

Plaza La Reina
Site Address: 10844 – 10852 W. Lindbrook Drive
Applicant: Plaza La Reina, L.P.
APN: 4360-003-028

THE REQUEST

Plaza La Reina (“the Applicant”) is seeking the following discretionary approval:

- **Pursuant To L.A.M.C. Section 12.24 W 1**, the Applicant requests approval of a Conditional Use Permit to allow for the on-site sale of full alcohol in conjunction with a full service restaurant and 44 room residential hotel. Service will include the restaurant, with indoor and outdoor dining, a private dining room, rooftop, courtyard, room service and in-room alcohol access cabinets. The hours of operation will be 24 hours daily for the hotel operation and 6 am to 2 am for the alcohol service.
- **Pursuant to L.A.M.C. Section 12.24 W 30**, the Applicant requests approval of a Conditional Use Permit to allow live entertainment, such as a small ensemble, for a project located within the area governed by the Westwood Village Specific Plan. Live entertainment shall be allowed in the restaurant, private dining room, courtyard and rooftop areas.
- **Pursuant to L.A.M.C. Section 12.27**, the Applicant requests a Variance for an Outdoor Dining Area above the ground floor level in the C4 zone in conjunction with a full service restaurant and 44 room residential hotel.

PROJECT DESCRIPTION – PLAZA LA REINA

Plaza La Reina is a 44-unit luxury, residential hotel located in the heart of Westwood in Los Angeles’ Westside. Designed by award-winning Pasadena architects Moule & Polyzoides, and developed by Indivest, Inc., Plaza La Reina’s 42 hotel rooms consist primarily of high-end studio and one bedroom units. In total harmony with the neighborhood, the eastern portion of the ground floor commercial will be developed into two work/live units facing the residential building across the alley, bringing the total number of residential units to 44. Plaza La Reina offers modern design, state-of-the art convenience features and luxury finishes. The hotel offers residents and guests luxury services and amenities. The Project will have a ground floor restaurant and a private dining room to service both the residents and the community. The guests, patrons and employees will have on-site, underground and valet parking.

On the podium, one floor above the street, a courtyard will be accessible by a grand staircase located at the north east corner of the property, open to and visible from the street, this landscaped courtyard represents a central element of the project. Guestrooms will surround the courtyard and the courtyard can be used as a central gathering place for hotel residents and guests, as a meeting place or for special occasions. There is also a rooftop deck that will offer additional outdoor space for gatherings and special events.

Located at the eastern edge of Westwood Village, Plaza La Reina is situated next to the 23 story Center West office building to the south and the west and a 2 story courtyard condominium building across the alley to the east. Diverse dining and entertainment options exist in and around Westwood Village, including a number of bars, full service restaurants and casual dining choices, as well as movie theaters, art galleries and retail shopping establishments. Westwood Village also features office and residential uses in close proximity to Plaza La Reina. Plaza La Reina's location, at the eastern perimeter of the Village, represents an opportunity to provide a project that responds to the commercial nature of Westwood and at the same time complements the residential community to the east.

