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November 27, 2019

Amit Mohan (A)(O)  
Barlow Respiratory Hospital  
2000 Stadium Way  
Los Angeles, CA 90026-3313

Allan Abshez (R)  
Loeb and Loeb  
10100 Santa Monica Boulevard, #2200  
Los Angeles, CA 90067

CASE NO. ZA-1993-0922-CUZ-PA1  
APPROVAL OF PLANS  
2000 South Stadium Way  
Silver Lake-Echo Park-Elysian Valley  
Community Plan  
Zone : A1-1VL  
D. M. : 139-5A211 509  
C. D. : 1  
CEQA : ENV-2019-4667-CE  
Legal Description: FR Lot A;  
Barlow Sanatorium Tract

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record that the Project is exempt from CEQA pursuant to CEQA Guidelines, Sections 15301, Section 15302, and Section 15331, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, unusual circumstances, scenic highways, hazardous waste sites or historical resources applies.

Pursuant to LAMC Sections 12.24F and 12.24M, I hereby APPROVE:

plans to allow the continued operation of a deemed approved sanatorium use; and to allow general improvements to comply with the Alfred E. Alquist Hospital Facilities Seismic Safety Act including; demolition of a 184 square-foot equipment shed and 743 square-foot morgue, rehabilitation and reuse of the existing Guild House as an office use, the construction of a 1,000 square-foot electrical/mechanical building, and to allow the oxygen tank enclosure to have a 1.5-foot setback in lieu of a 25 foot yard setback in the A1 Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional Corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or Letters of Clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. The Approval of Plans authorizes the following:
  - a. Demolition of two existing buildings (a 184 square foot equipment shed building and the 743 square foot corpse building in satisfaction of hospital requirements);
  - b. Addition of entry and drop-off canopies to the main hospital building;
  - c. Construction of a new 1,000 square foot. electrical/mechanical building;
  - d. Installation of a new oxygen tank within a 1,279 square foot enclosure with a 1.5-foot setback;
  - e. Replacement of existing generator and removal of a below-grade fuel tank;
  - f. Addition of a new fresh water tank and transformer; and,
  - g. Renovation and reuse the Guild House for hospital administration/office purposes.
8. That all the conditions imposed by the Zoning Administrator Case Number 5421 and 5422 and Ordinance Number 78709 shall continue to be in full force and effect as if restated in full herein, except as they may expressly come into conflict with the instant determination in which situation the instant case shall prevail. The applicant is also advised that said conditions shall also apply to any signs proposed for the facility which must be approved by a zoning administrator prior to erection or placement
9. 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 Zoning Administrator will have the right to require the

Petitioner(s) to file for a plan approval application together with the associated fees, 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.

#### 10. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (ii).
- v. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

**TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any

other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD – EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after December 12, 2019, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

**Figueroa Plaza**  
201 North Figueroa Street,  
4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077

**Marvin Braude San Fernando  
Valley Constituent Service Center**  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
(818) 374-5050

**West Los Angeles  
Development Services Center**  
1828 Sawtelle Blvd., 2<sup>nd</sup> Floor  
West Los Angeles, CA 90025  
(310) 231-2912

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

**NOTICE**

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, all of which are by reference made a part hereof, as well as

knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use plan approval under the provisions of LAMC Section 12.24M, have been established by the following facts:

### **BACKGROUND**

The subject property has approximately 25-acres of lot area within two parcels (A and B) zoned A1-1VL located in Elysian Valley. The property contains the Barlow Respiratory Hospital, which is a Los Angeles Historic Cultural Monument (No. 504). There are thirty-nine buildings located on either side of Stadium Way. The property is bounded on the north and east by Scott Avenue, on the south and east by Boylston Street. Parcel A is triangular-shaped and is approximately 10.9-acres. Parcel A contains the main hospital complex, the Guild House, cafeteria/kitchen, Williams Hall, the library, an administration building, and Barge Hall, a vacant residential building. The property is located in the Hillside Area, is in a Transit Oriented Community (Tier 1), a Very High Fire Hazard Severity Zone, a Special Grading Area, is subject to earthquake induced liquefaction, and is within the Upper Elysian Park Fault Zone.

The adjacent property to the north and northwest is zoned OS-1XL and contains Elysian Park. The properties to the northeast are zoned R1-1VL and A1-1XL and are developed with single-family dwellings. The property to the east is zoned A1-1XL and is developed with Dodger's Stadium and related surface parking lots. The properties to the south and southwest are zoned OS-1XL, RD2-1VL, and R4-2 and are developed with a park, single- and multi-family dwellings.

Stadium Way is an Avenue I Scenic dedicated a width of 70 feet and is improved with curb, gutter, and sidewalk.

Scott Avenue and Boylston Street are Local Streets dedicated to widths of 80 to 82.5 feet respectively and are improved with curbs and gutters.

