives, and Policies regarding the commercial sector of the plan area.

*GOAL 2     A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.*

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

*Policy 2-1.1     New commercial uses shall be located in existing established commercial areas or shopping centers.*

*Policy 2-1.2     Protect commercially planned and zoned areas from encroachment by residential only development.*

*Policy 2-1.5     Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.*

The proposed hotel project will introduce a new commercial business onto an emerging neighborhood serving commercial corridor in Venice. The design of the building will incorporate the historic Eames warehouse in an innovative and green LEED certified building. The use is not a purely residential project and ground floor retail and restaurant space will encourage pedestrian activity. The hotel itself is operated by local owners and billed as a spa hotel and not a part of a large national chain of hotels. The unique and thoughtful design of the building and efforts at preservation will maintain the distinctive character of the Venice community.

3. The **Transportation Element** of the General Plan will be affected by the recommended action herein. Any necessary dedication and/or improvement of Abbot Kinney Boulevard or Hampton Drive will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05
4. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended

action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

5. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.
6. **Specific Plan Exception Findings.** Pursuant to Section 11.5.7.F of the Municipal Code Specific Plan Exceptions to disapprove the following: (1) a project with a maximum height of 55-feet; (2) four roof access structures exceeding 100 square feet; (3) a project with a Floor Area Ratio (FAR) of 2.06:1; AND Specific Plan Exceptions to approve the following: (1) a project with a maximum height of 40-feet 6 inches for guest room floors, and 45-feet for the roof top pool deck; (2) clear roof railings that are 42 inches in height; (3) an open landscaped irregularly-shaped courtyard with a depth of approximately 77 feet from Abbot Kinney and a depth of approximately 55 feet from Hampton Drive.

- A. *The strict application of the policies, standards and regulations of the Specific Plan to the subject property will NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan for the following requests.*

Height of 55-feet: The applicant has requested an exception to build a project with a maximum height of 55 feet. The Venice Coastal Specific Plan limits the height to 30 feet. The request to extend the height above the height limit is in part a result of the applicant's intent to preserve the existing Eames warehouse building (approximately 655 square feet and 12 feet in height). By preserving the historic warehouse to be used as a lobby and Eames gallery/shop, the remainder of the new building will have to be built around this space pushing the building envelope up beyond the height limit. In addition, required setbacks for the hotel and sustainable building elements (LEED requirements) also requires special considerations for additional height. While these reasons may be appropriate for additional height of the main hotel building, the additional height to 55 feet will only benefit the project by providing two additional very large penthouse units. These units sit atop the roof top as if they were independent from the rest of the hotel. The applicant justifies the 55 foot height by providing findings stating only 15% of the project will be at 55 feet in height based on lot coverage. However, for the same reasoning if only 15% of the project is at 55 feet and this is for two additional units on the roof, then by removing the two units, the exception is no longer necessary at least to 55 feet in height. When considering the project as a whole of 57 guest rooms, losing two penthouse units is not a practical difficulty since the penthouse units can be incorporated onto the top floor of the main structure.

Roof Access Structures: The specific plan limits roof top access structures to a maximum of 100 square feet. The applicant has requested four roof top structures to exceed the square footage limitation. Specifically they are for the following:

- The stair shaft enclosure at the northwest corner of the roof is proposed to be approximately 160 square feet.
- The stair shaft enclosure at the northeast corner of the roof is proposed to be approximately 160 square feet.
- The stair shaft enclosure near the south edge of the roof is proposed to be

- approximately 187 square feet.
- The elevator and mechanical shaft enclosure is proposed to be approximately 242 square feet which is included and wholly contained within the northeasterly penthouse unit structures that comprises a portion of the 50-foot high roof line.

The applicant submits findings that additional square footage for roof top structures are necessary in order to comply with Building Code requirements for roof access structures which conflict with the specific plan limitation. This conflict is a result of the roof top area being used as habitable space with penthouse units and potentially with roof top food and beverage service which requires larger elevators for deliveries. By eliminating the penthouse units on the roof top and by prohibiting any ancillary use of the roof top for a bar or café will allow roof top structures to comply with the square footage limitation. The roof top as approved by this action is for use as a passive recreational area with a pool and lounging areas for use by hotel guests only and not for the general public to use as a gathering place.