The residential portion of the project is designed to provide short to long term housing for users seeking high quality, efficient space, together with outstanding service and amenities. Examples might include entertainment industry executives or other upper level executives, people associated with temporary business and educational enterprises within and surrounding Westwood Village, local residents displaced temporarily during remodeling, relocation, and other transitional circumstances, and travelers in search of a first class extended stay experience. Plaza La Reina provides such services as housekeeping, lobby attendant and valet services to the residents and guests of the complex. Plaza La Reina is a project designed to satisfy an underserved residential demand in Westwood Village and at the same time provide the Village with certain beneficial, commercial facilities.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a ground floor restaurant, residential hotel, private dining room, room service, an outdoor service in the courtyard and on the rooftop deck, and in-room mini bars in a 44-unit, boutique, residential hotel. Alcohol service is proposed in an approximately 7,000 square foot, ground floor restaurant with 88 indoor seats in the bar/restaurant, 36 outside dining seats, and 15 seats in the private dining room for a total of 138 seats. There will be offerings in both the 1,452 square foot outdoor, courtyard on the second floor and the 1,728 square foot rooftop deck. Alcohol will also be served with room service to the 44 residential rooms and each room will have a mini bar stocked with several offerings, including alcohol. Both the rooftop and the courtyard will have removable tables and chairs, which will vary in number and configuration, based on the demand of the event being served. Food and alcohol will be served in both outdoor areas during private events and as a delivery area for room service, in the case of the rooftop. Since these outdoor areas are above the ground floor, this request includes a Use Variance to allow outdoor food and beverage service on the second floor and the rooftop. The applicant is also requesting permission to allow limited, live entertainment in the restaurant, private dining room, courtyard and rooftop. The live entertainment will be live music, similar to a three piece ensemble and will be non-amplified in the outdoor spaces.

The proposed hours of operation are 24 hours daily, with proposed alcohol service from 6 am to 2 am, daily within the hotel, restaurant and guest rooms. However, the applicant will limit service hours on the rooftop to 9 am to midnight to mitigate any noise impacts on either the residents of the hotel or the adjacent residential community.

ADJACENT ZONING AND USES

The subject site is located in the Westwood Community area and is zoned C4-2D-O, with a General Plan designation of Community Commercial. The site is also within the Westwood Village Specific Plan Area, the West Los Angeles Transportation Improvement and Mitigation area and the Westwood Community Design Review Board area. This site is located in Councilmember Paul Koretz's 5th Council District.

Surrounding Properties

North: The properties to the north, along Tiverton Avenue, are zoned C4-2D-O, [Q]R5-1-O, [Q]R3-1-O and [Q]PB-1-O. There is a Denny's Restaurant on the corner of Tiverton Avenue and Lindbrook Drive and there are multi-family uses along Tiverton Avenue.

West: The properties to the west, along Glendon Avenue, are zoned [Q] C4-2D-O and C4-2D-O and are developed with mixed use (retail/residential) and commercial/retail and restaurant uses.

South: The parcels to the south, along Wilshire Boulevard, are zoned [Q]C4-3-O and [Q]R5-2-O. These parcels are developed with commercial/retail and office uses, with condominiums to the southeast.

East: The properties to the east, along Hilgard Avenue, are zoned [Q]R5-1-O and [Q]PB-1-O, along Lindbrook Drive the properties are zoned [Q]R3-1-O and along Wilshire Boulevard the properties are zoned [Q]R5-2-O. They are developed with multi-family homes.

Relevant Cases on Subject Property:

VTT-71797 – On August 8, 2012 the Advisory Agency approved Vesting Tentative Tract No. 71797 for a 1-master lot and 5-airspace lot subdivision, located at 10844-52 Lindbrook Drive, for a maximum 42 residential hotel guest room condominium, 2-unit joint living and work quarter condominium, and 5,562 square feet of retail.

Case No. DIR 2004-4613 – On November 8, 2004 the Director made an interpretation on Section 7.B.4 of the Westwood Village Specific Plan (Ordinance No. 164,305), to clarify whether "Residential Hotel" guest rooms or suites of rooms, as defined by the Specific Plan and proposed for 10844-52 Lindbrook Ave, are the functional equivalent of "dwelling units" in order to calculate floor area bonus.

Case No. DIR 2004-4611-DRB-SPP – On November 8, 2004 the Director approve Design Review and Project Permit Compliance for a building height of 55-feet pursuant to the provisions of Section 8.A.2 and 8.A.4 of the Westwood Village Specific Plan.

Case No. DIR 2004-1560-DRB-SPP – On July 7, 2005 the Director approved Design Review and Project Permit Compliance for the construction of a new 55-foot mixed-use development consisting of approximately 8,701 square feet of retail, 42 units of "residential hotel" guest rooms, two joint live/work quarters, three levels of subterranean parking and an open courtyard at 10844-52 W. Lindbrook Drive.