Previous zoning related actions on the site/in the area include:

ZA-1993-0922 – On December 17, 1993 a plan approval was granted to allow the continued use and maintenance of a Sanitarium and permitted a three story addition to the main hospital building, to move a portion of the Dietary building #2A which is recognized as historic and demolish a portion of #2A.

ZA Case Nos. 5421 and 5422 involved approval of plans for the Barlow Sanitarium in 1947, 1948, 1949, and 1961.

Ordinance No. 78,709 was adopted in 1937 authorizing a blanket variance for the sanitarium subject to three conditions, including: 1) the continued operation of Barlow as a sanatorium; 2) making necessary additions, alterations and repairs to existing buildings; and, 3) subject to a plan approval process.

### **Correspondence**

On October 8, 2019, a letter was received from the Office of Councilmember Gilbert A. Cedillo, of Council District 1, where the subject use is sited. The letter stated strong

support for the subject uses and requests at Barlow Hospital, and he supports the waiver of the public hearing. The request was granted by the Chief Zoning Administrator on October 28, 2019.

### **AUTHORITY OF PLAN APPROVAL**

Section 12.24M of the Los Angeles Municipal Code Provides in part:

#### M. Development, Change or Discontinuance of Uses:

1. Development of Site. On any lot or portion of a lot on which a deemed- approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, as permitted in Subsection L of this section, provided that plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at the time...

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within LAMC Section 12.24W.

### **FINDINGS**

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

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

The subject property has approximately 25-acres of lot area within two parcels (A and B) zoned A1-1VL located in Elysian Valley. The property is developed with Barlow Respiratory Hospital ("Barlow") which is a deemed-approved conditional use with 93 patient beds which has operated at the site since 1901. There are thirty-nine buildings located on either side of Stadium Way. Barlow is a designated Los Angeles Historic Cultural Monument (HCM No. 504). The applicant has filed for approval of plans to allow improvements to Barlow to comply with the Seismic Safety Act. In addition to the upgrades to Barlow's facilities, the applicant is proposing to renovate and reuse the Guild House building for office space. The Guild House was constructed in 1920 and was converted to a gift shop in 1975; however, the building has been vacant since 2016. The applicant's findings state that in addition to updating the Guild House, the proposed project involves the following improvements:

As indicated on the submitted plans, the Project includes (i) demolishing two existing buildings (a 184 sq. ft. equipment shed building and a 743 sq. ft. building that is currently used for holding corpses in satisfaction of hospital requirements); (ii) adding entry and drop-off canopies to the main hospital building; (iii) constructing a new 1,000 sq. ft. electrical/mechanical building; (iv) constructing a new oxygen tank and a 1,279 sq. ft. enclosure; (v) replacing an existing generator and removing a below-grade fuel tank; and (vi) adding a new fresh water tank and transformer.

The operation of Barlow predates the City's zoning ordinance which was adopted in 1921. In 1937, the City Council adopted Ordinance No. 78,709, which authorized a variance for Barlow subject to three conditions: 1) the continued operation of Barlow as a sanatorium; 2) making necessary additions, alterations and repairs to existing buildings; and, 3) subject to a plan approval process. The Hospital has had three prior plan approvals that captured proposed changes to the facilities. The current approval of plans is necessary to allow Barlow to implement mandatory improvements to bring the hospital into compliance with the Alfred E. Acquits Hospital Facilities Seismic Safety Act, and renovating and reusing the Guild House for hospital administration purposes. The applicant has requested that the new oxygen tank and enclosure be allowed to maintain a 1.5-foot side yard setback in lieu of the 25-foot required in the A1 Zone (Agriculture Zone). The request is reasonable given that the enclosure will be adjacent to a 45-foot wide strip of land that the City acquired from Barlow when Scott Avenue was extended for use by Dodger Stadium. The City property contains trees and shrubs that will shield the equipment of view. Also, there are other Barlow structures located within this setback area. The approval of the requests to provide seismic upgrades and a new oxygen tank will ensure that Barlow can provide a valuable service to the City. These improvements will permit Barlow to continue its operations in a compliant manner, and will allow Barlow to continue to provide a service that is essential and beneficial to the local community as well as to the Southern California region.

2. **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.**

Parcel A is an approximately 10.9-acre, triangular-shaped lot, bounded by Scott Avenue, Boylston Street and Stadium Way. The property is approximately 770 feet west of Sunset Boulevard in Elysian Park. The main hospital complex, the Guild House, cafeteria/kitchen, Williams Hall, the library, an administration building, and Barge Hall, a vacant residential building are located on Parcel A. No changes are proposed on Parcel B. The property is located in the Hillside Area, a Transit Oriented Community (Tier 1), a Very High Fire Hazard Severity Zone, a Special Grading Area, is subject to earthquake induced liquefaction, and is within the Upper Elysian Park Fault Zone. The adjacent property to the north and northwest is zoned OS-1XL and contains Elysian Park. The properties to the northeast are zoned R1-1VL and A1-1XL and are developed with single-family dwellings. The property to the east is zoned A1-1XL and is developed with Dodger's Stadium and related surface parking lots. The



properties to the south and southwest are zoned OS-1XL, RD2-1VL, and R4-2 and are developed with a park, single- and multi-family dwellings.