Floor Area Ratio: The applicant is requesting additional floor area for the project in excess of what is permitted by the specific plan. The Venice Coastal Specific Plan limits the floor area ratio to 1.5:1 and the request is for up to a 2.09:1. Based on the lot size, the hotel is permitted, by right, a floor area of approximately 35,000 square feet. The proposed hotel is approximately 48,000 square feet resulting in an additional floor area of 13,000 square feet. The applicant has used the same reasoning for the additional height as the reason for the additional square footage. The reasoning for the additional floor area as submitted by the applicant is that the preservation of the Eames Warehouse created “very specific challenges such as location of supporting columns which affect the superstructure above. Care had to be taken not only to design a building that pulled its massing away from the streets, but also observes the strict rated occupancy separation and exiting requirements through differing occupancy categories”. While these challenges may trigger additional height needs, it does not require additional building square footage. By eliminating the roof top penthouse units and possibly reducing square footage in other areas of the building, the project can be designed to comply with the 1.5:1 FAR.

*The strict application of the policies, standards and regulations of the Specific Plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

Height of 40 feet and 6 inches: One of the primary elements that precipitated the request to build above the 30 foot limit of the specific plan is that in order to incorporate the historic Eames warehouse in a sensitive manner, the second story of the hotel had to be pushed up above the existing warehouse. Additionally, three of the four residential yards must be observed for the residential hotel portion of the building: a five foot front yard on Hampton as required by the Venice Coastal Zone Specific Plan; a eight foot side yard to the north; and a 17 feet rear yard to the east. The proposed building has been designed to incorporate those requirements that would not be required of a strictly commercial use in the C2 Zone. A fully commercial use would have an advantage in that it could utilize the entire lot area observing no yards, and thus provide the same floor area in a lower structure which would actually have a more significant visual impact by massing at the street frontages. The applicant/architect decided to pull the volume of the building significantly away from the street faces to create large open and green areas above the first floor, minimizing the visual impact of the structure at the street face. The highest areas on top of the

main roof line have been oriented and/or located at the center and near the northerly edge of the building. The pool deck at 45-feet is not considered floor area and will not be visible from the street.

Street wall setback: The Venice Coastal Specific Plan allows up to a maximum of 15 feet setback from a street when a project consists of a café, plaza, courtyard, arcade, or landscape area. The hotel is providing a 77 foot setback from Abbot Kinney Boulevard and 55 feet from Hampton Drive. The proposed project was designed for the inclusion of the former “Eames Warehouse” into the project even though the warehouse is not on any historic lists nor identified as eligible, and the hotel building massing has been pulled away from the street face as much as possible with this open space to minimize visual impacts on the old warehouse structure. The resulting open space courtyard at the corner of Abbot Kinney and Hampton Drive will allow the view of the portion of the Eames Warehouse being incorporated into the project to be seen from both streets. This project is to be a signature project at the northern gateway to Abbot Kinney Boulevard as well as the southern gateway to the Venice Main Street walking district. Further, this space will be used for public art and activities that will bring activity to the street wall.

Roof railings: The Los Angeles Building Code requires 42-inch minimum railings for accessible roof areas at the roof edge, however the Specific Plan permits a maximum of 36-inches for roof railings. The two requirements conflict and when instances such as this occurs, it is the more strict interpretation that prevails. The specific plan also requires roof railings to be of an open design (not solid) to discourage the appearance of additional height on a building. The proposed roof railing is clear acrylic and will not give the appearance of additional height to the overall effect of the building therefore complying with the intent of the specific plan in having open railings.

- B. *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the Specific Plan area.*

Unlike the other parcels along Abbot Kinney Boulevard which consist of single lots less than 5,000 square feet, the subject site is a large 23,307 square foot corner parcel at the northern end of street. The site was also once the offices and studio of Charles and Ray Eames, noted furniture design couple that practiced from Venice from the 1940's through the 1980's. The proposed project will preserve a significant portion of a warehouse that was actually used by the famous couple. The design of the hotel building has been articulated to showcase the historic structure thereby by creating larger setbacks and increase in height. The applicant is also proposing to build the hotel with sustainable building elements and apply for LEED certification, making it one of the first such hotels in the country. Since few large parcels are available on Abbot Kinney Boulevard, the intended use of the site as a hotel is ideal since it would be more difficult to design a successful hotel on one of the smaller parcels along the street.