Case No. ZA 2004-4607-CU – On September 4, 2004 the Zoning Administrator approved a Conditional Use to permit the construction of a mixed-use development consisting of approximately 8,701 square feet of ground floor retail, two Joint Living and Work Quarters units, and 42 Residential Hotel guest rooms, observing a 0-foot westerly side yard in the C4 Zone within 500 feet of an R Zone.

Relevant Cases on Surrounding Properties:

Case No. CPC-2002-2860(GPA)(SP)(SPE)(CUB)(ZAA)(SPR) – On August 27, 2004, the City Council approved the construction, use, and maintenance of a mixed-use development on two sites located on the east and west sides of Glendon Ave located at 1015-1065 and 1000-1070 Glendon Avenue, 1001-1029 Tiverton Avenue, and 10870 Weyburn Avenue. The approval included a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with a proposed market and a proposed retail drug store and for the sale and on-site consumption in conjunction with three different restaurants.

Case No. ZA-2012-3358(CUB) – On April 5, 2013, the Zoning Administrator approved the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 2,838 square-foot restaurant located at 10916 West Lindbrook Drive.

Case No. ZA-2012-2507(CUB) – On February 13, 2013, the Zoning Administrator approved a Conditional Use Permit to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the renovation of a 36,907 square-foot, six-screen movie theater complex, including sales from the bars and restaurants and consumption in the same areas as well as the lobby, patio and theaters located at 10850 Wilshire Boulevard.

Case No. ZA 2014-970 – On August 19, 2014, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in an existing restaurant.

Case No. ZA 2011-2401 – On October 3, 2012, the APC approved a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 93,818 square-foot department store with hours of operation and alcohol sales from 8:00 a.m. to 11:00 p.m. (Monday-Saturday) and 8:00 a.m. to 10:00 p.m. on Sunday in the C4-2D-O Zone.

Case No. ZA 2011-1757(CUB) - On July 12, 2011, the Planning Public Counter received an application for a conditional use request for on-site consumption of beer and wine in conjunction with the service of food for an existing 2,900 square-foot restaurant consisting of 74 seats, no fixed bar, and operating daily from 10:00 am to 2:00 am., located at 1142- 1144 Westwood Boulevard.

Case No. ZA 2008-1345(CUB) - On August 12, 2008, the Zoning Administrator's Office approved a conditional use request to permit the sell and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant, located at 11 16 South Westwood Boulevard.

Case No. ZA-2001-3566(CU)(CUB) – On December 20, 2001, the Zoning Administrator approved Conditional Uses to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with the remodeling of an 18,800 square-foot portion of an existing 222,107 square-foot retail commercial building to accommodate a drug store; and to allow specified deviations from the requirements of Section 12.22-A.23 (a) and (b) of the Code, to permit the remodeling of an 18,800 square-foot portion of an existing 222,107 square-foot retail commercial building to accommodate a drug store and to allow all uses on the site to access the loading dock area 24 hours a day, seven days a week.

Case No. ZA-2001-1243(CU)(CUB) – On August 15, 2001, the Zoning Administrator approved Conditional Uses to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with the remodeling of a 57,780 square-foot portion of an existing 222,107 square-foot retail commercial building to accommodate a 24-hour food market with interior and exterior seating with alcohol sales between the hours of 6 a.m. and 2 a.m. daily; and permit the remodeled building on a commercial corner site to be exempt from the provisions of Section 12.22-A.23 of the Los Angeles Municipal Code.

ZA-1999-776-ZAI: Request to maintain a 14,500 square foot restaurant with on-site sale of alcoholic beverages on the ground floor in the C4-2D-O and PB-2D-O zones. A Letter of Clarification was issued to allow for a bar/cocktail lounge area with a maximum size of 1,375 square feet.