According to the applicant, the location for the hospital was originally chosen because of its air quality and the micro climate that was created by the hills in Elysian Park. This micro climate, along with sunshine, has been an important factor in the welfare of the patients. The project's improvements are necessary to comply with the Seismic Safety Act, and to renovate and reuse the existing Guild House building for hospital administrative purposes. The improvements will be modest, and will not increase the square footage of the existing Barlow campus. The project involves the demolition of a 743 square-foot morgue structure, and a 184 square-foot equipment shed. The morgue will be relocated to the basement of the hospital building. The project also included the addition of a 1,000 square-foot electrical/mechanical building, and a new 1,279 square foot enclosure for the new oxygen storage tank within the side yard setback. The project also includes rearranging mechanical and electrical equipment on the campus, including the removal of an underground storage tank in lieu of a new above ground tank, the removal and replacement of an emergency backup generator, the addition of a fresh water tank, and the installation of a new transformer. All in all the project will add a total of 73 square feet of floor area.

The enclosure for the oxygen tank and related equipment will include a retaining wall along the property line that will further buffer and conceal the equipment as seen from the street. Although the A1 Zone requires a 25 foot setback, the approval of a reduced yard requirement is reasonable since the landscaped strip adjacent the proposed oxygen tank and enclosure would provide an adequate buffer between the Barlow Hospital property and the adjacent public sidewalk and street of at least 25 feet. As such, the reduced yard will not prove detrimental to the surroundings as the adjacent parcel affected is zoned OS-1XL, and features a berm which further buffers the visibility of the Barlow Campus from Scott Avenue. The project was supported by the Council Office who requested that the public hearing be waived. The proposed changes to the Guild House were reviewed by the Office of Historic Resources to ensure the renovations would not affect the HCM. The project was determined to be Categorically Exempt from the California Quality Act. As conditioned, 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.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs 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 LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction

for the General Plan. The General Plan promotes the provision of services throughout the City in locations that are convenient to the public yet do not detrimentally affect nearby properties.

The proposed Project substantially conforms to the purpose, intent and provisions of the City's General Plan and the Silver Lake-Echo Park-Elysian Valley Community Plan. Barlow Hospital has been in continuous operation serving the community and the greater Southern California community since 1901. Barlow Hospital is a deemed-approved conditional use of the Project site.

Barlow Hospital is a City Historic-Cultural Monument and is identified as such in the Silver Lake-Echo Park-Elysian Valley Community Plan. Both the General Plan and Community Plan address the importance of protecting Historic-Cultural Monuments. The Community Plan seeks to "identify, preserve, and rehabilitate historically and architecturally significant structures." Approval of the project is consistent with the following Community Plan goal, objective, and policy regarding the preservation of historic resources:

Goal 16: Identification, preservation and restoration of cultural resources, neighborhoods, and landmarks which have historical and/or cultural significance.

Objective 16-1: Ensure that the community's historically significant resources are protected, preserved and/or enhanced.

Policy 16-1.1: Assist private owners of existing historic resources and historically or architecturally significant structures to maintain and/or enhance their properties in a manner that will preserve the integrity of such resources in the best possible condition.

The Project will enable Barlow Respiratory Hospital to continue its historic use of the Project site in compliance with the Seismic Safety Act, and enable Barlow Hospital to renovate and reuse the existing, vacant Guild House building (which is a contributing feature of the Historic-Cultural Monument) with review by the Office of Historic Resources per its communication on July 23, 2019, which is in the case file. The Corpse Building is not a historic building, and its demolition will not impact the historic character of the HCM. Furthermore, the Conservation Element of the General Plan includes objectives and policies to continue to protect historic and cultural sites. The proposed Project will be undertaken with the intent to comply, by preserving and, as necessary, restoring, and the character-defining features of the Guild House. The Project will facilitate the enhancement of the historic and architectural resources. In addition, this project will enable the continued use, maintenance and operation of Barlow Respiratory Hospital. Therefore, the project substantially conforms to the purpose, intent and provisions of the General Plan, and the Silver Lake-Echo Park-Elysian Valley Community Plan.

## **Flood Hazard**

4. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No.172, 081, have been reviewed and it has been determined that this project is located outside of the flood zone.

Inquiries regarding this matter shall be directed to Hakeem Parke-Davis at 213-978-1487.

A handwritten signature in cursive script that reads "Maya E. Zaitzovsky".

MAYA ZAITZEVSKY  
Associate Zoning Administrator

cc: Councilmember Gilbert Cedillo  
First District  
Adjoining Property Owners