- C. *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically Specific Plan 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.*

Other properties in the same zone and vicinity may be developed with a hotel use without the requested exceptions but there are special circumstances that the subject site possesses that make complete compliance difficult. Other properties in the specific plan may not be developed with a historically significant structure worthy of preservation as is the case for the subject site. Unnecessary hardships have arisen due to requirements not applicable to strictly commercial developments as well as the effects of designing a sensitive building which incorporates an existing structure on the site while keeping its massing pulled away from the street faces as desired by the local community. The specific plan also requires roof railings to be of an open design (not solid) to discourage the appearance of additional height on a building. The proposed roof railing is clear acrylic but is not considered open and therefore an exception is necessary to approve a clear acrylic but technically solid roof rail. The clear acrylic railing will not give the appearance of additional height.

- D. *The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

Although there is a 30-foot height limit along Abbot Kinney Boulevard, the building at approximately 41-feet (with the granting of a Specific Plan Exception) above the street has been designed to reduce some of its massing along the street by incorporating a street level courtyard at the corner with Hampton Drive, and a large open space area on the second level approximately 23-feet in width. This along with an additional 17-foot setback of the hotel from the adjacent one-story commercial building offsets the height difference. By doing this, the hotel building does not occupy the entire length of the Abbot Kinney frontage breaking the potential for a 41-foot in height street wall. The nearest residential buildings are located north and therefore views of the project site will be largely blocked by the intervening commercial uses along Electric Avenue. The granting of an exception for an increase in height, larger setbacks, and a 42 inch height clear acrylic roof top railing will not create an unsafe or hazardous situation to the property owner or to surrounding residents and not be detrimental to the public welfare. Conditions of approval have been attached to protect neighboring residents and customers from any potential negative impacts.

- E. *The granting of the exception is consistent with the principles, intent and goals of the specific plan and any applicable element of the General Plan.*

The Venice Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4. Hotel uses are permitted in these zones however require Conditional Use approval when located within 500 feet of residentially zoned properties. The proposed project will implement the General Plan and its objective to provide valuable and desirable commercial, recreational, and visitor serving uses within the community. The Venice Community Plan provides as a Goal “A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community”. The use of the property is an appropriate use of the property under the General Plan and is compatible with adjacent and surrounding existing and planned uses. Accordingly, the project is consistent with the purposes, intent and provisions of the General Plan as reflected in the adopted Venice Community Plan and the General Plan Framework.

- 7. Conditional Use Findings.** Pursuant to Section 12.24.W.24 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

- A. *The location of the project will be desirable to the public convenience and welfare.*

Hotel uses are desirable in the coastal region of Venice not only to facilitate visitors' enjoyment of the area, but also to provide local facilities for the out-of-town guests of local residents. Many of the buildings in the immediate vicinity, including those on the subject site, are old, outdated, and not visually attractive or functionally efficient. The hotel project will bring a new use into the area that the area currently lacks. The proposed project will help to encourage pedestrian and commercial activity along Abbot Kinney Boulevard, and result in a safer environment through increased activity, lighting, and security. Included as part of the hotel is the approximately 60-seat, 3,950 square foot restaurant and approximately 350 square foot, approximately 30-seat outdoor dining patio on Abbot Kinney Boulevard. Economically the project will provide for temporary construction employment and permanent job opportunities for Los Angeles residents and will subsequently generate revenue for the City through direct and indirect taxes benefitting all the residents of Los Angeles.