Case No. ZA-98-0765(CUB) – On February 18, 1999, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of alcoholic beverages for on-site consumption in conjunction with a proposed 4,700 square-foot restaurant and to modify the terms and conditions previously imposed under Case No. ZA 97-0425(CUB)(CUZ)(ZV) and located at 1099 Westwood Boulevard.

Case No. ZA 98-0946(CUB) - On February 1, 1999, the Zoning Administrator's Office approved a conditional use request to permit on-site consumption of beer and wine under specific conditions as part of a restaurant service in the C4-2D-0 Zone, located at 4210-1077 South Broxton Avenue.

Case No. ZA-97-0848(CUB) - On April 8, 1998, the Zoning Administrator approved a Conditional Use to permit the on-site consumption of full line of alcoholic beverages, public dancing, and live entertainment for up to 6 restaurant establishments within the Project with total restaurant square footage not to exceed 26,000 square feet (including 600 square feet of outdoor dining patio area) and to accommodate approximately 1,132 persons; and permit the off-site sale of full line of alcoholic beverages at one 50,000 square-foot grocery store and one 20,000 square-foot drugstore located at 1000 South Glendon Avenue.

Case No. ZA 97-0425(CUB)(CUZ)(ZV) – On October 10, 1997, the Zoning Administrator approved a Conditional Use and Zone Variance to permit the sale and dispensing of alcoholic beverages for on-site consumption and permit the 10 automobile parking spaces required in conjunction with the proposed restaurant use to be provided off-site by lease agreement and with the provision of a full valet service, in lieu of the required recorded agreement in conjunction with a proposed 4,700 square foot restaurant located at 1099 Westwood Boulevard.

Case No. ZA-92-00596(CUB) – On September 11, 1992 the Zoning Administrator approved the sale and dispensing of alcoholic beverages for on- and off –site consumption of two businesses located within the 23-story "Center West" retail/office building complex over four levels of parking (782 parking spaces), in the (Q)C4-3-0 Zone, with said establishments described as: P-1 Level. - Beer and wine for off-site consumption in conjunction with an 800 square-foot variety/convenience "sundry" store, having hours of operation from 7 a.m. to 7 p.m. Monday through Friday, 9 a.m. to 1 p.m. on Saturday and closed on Sunday, Ground Floor - Alcoholic beverages for on-site consumption for a 10,000 square-foot restaurant seating 200 patrons, having hours of operation from 11 a.m. to 11 p.m. Sunday through Thursday, and until 1 a.m. on Friday and Saturday. This is for Palomino Restaurant directly across Lindbrook Drive.

FINDINGS – CONDITIONAL USE PERMIT

a. General Conditional Use

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

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a ground floor restaurant in a mixed use building. The application includes alcohol service in the restaurant, private dining room, as well as in the 2nd floor courtyard and on the rooftop. Alcohol service will extend to room service and in-room mini bars. The applicant also requests approval for non-amplified live music, such as a three piece acoustic ensemble, in the restaurant, private dining room, courtyard and rooftop.

The additional of this mixed-use project will add to the neighborhood serving retail and restaurant uses that currently exist in the community. A residential hotel and restaurant is the perfect addition to the UCLA community. Plaza La Reina will benefit Westwood Village workers and residents by providing much needed short and long-term housing for visiting faculty, entertainment and business executives and others requiring temporary housing. The application requests approval for amenities that are expected within a boutique hotel and these amenities will serve both the residents of the hotel and the community. Plaza La Reina will offer distinct services not otherwise found in Westwood Village; services that are not available at a conventional hotel. The addition of an up-scale, restaurant with both a private dining room and outdoor service will be a welcome addition to the community.

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

The proposed restaurant and subsequent alcohol service and live entertainment will be located in a mixed use, residential hotel that has all required Planning and Building and Safety approvals and is under construction. The site is situated on a flat, rectangular parcel on Lindbrook Drive, just north of Wilshire Boulevard and just east of Glendon Avenue, all major thoroughfares in the Village. The subject site is zoned C4-2D-O with a General Plan designation of Community Commercial, which allows a restaurant use and, through a Conditional Use Permit, alcohol sales and live, non-acoustical entertainment. The 5-story building has four levels of underground parking that will be utilized by both residents and patrons.