- B. *The proposed project will be proper in relation to adjacent uses or the development of the community.*

The proposed hotel project with a restaurant will bring a use to the North Venice area a new use that the commercial neighborhood currently lacks. Among the stated objectives of the Venice Local Coastal Program Land Use Plan is the "*Encouragement of coastal development, recreational, neighborhood- and visitor-serving facilities.*" Hotel uses are desirable in the coastal region of Venice not only to facilitate visitors' enjoyment of the area, but also to provide local facilities for the out-of-town guests of local residents. Although Venice is a well known Los Angeles neighborhood prominently advertised as a tourist location, there is a shortage of hotel rooms in this area of the City with no hotels in the immediate vicinity. The serving of alcoholic beverages at this proposed hotel and restaurant will be ancillary to those uses, serving the visiting public as well as the local residents and commercial community. Policy I.A.17 of the Venice LUP states that "*Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in Community Commercial and General Commercial land use categories.*"

- C. *The proposed project will not be materially detrimental to the character of development in the immediate neighborhood.*

The project will provide for the redevelopment of a currently underutilized parcel within the Venice Community Plan with a new hotel and will be compatible with the character of development within the area. The project location is approximately one quarter mile west of Venice Beach and the famous Ocean Front Walk. Venice already attracts visitors to the community and a new hotel will offer local accommodation rather than guests having to go to Santa Monica or Marina del Rey. The site is currently developed with small offices which will be demolished except for the Eames warehouse building which will be preserved. The hotel will focus its frontage on Abbot Kinney Boulevard with the restaurant, retail, and driveway location along this street and not the residential properties located primarily north of Electric Avenue. Abbot Kinney Boulevard is developed with small restaurants, retail shops and offices that are neighborhood

servicing. A small locally owned boutique hotel such as the one proposed is more compatible to the character of Abbot Kinney Boulevard than a large national hotel chain that could potentially locate at the site. Accordingly, the proposed location of a hotel will not be materially detrimental to the character of development in the immediate neighborhood.

- D. *The proposed project will be in harmony with the various elements and objectives of the General Plan.*

The Venice Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4. Hotel uses are permitted in these zones however require Conditional Use approval when located within 500 feet of residentially zoned properties. The proposed project will implement the General Plan and its objective to provide valuable and desirable commercial, recreational, and visitor serving uses within the community. The Venice Community Plan provides as a Goal “A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community”. The use of the property is an appropriate use of the property under the General Plan and is compatible with adjacent and surrounding existing and planned uses. Accordingly, the project is consistent with the purposes, intent and provisions of the General Plan as reflected in the adopted Venice Community Plan and the General Plan Framework.

**8. Additional Conditional Use Findings for On-site Alcoholic Beverage Sales.** Pursuant to Section 12.24.W.1 of the Municipal Code.

- A. *That the proposed use will not adversely affect the welfare of the pertinent community.*

The approval of on-site conditional use for alcoholic beverages will not adversely affect the economic welfare of the community. The sale and service of alcoholic beverages at the hotel will help insure the financial viability of the project, which in turn will serve to infuse vitality and support the revitalization of an emerging Abbot Kinney Boulevard. The successful operation of a hotel and restaurant will help increase commercial and pedestrian activity in Venice and further the economic welfare of the community. The Project will also promote economic well-being by generating additional jobs as well as sales tax and transient occupancy tax revenue which will also contribute positively to the economic welfare.

- B. *That 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 State Department of Alcoholic Beverage Control licensing criteria, four on-site and three off-site licenses are allocated to subject Census Tract No. 2733.

There are currently four on-site and six off-site licenses in the Census Tract. Statistics from the Police Department reveal that in the subject Crime Reporting District No. 1413, a total of 419 crimes were reported in 2005, compared to the citywide average of 268 crimes and the high crime reporting district average of 322 crimes in the same period.

Without the requested license, the proposed project would be considered deficient, as on-site alcohol consumption is considered integral to the operation of a quality hotel restaurant, bar, and hotel room service. The project will benefit the community by providing a new hotel in an area where there currently is a lack of hotels and provide new jobs, goods, and services. The project has been conditioned to address potential security concerns and will be in conformance with all requirements of the ABC. Though the approval of Conditional Use requested herein may appear to contribute to a concentration of alcohol licenses in the area, a properly operated hotel with ancillary alcohol service will result in a more mixed use Abbot Kinney Boulevard with a variety of dining options encouraging neighborhood pedestrian activity.

- C. *That the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration of 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 subject site abuts commercial properties along Abbot Kinney Boulevard with the exception of the Westminster Elementary School located across the subject site on the opposite side of Abbot Kinney Boulevard. Residential zoning of RD1.5 is located north of Electric Avenue approximately 90-feet from the subject site. The Second Community Baptist Church is located at 1041 Abbot Kinney Boulevard and a day care center is located at the corner of Westminster Avenue.

The serving of alcohol is in conjunction with the operation of the hotel and on-site restaurant. Alcohol will not be sold for off-site consumption. Conditions have been placed to ensure that the hotel operators comply with strict state licensing requirements for serving alcohol. Any violation of said conditions may result in both the State and the city revoking ABC license and Conditional Use approval. With enforcement of the conditions of approval, the sale of alcoholic beverages will not detrimentally affect nearby sensitive uses.

- 9. Coastal Development Permit Findings.** In order for a Coastal Development Permit to be granted, all of the requisite findings contained in Section 12.20.2-G of the Municipal Code must be made in the affirmative:

- A. *The development is in conformity with Chapter 3 of the California Coastal Act of 1976.*

Chapter 3 of the California Coastal Act provides standards by which “the permissibility of the proposed developments subject to the provision of this division are determined”. In this case, the Coastal Act provides that: “New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, will not have significant adverse effects, either individually or cumulatively on coastal resources”.

The proposed project is consistent with the above referenced policy as it is an in-fill development of an otherwise mixed commercial and residential neighborhood. The project site, as well as the surrounding area is presently developed with commercial and residential structures. Public services including sewage connection, water, and electricity is available to the site. The proposed project abuts two improved streets, Abbot Kinney Boulevard and Hampton Drive, providing access to the site.

- B. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.*

Currently there is no adopted Local Coastal Program (LCP) for this portion of the Coastal Zone; in the interim, the adopted Venice Community Plan, and the Venice Coastal Specific Plan serve as the functional equivalent plan. The Venice Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, and RAS4. The property is zoned C2-1-CA, consistent with the Plan land use designation.

A Specific Plan Exception and Project Permit Compliance for the Venice Coastal Specific Plan is being processed simultaneously with the Coastal Development Permit. The project as excepted by this instant and concurrent action has been conditioned with all applicable provisions of the Venice Coastal Specific Plan. The proposed development is in compliance with the current regulations, policies of the California Coastal Act and the adopted Venice Community Plan and as such will not prejudice the ability of the City to prepare a Local Coastal Program in conformity with Chapter 3 of the California Coastal Act.

- C. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination.*

The Guidelines are designed to provide direction to decision makers in rendering discretionary determinations on requests for coastal development permits pending adoption of a Local Coastal Plan, most specifically associated with new development. The proposed project is located in the North Venice Subarea as noted in the Coastal Commission's Regional Interpretive Guidelines. The Guidelines encourage visitor serving commercial facilities and the proposed project as a hotel implements such guideline.

- D. The decision herein has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the California Public Resources Code.*

The recommendation of the Planning Department has been guided by the action of the Coastal Commission in its certification of the Local Coastal Program Land Use Plan (LUP) adopted on June 15, 2001. No outstanding issues have emerged in this case which would indicate any conflict with any other decision of the Coastal Commission.

- E. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development shall be in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.*

Section 30212 of the California Coastal Act requires public access from the nearest public roadway to the shoreline for new development. Exceptions are made for specific types of projects including military, agriculture, and in cases where there is adequate access. The subject property is in the single jurisdiction zone and is not located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone and the nearest public road to such geographical features. The parcel itself is not situated on a waterfront, and there are public roads and access ways between the subject property and the sea or shoreline of a body of water. The proposed project will not interfere with access to these areas and is in conformance with public access policies.

- F. *An appropriate environmental clearance under the California Environmental Quality Act has been granted.*

On March 28, 2007, the City Planning Department issued Mitigated Negative Declaration No. ENV 2006-9485-MND and determined that by imposing mitigation measures, any identified environmental impact could be reduced to a level of insignificance. Mitigation measures have been made conditions of approval.

**10. Specific Plan Project Permit Compliance Review Findings.** Pursuant to Section 11.5.7.C of the Municipal Code:

- A. *The project substantially complies with the applicable regulations, standards and provisions of the specific plan.*

The proposed project requires deviations and findings have been made to grant certain exceptions from the Venice Coastal Specific Plan permitted under Section 11.5.7.F of the LAMC. All other provisions of the specific plan have been included to as Conditions of Approval (B.6 - B.17). A conditional use approval is also a part of the simultaneous discretionary entitlement as required by the LAMC for hotels within 500 feet of residential properties and for on-site alcohol consumption.