The properties that adjoin and are in the vicinity of the subject site are developed with uses ranging from mixed-use (residential/retail), multifamily, office,

restaurant, commercial and retail. Specifically, the properties to the north, along Tiverton Avenue, are zoned C4-2D-O, [Q]R5-1-O, [Q]R3-1-O and [Q]PB-1-O. There is a Denny's Restaurant on the corner of Tiverton Avenue and Lindbrook Drive and there are multi-family uses along Tiverton Avenue. The properties to the west, along Glendon Avenue, are zoned [Q] C4-2D-O and C4-2D-O and are developed with mixed use (retail/residential) and commercial/retail and restaurant uses. The parcels to the south, along Wilshire Boulevard, are zoned [Q]C4-3-O and [Q]R5-2-O and are developed with commercial/retail, office and restaurant uses, with condominiums to the southeast. To the east, the properties along Hilgard Avenue are zoned [Q]R5-1-O and [Q]PB-1-O, the properties along Lindbrook Drive are zoned [Q]R3-1-O and the properties along Wilshire Boulevard are zoned [Q]R5-2-O. They are developed with multi-family homes. At present, all properties are fully built out and are compatible in height, density, and use to that of the residential hotel.

Since there are no significant changes in the approved project, there will be no change to the impact the project has on the neighborhood. The restaurant will sell alcohol responsibly and will adhere to all applicable governmental regulations. The applicant's request is consistent and harmonious with the adjacent and surrounding uses. The existing (under construction) building is surrounded by other similar uses, residential projects, restaurants, commercial/retail spaces and parking and should have no impact on any sensitive uses in the community. The approval of this Conditional Use Permit will clearly enhance, not damage, the character of development in the immediate neighborhood.

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

There are eleven elements of the General Plan, each establishing the policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject site is located within the Westwood Community Plan area, is zoned C4-2D-O and has a Community Commercial land use designation. It is within the Westwood Village Specific Plan area. The subject site is also located within the Westwood Community Design Board area and West Los Angeles Transportation Improvement and Mitigation Specific Plan. Neither designation will regulate this application.

Hotel and restaurant uses are allowed by right in this zone and within this land use designation. The on-site consumption of a full line of alcoholic beverages and live entertainment in conjunction with a restaurant in the existing hotel is incidental to the sale of food and other amenities within the proposed restaurant and the hotel. Both alcohol sales and live entertainment are allowed with the approval of a Conditional Use Permit. And with the granting of the Conditional

Use Permit and the Variance for food and beverage service on the upper floors, all code requirements are met. Since this is an existing project that only requires the aforementioned approvals, the Planning Department has determined that this request does not qualify as a project under the Specific Plan, see attached Community Planning Referral Form.

Furthermore, the requested entitlement addresses an Objective and several Policies of the community plan as follows:

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

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

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

Additionally, the City's General Plan provides incentives to encourage housing, jobs and services in closer proximity to one another; and to create balanced communities and neighborhoods. The Housing Element of the General Plan encourages the location of housing, jobs and services in mutual proximity. One plan objective is to accommodate a diversity of uses that support the needs of the City's existing and future residents. The restaurant/hotel furthers these goals. It is located in an area with a mix of residential, commercial and retail uses, on major commercial thoroughfares, close to public transportation (bus lines). A mix of restaurant choices enhances the desirability of the neighborhood as a place to work and live, directly and indirectly contributing to the jobs-housing linkage. The hotel directly contributes to the jobs-housing balance, offering varied housing opportunities for executives, faculty and visiting students. Therefore, the project helps realize the goal of co-locating jobs, housing and services in proximity to transit, which in turn encourages greater pedestrian activity and hopefully aids in the longer-term goal of encouraging a safer, more inviting environment.

b. Additional Findings

i. Explain how the proposed use will not adversely affect the welfare of the pertinent community.

Approval of a Conditional Use Permit at this location will not adversely affect the economic welfare of the community, but rather it will strongly contribute to its increased economic vitality. The proposed project will not change the impact the residential hotel will have on the community. If granted, this request will help

further the success of a soon to be successful residential hotel. This in turn, will contribute to the economic vitality of the site and to the City's tax base. The economic welfare of the community depends on healthy and viable commerce and the residential hotel and restaurant will provide the community with an economically viable and respected commercial establishment as part of its neighborhood-serving retail.

ii. Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments.

According to the California State Department of Alcoholic Beverage Control licensing criteria, there are 3 on-site and 2 off-site licenses allocated to the subject census tract. There are over 30 active licenses that have been issued and the addition of this type 47 license will add one more license to this census tract. However, the City has found that an undue concentration can be determined based on the impact the license will have on the neighborhood; over-concentration can be undue when the addition of a license will have a negative impact on a neighborhood. Over-concentration is not undue when the approval of a license benefits the community and it can be determined that it serves the public welfare and convenience of a neighborhood. While the number of active licenses in this census tract exceeds the number of licenses allowed, the granting of this Conditional Use Permit will add to the public benefit and convenience for residents and workers alike.

iii. Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.

To maintain a successful residential hotel operation, it is imperative that the residents in the hotel are not impacted by noise or any other aspect of the restaurant and/or alcohol service. This will in turn, protect the nearby residentially-zoned properties as well. The Applicant intends to demonstrate constant diligence in protecting the quiet enjoyment of both its upper floor tenants and the surrounding neighborhood.

FINDINGS – VARIANCE

- 1. Explain why the strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

Zoning regulations are necessary to achieve compatibility between uses. Such regulations, however, are written on a City-wide basis and often do not take into account the unique characteristics of a specific site's intended use or the character of a particular community. The Code prohibits outdoor dining in the C4 zone to try and mitigate noise in above ground outdoor eating areas. However, the design of this building and the type of food and beverage service offered in these outdoor areas ensures that noise will be mitigated and will not create a nuisance in the neighborhood. The proposed outdoor dining areas are amenities that will serve project residents and guests and will not be open to the general public and as shown below, noise will be mitigated through design and monitoring. As such, the general purpose and intent of the zoning regulation, to regulate noise, has been addressed.

In addition, the strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations since there is a similar mix of uses surrounding the project. There are commercial uses along Lindbrook Drive to the west, with outdoor dining at the corner of Lindbrook Drive and Glendon Avenue. All developments, including the subject parcel are compliant with the Community Commercial land use designation in the area. The provision of an outdoor, above ground eating area is compatible to the surrounding uses and will not create any additional impacts above and beyond the allowable uses.

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

This is a unique use that is not found in Westwood Village and it is expected that a residential hotel would have unique amenities. One such amenity is the ability to have private events, with food and beverage service. Since this project was developed with a courtyard on the second level serving as the main focal point of the hotel and there are several guestrooms that open onto the patio area, it is an ideal event space for the hotel. Therefore, it is necessary to allow food and beverage service in this space. Similarly, the rooftop deck will be used by guests as an area for relaxation. This space, under the control of hotel and restaurant staff, will have room service available for these guests, again, making food and beverage service a necessity.

Offering guests food and beverage outdoors, in a climate that is ideally suited to outdoor dining, is a necessary amenity for this residential hotel.