- B. *The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.*

The project has been conditioned with conditions of approval that will mitigate to acceptable levels, all environmental impacts that may be associated with the project (ENV 2006-9485-MND). In addition, conditions have been imposed for compliance with the Venice Coastal Specific Plan. All of the conditions must be met, to the satisfaction of the Planning Department, prior to the issuance of a building permit.

**11. Additional Project Permit Compliance Findings.** Pursuant to Section 8.C of the Venice Coastal Specific Plan (Ordinance 175,693):

- A. *The project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.*

Although there is a 30-foot height limit along Abbot Kinney Boulevard, the building at approximately 41-feet (with the granting of a Specific Plan Exception) above the street has been designed to reduce some of its massing along the street by

incorporating a street level courtyard at the corner with Hampton Drive, and a large open space area on the second level approximately 23-feet in width. This along with an additional 17-foot setback of the hotel from the adjacent one-story commercial building offsets the height difference. By doing this, the hotel building does not occupy the entire length of the Abbot Kinney frontage breaking the potential for a 41-foot in height street wall. The nearest residential buildings are located north and therefore views of the project site will be largely blocked by the intervening commercial uses along Electric Avenue.

The main facade of the building has been designed with wood slat which would diffuse light from the interior to the outside. Lighting at street would be localized and directed in towards the architectural features of the building therefore lighting at ground level will be minimal and ambient. The hotel project incorporates ground level retail and restaurant space which will further contribute to the pedestrian oriented activity encouraged by the Specific Plan.

*B. The project is in conformity with the certified Venice Local Coastal Program.*

One of the main stated purposes of the Venice Coastal Specific Plan is “*To implement the goals and policies of the Coastal Act*” which expressly calls for “*visitor-serving*” uses such as hotels to enhance and/or facilitate visitors’ access and experience of the coastal area. The Venice Local Coastal Program Land Use Plan (LCP/LUP) as adopted by the Coastal Commission specifically identifies an existing lack of adequate “*public support facilities, ... outdoor eating areas, ... visitor facilities on or near the Peninsula south of Washington Boulevard... and viewing areas*”, and offers as a primary objective the “*Encouragement of coastal development, recreation, neighborhood- and visitor-serving facilities*”. Given the expressed need for developments such as a hotel and commercial retail project as proposed herein, the project is in conformity with the intent of the Venice Local Coastal Program.

*C. The applicant has guaranteed to keep the rent levels of any Replacement Affordable Unit at an affordable level for the life of the proposed project and to register the Replacement Affordable Units with the Los Angeles Department of Housing.*

No Replacement Affordable Unit will be provided on the site since the proposed project does not involve the demolition or conversion of affordable units.

*D. The project is consistent with the special requirements for low and moderate income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).*

There is no demolition of any affordable housing involved with the project and therefore determined to be exempt from the Mello Act.

## **12. Mello Compliance Finding.**

*The project is consistent with the special requirements for low and moderate income housing units in the Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).*

There is no demolition of any affordable housing involved with the project and therefore determined to be exempt from the Mello Act.

**13. Site Plan Review Findings.** Pursuant to Section 16.05.F, the development project meets all of the following requirements:

- A. *That the project complies with all applicable provisions of the Los Angeles Municipal Code and with any applicable Specific Plan.*

The proposed project requires exceptions from the regulating Venice Coastal Specific Plan and findings have been made to grant certain exceptions. All other provisions of the specific plan have been included as Conditions of Approval that require compliance with the Plan. A Conditional Use approval is also a part of the concurrent discretionary entitlements as required by the LAMC.

- B. *That the project is consistent with the adopted General Plan.*

The Venice Community Plan, an element of the General Plan, designates the subject site for Community Commercial uses. The proposed spa hotel, restaurant, and retail are permitted uses within the commercial category. However, because the subject site is located within 500 feet of residential zones, a Conditional Use permit is required. With approval of a Conditional Use permit and compliance with Conditions of Approval, the project is consistent with the General Plan.

- C. *That the project is consistent with any applicable adopted redevelopment plan.*

The project site is not located in a redevelopment plan area.