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

Denial of the request would unfairly prevent the applicant from enjoying reasonable use of the property as a residential hotel, where other uses in the Village are able to operate in a customary manner associated with their use. The use is compatible with the surrounding residential and commercial uses and complements the community's vision for Westwood Village as a thriving district. The project's unique architectural features, including outdoor landscaped, gathering areas, will benefit the community by creating an interesting mixed-used development that will enhance the Village's image as a desirable place to live and work. The LAMC's restriction on above ground outdoor dining is no longer in keeping with the City's vision, nor does the restriction encourage the advancement of the development of the Village. Further, the general intent of the Code, to regulate noise, would still be accommodated by the project, through design and consistent monitoring. Since these spaces will be used only for special events and/or by residents/guests, the spaces will be monitored by staff and the use will not create significant noise impacts. The Applicant intends to demonstrate constant diligence in protecting the quiet enjoyment of both its upper floor tenants and the surrounding neighborhood.

4. Explain why the granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.

To maintain a successful residential hotel operation, it is imperative that the residents in the hotel are not impacted by noise or any other aspect of the restaurant, live entertainment and/or alcohol service. Along with the design features mentioned below, this will, in turn, protect the nearby residentially-zoned properties as well.

The grand staircase that allows access to both the courtyard and the residential units is accessed from Lindbrook Drive. The courtyard area, although open above, is fully enclosed by walls and it is recessed into the building, guarding against any noise transmission towards the residential units. Furthermore, the courtyard will only offer food and beverages during special events. Therefore, any noise associated with the events will be constantly monitored.

The rooftop is similarly enclosed and distanced from the nearby residential. The rooftop area is located on the west side of the project, towards the office building on the corner. This area will be used for special events as well as a gathering place for residents. Food and beverage service will be offered during the special events and as part of the room service delivery for hotel guests.

Therefore, the operation of the hotel and the design of the building are unique to this particular development and will mitigate noise impact on the community.

5. Explain why the granting the variance would not adversely affect any element of the General Plan.

There are eleven elements of the General Plan, each establishing the policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the

form of Code Requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject site is located within the Westwood Community Plan area, is zoned C4-2D-O and has a Community Commercial land use designation. It is within the Westwood Village Specific Plan area. The subject site is also located within the Westwood Community Design Board area and West Los Angeles Transportation Improvement and Mitigation Specific Plan. Neither designation will regulate this application.

Hotel and restaurant uses are allowed by right in this zone and within this land use designation. The on-site consumption of a full line of alcoholic beverages and live entertainment in conjunction with a restaurant in the existing hotel is incidental to the sale of food and other amenities within the proposed restaurant and the hotel. Both alcohol sales and live entertainment are allowed with the approval of a Conditional Use Permit. And with the granting of the Conditional Use Permit and the Variance for food and beverage service on the upper floors, all code requirements are met. Since this is an existing project that only requires the aforementioned approvals, the Planning Department has determined that this request does not qualify as a project under the Specific Plan, see attached Community Planning Referral Form.

Furthermore, the requested entitlement addresses an Objective and several Policies of the community plan as follows:

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| Objective 2-1 | To conserve and strengthen viable commercial development in the community and to provide opportunities for new, compatible commercial development and services within existing commercial areas. |
| | Policy 2-1.1 New commercial uses should be located in existing established commercial areas or shopping centers. |
| | Policy 2-1.3 Ensure the viability of existing stores and businesses which support the needs of local residents and are compatible with the neighborhood. |

Additionally, the City's General Plan provides incentives to encourage housing, jobs and services in closer proximity to one another; and to create balanced communities and neighborhoods. The Housing Element of the General Plan encourages the location of housing, jobs and services in mutual proximity. One plan objective is to accommodate a diversity of uses that support the needs of the City's existing and future residents. The restaurant/hotel furthers these goals. It is located in an area with a mix of residential, commercial and retail uses, on major commercial thoroughfares, close to public transportation (bus lines). A mix of restaurant choices enhances the desirability of the neighborhood as a place to work and live, directly and indirectly contributing to the jobs-housing linkage. The hotel directly contributes to the jobs-housing balance, offering varied housing opportunities for executives, faculty and visiting students. Therefore, the project helps realize the goal of co-locating jobs, housing and services in proximity to

transit, which in turn encourages greater pedestrian activity and hopefully aids in the longer-term goal of encouraging a safer, more inviting environment.