- D. *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 improvement which is or will be compatible with existing and future development on neighboring properties.*

The hotel has been designed to reduce some of its massing along Abbot Kinney Boulevard bulk by incorporating a large street level courtyard at the corner with Hampton Drive, and a large open space area on the second level approximately 23-feet in width. An additional 17-foot setback of the hotel from the adjacent property to the east further offsets the building from the adjacent building. By doing this, the building does not occupy the entire length of the Abbot Kinney frontage breaking the potential for a 41-foot in height street wall. The nearest residential buildings are located north and therefore views of the project site will be largely blocked by the intervening commercial uses along Electric Avenue. All of the parking is subterranean and accessed by a single driveway from Abbot Kinney Boulevard eliminating unsightly surface parking.

Landscaping in the form of trees and ground covers shall be provided in the courtyard area of the ground floor adjacent to Hampton Drive and Abbot Kinney Boulevard. A second level open space area will also contain landscaping in the form of an herb garden for use by the hotel.

The main facade of the building has been designed with wood slat which would diffuse light from the interior to the outside. Lighting at street would be localized and

directed in towards the architectural features of the building therefore lighting at ground level will be minimal and ambient. The nearest sensitive land use is Westminster Elementary School just across Abbot Kinney Boulevard, however a hotel use is largely passive meaning the upper floor will be occupied by guests in their rooms with the only potential commercial activity a restaurant and retail space at the ground level. A small "boutique" style hotel does not attract large conventions or gatherings and the hotel does not offer such large facilities. A small hotel use is compatible with the commercial nature of the street.

- E. That the project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or additional findings as may be required by CEQA.*

An Initial Study was prepared for the project which identified impacts related to Aesthetics (landscaping, light, Air Quality (construction), Biological Resources (trees), Cultural Resources (historical, archaeological, paleontological), Geology and Soils (seismic safety, soil erosion), Hazards and Hazardous materials, Hydrology and Water Quality, Noise and Vibration, Public Services (fire, police, schools), Traffic and Circulation. On March 28, 2007, the City Planning Department issued Mitigated Negative Declaration No. ENV 2006-9485-MND and determined that by imposing mitigation measures, any identified environmental impact could be reduced to a level of insignificance. Mitigation measures have been made conditions of approval.

14. The action, as recommended, has been made contingent upon compliance with the conditions of approval imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
15. **Environmental.** An expanded Mitigated Negative Declaration (ENV 2006-9485-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street, City Hall.
16. **Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

## SUMMARY OF PUBLIC HEARING AND COMMUNICATIONS

The public hearing on this matter was held at the West Los Angeles Municipal Building on Monday, June 11, 2007.

There were approximately 70 people in attendance at the hearing.

### Summary of Public Hearing Testimony

The applicant's representative indicated that the project has been discussed in the community for at least 18 months with many community meetings and flyers circulated to the neighborhood. It was also stated that the Grass Root Venice Neighborhood Council supports the project. The project architect gave a detailed description of the building and the thought processes that went into the building design.

There were 13 speakers who stated support for the project. Points in favor include:

- preservation of Eames warehouse
- LEED certified building and innovative design
- need for hotel in community
- hotel project better than purely residential project
- add to the commercial mix of Abbot Kinney Boulevard

There were 11 speakers who spoke in opposition to the project. Points in opposition include:

- height, density, massing is too intense
- parking and traffic will be exacerbated
- degradation of the Venice Coastal Specific Plan
- no hardship in requests
- bar on roof top
- no community input

One speaker had general comments and concerns about the project

### Communications Received

Over 160 letters (majority e-mails) have been received with comments of the proposed project.

Approximately 50 letters have been received in support of the project. Supporters express the need for a hotel in Venice, the design of the building and its LEED elements, and the reputation of the applicant as a quality hotelier.

Approximately 110 letters have been received against the project. Opposition to the project is based on excessive height, increase in traffic and parking impacts, compromising the regulations of the Venice Coastal Specific Plan, and uncooperative applicant (not willing to meet the needs of the community).

### Other Agency Reports Received

A traffic assessment recommendation letter dated November 15, 2006, has been received from the Department of Transportation. The Department of Transportation determined that the project will not have any significant impacts at any of the study intersections. Recommendations were made for project requirements (conditions) which have been included as Conditions of Approval.